

THE POLITICAL THEORY OF THE INDIAN MUTINY

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THE "Mutiny" was the summary of the rise of the British in India, and, as the cry of the Sepoys at Meerut was "Delhi, Delhi," it is in Delhi that the key to a political theory must be sought.¹ The scope of this paper is limited, therefore, to the light thrown upon the subject by "the proceedings of the trial of the King of Delhi."² Its object is to examine afresh this document as a test for a theory of the relations between the East India Company and the Mughal Empire, and consequently of the nature of the rise of the British in India.

No theory, it is suggested, has yet given an adequate explanation of the outstanding fact that, between the death of Aurangzēb in 1707³ and the outbreak of the year 1857, there was no sign of concerted opposition to the British in India, save the attempts made by Haidar 'Alī and his son Tipū. And, moreover, that these attempts produced the opposite effect to the one desired, in that they brought together the Company and the rest of the Mughal Empire.⁴

Further, the intervention of Persia and other northern

¹ For a summary of the opening events at Meerut, v. T. R. E. Holmes, *A History of the Indian Mutiny* (London, 1885), p. 99 f.

² Accounts and Papers, "East India (*Parliamentary Series*), *Copy of the Evidence taken before the Court appointed for the Trial of the King of Delhi.*" 1859, No. 162, cited as "Trial."

³ J. Talboys Wheeler, *Early Records of British India* (London, 1878), pp. 109 ff.

⁴ *Viz.* The Mahratta Confederacy, the Deccan, the Carnatic, Bengal. Oudh was in alliance with Bengal. The Sikhs, too, promised 5,000 horse. *I.O. Home Misc.*, Vol. 556, p. 37.

Muslim powers in the affairs of Delhi during the eighteenth century coincides with some advance of the *Kāfir* against the Mughal Emperor. No intervention appears between the years 1761 and 1857, except the rebellion of Ghulām Qādir in 1788 and the menace of Zamān Shāh ten years later. Both of these appear to have been made at the instigation of Tipū Sāhib,¹ the anti-*Pādishāh*—to adopt a term used in Papal history—of the Mughal Emperor, Shāh ‘Ālam.² This feature of the northern irruptions of the century seems to have escaped the notice of historians, although, in the case of Nādir Shāh’s invasion, contemporary records show that the *Nizām ul Mulk* found it necessary to intrigue with the Mahrattas to advance into the *Khālīṣa* lands of the Mughal Emperor in order to furnish a valid pretext for inviting Persian intervention.³ In addition, the battle of Pānipat (1761) was a direct consequence of the predominance of Mahratta influence in the counsels of the *Wazīr* Ghāziuddīn and their consequent advance into the Panjāb—since 1739 regarded as a Persian Province.⁴ Similarly the troubles of 1857 seem to be, at least chronologically, connected with the advance of the Company into Oudh.

In 1857, however, the concerted outbreak occurred, together with the threat of a Persian advance, which was only stopped by the Anglo-Persian War and the pro-British

¹ J. F. Michaud, *Histoire de . . . l’empire de Mysore* (Paris, 1801–9), I, pp. 246 ff.

² L. Rice, *Mysore*, I, pp. 399–400. On the claim to *Quraish* descent, thereby qualifying for the title of *Khalīfah*, v. Mīr Hussain ‘Alī Khān, *History of Hydr Naick*. Tr. W. Miles (London, 1842), p. 1. For Sindia’s view of this step, *I.O. Home Misc.*, Vol. 556, pp. 37, 41, 47, etc. Moodajee “wished to know . . . whether . . . the English intended to permit Tippoo to become Sultaun of India.” Tipū’s attempt to link himself with the Sultān of Rūm points to a recognition of the Turkish Caliphate—in other words, an eighteenth century *Khilāfat* Movement.

³ J. Fraser, *The History of Nadir Shah* (London, 1742), pp. 68 f., 131, 138. *MSS. Bibl. Nat.* (Paris) *Fonds. Fr.* 8971, fo. 21b. ff. Grant Duff (ed. 1921), I, 398 ff. Elphinstone, *History of India* (ed. Cowell, 1905), p. 702, n. 32, however, does not give credit to these allegations. His dismissal of the subject is not convincing.

⁴ Elphinstone, *op. cit.*, pp. 700 ff. *Shāh ‘Ālam Nāma* (B. Ind.), pp. 32, 170 ff.

attitude of Afghanistān. The problem then is to discover the reason for the simultaneous appearance of these factors at this point.

The solution, it is suggested, involves a radical revision of accepted theories of the rise of the British in India. For the last century and a half, Indian history has been represented in Europe almost entirely by the propaganda of the Trading Companies, which approached Indian politics and states under the influence of the Colonial System of Western Expansion.¹ Their much reiterated conclusions have been accepted as axiomatic—even by Indian students—and no effort has been made to examine the biased judgments of Merchants on the subject of oriental monarchy. In the eighteenth century, it is true, Anquetil Duperron strove hard to secure historical justice for the East, while in England, Verelst and another writer (probably James Macpherson)² strove in vain in a narrower sphere. Later Mill attempted to check the progress of the growing contempt for oriental monarchy, but inaccuracy in detail and antagonism towards Warren Hastings have been allowed to obscure much work that is really valuable. The final blow came in 1835 with the acceptance of Macaulay's Minute on Indian Education, against the advice of the "orientalists," and the consequent victory of the English point of view in the East.

The obliteration of oriental monarchy, its rights, duties, and virtues, by a parade of its vices was not without cause. The East India Company was never really popular in England.³ To justify its existence, therefore, in the eyes of the British public, it was forced to assume an imperialistic rôle and claim to have acquired territory for the nation. To attain this object, it evolved a fictitious history of India, until, in the first half of the nineteenth century, side by side there existed a politically effective Empire with an accepted

¹ Anquetil Duperron, *Législation Orientale* (1778), pp. 87 f.

² *V. Dict. Nat. Biog.*, xxxv, 261 f.

³ As shown in the opposition to the renewal of the Charters. See also Cobbett's *Annual Register*, April, 1804; Feb., 1806; Feb., 1813, etc.: a selection of extracts from this paper was printed in 1857.

history of its non-existence. The Mughal Empire suffered at the hands of the eighteenth century the fate of the Holy Roman Empire.

To account for the rise of the British in India, culminating in the combination in 1857 of the factors already noticed, the theory¹ here suggested is the continuity of the Mughal Empire down to the deposition of Bahādur Shāh II in 1858, as an effective source of political authority and as the suzerain *de jure* of the East India Company in the capacity of *Dīwān* of Bengal, arrogating the title of the British Government in India. In short, that the source of the Company's authority in India lay, not in the Charters of the King of England, nor in the Acts of the British Parliament, nor in the sword, but in the *farmāns* of the Mughal Emperor. That his authority was primarily religious, and political authority fell within the sphere of religious authority. That all honour, claimed by the Company against the Emperor, belonged to the Emperor, its suzerain. That all censure and opprobrium levelled against him recoils on the Company, his disloyal vassal, since his difficulties arose mainly from its intrigues and from the fact that after 1772, the Company withheld and converted to its own use, the revenues of the richest provinces of his Empire.

Secondly, the artificial extension of the Mahratta rebellion beyond the year 1720, by which it was possible to portray as a monster of tyranny Sindia, the only loyal vassal of the year 1788. In consequence, that it was possible for the Company, in the eyes of India, to play the part of a repentant vassal returning to the loyalty of the Mughal Emperor, while in Europe, it posed as the representative of the British

¹ Mr. W. Foster, C.I.E., of the India Office, in the discussion after this paper, suggested that the point of view here worked out was perhaps too theoretical, and that the issue was really practical. I suggest in reply that the policy of the Company throughout India, at any rate, from 1757, was against the political stability of the Empire; its attacks on various vassals from 1813, its modification of courts, legislation on religious matters, etc., all showed a serious misunderstanding of the *temper* of the Mughal Army and State, of which it was a part. Cf. W. Edwards, *Reminiscences of a Bengal Civilian* (London, 1866), pp. 305 ff.

Government whose protection it professed to proclaim over the 'King of Delhi' and to allege that he had become a "subject" and a "pensioner" of that Government.

Thirdly, that owing to the ignorance of Indian language and conditions, governors-general, who succeeded Wellesley, assumed an attitude and pursued a policy towards the Mughal Emperor which to him could appear in no other light than that of high treason; and the culmination was reached when Dalhousie and Canning attempted to tamper with the succession. From that time it was clear that the over-powerful vassal must be reduced. The army turned to its sovereign's allegiance against its rebel officer. Hence if in 1857 there were any mutineer, it was the East India Company. For the validity of this thesis, it is suggested, the "*Proceedings of the Trial of the King of Delhi*" are the final test.

The ignorance of the Court on the question of the real status of Bahādur Shāh constitutes the main value of the document.¹ Its questions, save on matters of bloodshed, were unintelligent, and its answers are recorded with that fidelity found only in unintelligent witnesses. No hint appears in its questions, that it understood the religious nature of his authority. Indeed, the use of the term "Mutiny"—unless wilful, to obscure the issue—is conclusive evidence of that ignorance.² Kaye alone of the historians of the outbreak seems to have understood its meaning, which he labours, painfully but vainly, to suppress.³

A definite instance, however, proves the honesty of the Court. There had been current a Muslim "prophecy that

¹ *E.g.* the charges, especially the first and third (*Trial*, p. 2); the question to Mr. Saunders (*ib.*, p. 94); the speech for the prosecution (pp. 136 f., 141); the attempt to find a day of proclamation of the King, as if his reign only began in May, 1857 (pp. 28, 87, 88).

² *E.g.* questions on Oudh (*ib.*, pp. 70, *et passim*), the *murīds* (p. 156), where there is evidence of a pious observation on the part of the Court, acquiesced in by the witness ("But it is evident that a 'Pir' . . . circumstances").

³ J. W. Kaye, *The Sepoy War*, II, 1-42.

a foreign nation would rule in India a hundred years, after which the true believers would regain their ascendancy." The year 1857 suggested all too readily to the western mind the Gregorian centenary of Plassey, 1757. No Indian witness, however, was aware of any connection between the two events. It was overlooked that a Muslim prophecy would probably be in the *Hijrah* era, that May, 1857 A.D. falls within the year 1273 A.H., which is the centenary of the battle of Pānīpat (1761 A.D., 1174 A.H.). If the link lies here, both these events would appear in a different light—the attempt of Persia to free the Mughal from the power of a *Kāfir* vassal. The Court's *inability* to understand Bahādur Shāh's position, then, is established.¹

In addition, the assumption that he was "the subject of the British Government in India" gave to his duties as *Imām* or religious leader of his people, the appearance of an organized system of seditious propaganda. The religious duties seem to be regarded as the result of Shāh 'Ālam's example after the tragedy of 1788, but no evidence is produced to show that this activity was a new departure or that either Akbar Shāh II or Bahādur Shāh II exceeded in religious zeal their predecessors.² The artificial limit of investigation by the year 1803 makes possible this result.

Thirdly, the Court was mainly concerned with the discovering the origin of the orders to slay Europeans, and, if possible, to identify the source with Bahādur Shāh. Hence any clue to political thought is of the nature of an incident, and therefore probably reliable. On this point, too, it would seem that Bahādur Shāh was misled in framing his defence, for questions asked in cross-examination show that he was aware of his position.

¹ *Trial*, pp. 72, 126 (13). Kaye, II, 38 ff.; for dates, J. Burgess, *The Chronology of Modern India*, s.d. 1761. F. Wüstenfeld, *Vergleichungs Tabellen der Muh. und Chr. Zeit* (Leipzig, 1854), s.d. of Plassey. Cf. Firminger, *Fifth Report*, I, pp. i-ii, n. 1; and Lee Warner, *The Life of the Marquis of Dalhousie*, II, 369, for Outram's opinion.

² *Trial*, p. 156. Cf. Shāh 'Ālam *Nāma*, pp. 52, 111, 150, 160, for Shāh 'Ālam's religious activities as Prince 'Alī Gōhar and Emperor.

Fourthly, the vernacular portions of the evidence are translated under pressure of time, and retranslation is possible within very narrow limits of probability. Summaries at the instance of the Court therefore can be distinguished from spontaneous evidence. It is also possible to limit the range of interpretation of concealed technical terms of court practice and religious customs.¹ On the other hand, the literal fidelity of the translation does not prevent English readers being misled.

Much is irrelevant. Cruelties, deaths, financial and other disorders are subordinate to the main issue. Temporary administrative chaos was inevitable, when the officers of the great vassal had to flee from their posts. But there is little, if any, evidence to show that recovery was impossible had the outbreak been successful.

Finally, the evidence was taken in the hour of British victory so that the Mughal case would not be overstated.

The main issue appears to lie in the Company's claim set forward in the charges—most clearly in the third charge.²

“For that he, being a subject of the British Government in India, and not regarding the duty of his allegiance, did, at Delhi, on the 11th of May, 1857, or thereabouts, as a false traitor against the State, proclaim and declare himself the reigning king and sovereign of India. . . .”

This claim involves an investigation into the nature of the

¹ E.g. “spiritual guide” (*murshid*), “divine vicegerent” (*Khalifah ullah*) (*Trial*, p. 156), “usual form of salutation” (p. 79), “about fifteen paces” (*ib.*), *nazr* (pp. 33–4), robes of honour (*passim*). It is interesting to notice the occurrence of “*murshid*” and “*murid*,” Sūfi terms, *cf.* Herklots, *Qanōn-i-Islām* (ed. 1922), pp. 283 ff., reflecting the Safavi ancestry of later Mughal authority (*Trial*, p. 121). Notice, too, the King's cross-examination of Makhan, mace-bearer of Captain Douglas (*Trial*, p. 79), who was apparently the third *bakhshī* of the Empire—in charge of the *wālā shāhī* troops. For the “usual form of salutation,” *v.* W. Foster, *Early Travels in India*, p. 119, *cf.* ‘*Ain-i-Akbari*, Bk. II, ‘*Ain*, 73 f. For a probable summary at the instance of the Court, *v. Trial*, p. 156, “But it is evident that a Pir expects,” etc. The lack of harmony of this sentence with what precedes is clear either in retranslation or in remembering the Sūfi terminology of the passage.

² *Trial*, p. 2.

British claim to suzerainty in its relation to the Mughal idea of Sovereignty.

The tradition of English suzerainty over some parts of India—apart from Bombay—was by no means new. It appeared in the seventeenth century in home papers and even in letters from Madras. The growth of the tradition reached its climax in Child's war with the Great Mughal, Aurangzēb. As a result, Bombay was forced to yield to the *farmān* of the Mughal and expel John Child.¹

In Madras, the tradition of English possession was fostered while all forms of loyalty to the Mughal and his provincial officers were carried out to the utmost. Manucci² believed that the English owned Madras and is at pains to point out that the Portuguese did not in the same way possess St. Thomé, which belonged to the Moors. Thomas Pitt was made a Commander of 2,000.³ His successor's lack of tact in dealing with the Mughal authorities cost the Company the "farm," not only of the five villages that Pitt's careful policy had gained, but also of the townships of Egmore, Tandore, and Pursewaukam.⁴

The origin of the tradition is interesting, as it furnishes a striking instance of what was continually happening in European relations with Indian States, namely, mistranslation. It contains in embryo the underlying cause of the "Mutiny."

The servants of the Company in Madras were continually urging the Company to grant them permission to obtain the *farmān*, by which Madras was held, in terms of the English *nation* instead of the English *Company*, so that if the

¹ *I.O. (Tracts)*, No. 268. *Diary and Consultation Book Ft. St. Geo.*, 1685, ed. A. T. Pringle, pp. 44 ff. P. M. Malabari, *Bombay in the Making*, p. 209.

² *Storia do Mogor*, II, 296, etc., III, 410, IV, 41-2, 217, cf. *Bibl. Nat. (Paris) MSS. Fond. Fr.* 9090, p. 162, where a similar claim was made for Pondicherry in 1726.

³ Dalton, *Life of Thomas Pitt*, p. 345.

⁴ *Ib.*, pp. 381 ff. The whole of Chapter XX throws considerable light on the position of Madras in the Mughal Empire.

Company broke down all would not be lost.¹ In Persian documents of the period the word “*nation*” is translated by the word *qaum*. This word, however, only denotes the racial aspect of nationality, the political implications it does not touch.² The grant, therefore, would be little more than a promise that the ‘*āmil* of Madras should be an Englishman. In the west, on the other hand, the word “*nation*” persisted and its western significance was read into the meaning of *qaum*. The fall of Golkonda was allowed to outshine the Mughal victory and Madras was held to be free—even while it paid *pēshkash*, *nazr* and revenue to the Nawab of Arcot.³ So, when Muhammad ‘Alī called upon the Company to furnish its contingent of troops, a command was interpreted as a request, and the relation of vassal to overlord became a subsidiary alliance in favour of the vassal’s pre-eminence, for the tenure of Madras was fictitiously derived from the Treaty of Aix-la-Chapelle (1748)—in short, European International Law usurped the place of Mughal feudal law.⁴

The next stage is marked by the fiction of the independence of the Deccan by which the vassals of the south (*dakhin*) were converted into “native princes.” The fiction was repeated in Bengal a few years later. In both cases it arose from a mistranslation (or rather from a confusion) underlying the word “*tribute*,” of two ideas represented by

¹ E.g. *I.O. Home Misc.* 629, p. 3.

² Cf. B.M. Pers. (Addl.) MSS. 24039, foll. 24 v. 29, 31 v. 32, 33. The word *qaum* is used colloquially as the equivalent of *zāt* (*caste* or *race*). Fallon, *A New Hindustani-English Dictionary*, p. 892.

³ Wheeler, *op. cit.*, pp. 90 ff. Cf. Dalton, *op. cit.*, c. xx.

⁴ Cf. H. H. Dodwell, *Dupleix and Clive*, pp. 3, 30, 43. With his view contrast [James Macpherson], *The History and Management of the East India Company*, pp. 55 ff., 62 ff. Professor Dodwell mistakes the real status of both the English and the French by admitting the Company’s interpretation of their position in India on political grounds. Muhammad ‘Alī was legally not “the protégé” of the English, any more than was Shāh ‘Ālam in 1803, but their suzerain. It is significant to notice that when the Company wished to make their claims to sovereign rank in 1812, they omitted all “treaties” prior to 1759 from Madras, thereby concealing their true status. This position, accepted by Professor Dodwell, is, I suggest, an anachronism.

nazr and revenue. The word *nazr* was translated into English either as "a present" or as "tribute." Neither word has the exact connotation of the Arabic original. *Nazr*, in reality, means "a vow." The gift is but the symbol of the allegiance offered. *Tribute*, however, is also used of the money due from the 'āmil whose duty is the collection of revenue. This function is purely economic and the work of an employee. But for the separation of the two functions—the politico-religious and the economic—the translation might perhaps be permitted.¹ But the confusion has led historians and politicians to regard the stoppage of revenue by the *Nizām* of Haidarābād in 1723, as a declaration of political independence. The continued presentation of *nazr* by which Mughal suzerainty was acknowledged, the acceptance of *farmāns*, the continued intervention in the affairs of Delhi—all were overlooked.² Hence the *political* independence of the Deccan is a fiction.

Similar is the case of Bengal, but there another factor enters as a complication. In 1772, the Company resolved "to stand forth as *Dīwān*." It did not, however, by that step formally declare the independence of the three *sūbahs*, but decided to carry out corporately and directly the duties undertaken in 1765. It thereby abolished its deputies, not its suzerain, Muhammad Rizā Khān, not Shāh 'Ālam. Similarly, too, the stoppage of the revenue to the Mughal Emperor in the following year, was economic not political. It was decided by the need for dividends in England; it was excused by famine and pestilence in Bengal; it was caused by the Company's inefficiency and mismanagement, which

¹ Cf. Shāh 'Ālam *Nāma*, p. 39, l. 10, *māl wājibi wa pēshkash*. Inshae Herkern, pp. 28–9, *māl wājibi* for revenue only. For *nazr*, Vullers, *Lex. Pers.-Lat.*, II, 1303a, s.v. "pactionem conficere, votum sibi imponere." The best translation perhaps in English (had not the word acquired the sense of *bakhshīsh*) would be "alms" (ctr. Dodwell, *op. cit.*, p. 151, and the *Shāh 'Ālam Nāma*, p. 87), as given not to the beggar, but to the Deity.

² Elphinstone, *op. cit.*, p. 681, ctr. R. P. Macauliffe, *The Nizām*, pp. 8–9. *Some Notes on the Hyderabad Residency* (Calcutta, G. of I., N.D.), p. 9 (Letter of June 20, 1830). Dodwell, p. 46, gives an instance of his activity at Delhi in 1750,

was to culminate in that monumental confession of failure, the Permanent Settlement of 1793.¹ The political link, however, remained. A *wasīlah* or *wakīl* was kept at the Court of Delhi under the title of Resident.² *Nazr* was offered by the Governor-General, personally or by deputy, until 1843, when Lord Ellenborough "stopped the practice" which, in reality, made Queen Victoria in Eastern estimation at least, hold her possessions as a mere feudatory and vassal of the imperial house of Delhi.³ In return for the ritual of allegiance, he offered an increase in the Emperor's (so-called) pension. It is clear, then, why "the King was offended with Lord Ellenborough for his Lordship's having discontinued the nazar which used to be presented on the festival of the Eed, the Bakr Eed, the Nauroz and the King's Birthday."⁴ He had severed a bond at once religious and political,—an oath of allegiance over two centuries old.

The counterpart of *nazr*, the vow, was the bestowal of the robe of honour, called in Persian, the *sarāpā* (*cap-à-pie*) from the manner in which it was worn, and in Arabic, *Khil'at*, from its nature—that it had been worn by the donor. Robes of honour were given by the Mughal Emperor and his deputies to subjects only, in recognition of allegiance (*nazr*) or some act of merit, of authority conferred, of the return to allegiance or of entry into the Mughal State. Of the antiquity of the institution and its widespread use as a ritual of investiture with kingly, priestly, and prophetic authority, there is ample evidence in the Bible.⁵ The

¹ Miss E. M. Monckton-Jones, *Warren Hastings in Bengal* (1772-1774), pp. 153, 166 ff., 183 ff., 189 ff., gives a clear statement of the *Company's* point of view without reference, however, to the terms of the *farmān* by which it held the Diwāni.

² Cf. Manucci, *op. cit.*, III, 91. J. D. Sarkar, *Mughal Administration*, p. 82. *Parl. Papers*, 1805 (48), p. 7.

³ W. Edwards, *Reminiscences of a Bengal Civilian*, pp. 55-57; also quoted Kaye, *Sepoy War*, II, 661-2.

⁴ *Trial*, p. 154.

⁵ For a fuller account of the use of the *Khil'at*, v. my note *J. Theol. S.*, Jan., 1922, pp. 197-9. The *Khil'at* appears to have signified the delegation of the *personal* sovereignty of the *Khalīfah*. Cf. Enger, *Mawerāiī*

bestowal marks a transference or delegation of power and authority, the establishment of a type of apostolic succession. From Mildenhall down to Thomason in 1843, robes of honour were accepted at the Court of the Mughal Emperor by representatives of the East India Company.¹

As with any other vassal or subject, then, a double link of acknowledgment bound the Company in its allegiance to the Mughal Emperor, down to the year 1843—namely, the offering of *nazr* and the acceptance of the *Khil'at*. Both institutions appear to have a religious significance. Hence it would seem that the source of sovereignty, too, was religious, and the nature of Mughal Sovereignty appears to confirm this view. The solution to the problem appears to lie in the circumstances and consequences of the return of Humāyūn in 1550 from Persian protection under Shāh Tahmasp. This relationship with Persia, indeed, solves two problems—the religious nature of Mughal political authority, and the nature of Persian intervention in Mughal affairs—of which both appear prominently in the trial of Bahādur Shāh.

Humāyūn after an unwilling acceptance of the *Shī'ah tāj* (crown) was despatched to India with a Persian army, to convert that country by the sword, if necessary, to the doctrine of the *Shī'ah*. Hence his commission was that of an *Amīr* of the Safavī Empire, as had been Bābur his father before him. He had accepted robes of honour and performed the duties of a vassal to Shāh Tahmasp. As an *Amīr* his duties would be akin to the full duties of the *Khalīfah* of the *Sunnīs*—religious leadership (*imāmat*), leadership in battle and civil life (*imārat*).² As long as he carried out his duties, he would be free from intervention from Persia, but Persia appears to have claimed certain rights of protection and

Constitutiones Politicae, pp. 33 and 47 (Tr. E. Fagnan, pp. 44–57 and 59) for the distinction between the general and special types of delegation.

¹ W. Foster, *op. cit.*, p. 56. Edwards, *loc. cit.*, *supra*, p. 81, n. 3.

² For Bābur, *Tārikh-i-Rashīdi*, ed. Elias and Ross (1898), pp. 246–7 and note; for Humāyūn, W. Erskine, *A History of India*, II, 275 ff.; for duties of *Amīr*, Enger, *op. cit.*, pp. 47 ff. (Tr., pp. 59 ff.).

suzerainty over the Mughal Emperor, and these rights, when occasion demanded, appear to have been asserted, if not by Persia herself, by States of Persian origin.¹

It was not until the year 1579 that Akbar felt himself strong enough to reject the Persian overlordship and to claim supremacy within his kingdom by the so-called "Infallibility Decree." Badāoni, recording the *fatwā* or *mahzar* in the light of later religious developments of Akbar's reign, appears to suggest a motive which does not appear in the text of the decree, for it contains no departure from the fundamental principles of Islām. Historians have tended to follow the suggestion of Badāoni, although from the decree itself it is clear that the Qurān remains the standard of orthodoxy. It was merely an "Act of Supremacy"—a declaration of independence of Persia. In the Mughal Empire, in short, the *Sunnī* creed stood for independence, the *Shī'ah* tenets for Persian suzerainty.

In this connection it is interesting to notice that Akbar and his successors are known by the title of *Khalīfah* of God or *Khalīfah* of the Age. Mughal histories written before this date contain no such claim. *Sunnī* histories after the date use the title freely enough. It was the work of Abū'l-Fazl to effect this change, for he took the *Sūfī* term *Khalīfah* and endowed it with the full *Sunnī* connotation. Delhi and Agra became homes of the Succession (*Dār ul Khilāfat*).² On the assumption of the rôle, the Mughal

¹ E.g. B. Dorn, *Muhammedenische Quellen*, III, 171, Jahāngir is called "Nawāb Salīm Shāh." For the Persian Ambassador's conduct at the Court of Shāh Jahān, Bernier, *Travels* (Constable and Smith), pp. 151-3. Aurangzēb and Persia, J. D. Sarkar, *A History of Aurungzēb*, III, pp. 120 ff. Manucci, *op. cit.*, II, 47-52, 129 ff., 146-7. Nādir Shāh and Muhammad Shāh, Sir P. M. Sykes, *A History of Persia* (2nd ed.), II, 259 ff. J. Fraser, *op. cit.* (1742), pp. 131 ff. Ahmad Shāh and 'Ālamgīr II, Shāh 'Ālam Nāma, p. 29, also that author's references to the *masnad-i-'imārat* (*passim*). Tipū's appeal to Afghanistan against Shāh 'Ālam, *supra*, p. 72, n. 1; an appeal from Shāh 'Ālam, *I.O. Home Misc.* 556, p. 96, where the "Treaty of Commerce" is clearly a myth, and finally, *Trial*, pp. 69, 80-1, 96, 103, 114, 120-7, 148, 154-5. Note particularly, the acknowledgment of the original suzerainty of Shāh 'Abbās Safavī over Humāyūn (*ib.*, p. 121).

² Badāoni, *Muntakhab al Tawārikh* (B.I.), II, 272-3. *Akbar-nāma* (B.I.), Text I, 124, *cf.* discussions Malleison. *Akbar* (B.I.), p. 154 ff.

Emperors appear to have striven to carry out their duties faithfully. The *Imāmat*, or leading of prayer, we see throughout the period of their rule. The *Imārat*, their secondary duties, underwent a change. When Aurangzēb completed the conquest of India, however loosely, the work of conquest gave place to one of settlement, and the Empire changed from that of a mere army of occupation to that of a Government of a State. Hence all delegations of authority came from the *Khalīfah*, not as the representative of Islam, but as the head of the State ; from his royal not from his representative capacity. His position was still primarily religious ; from his religious authority he derived his temporal authority to satisfy the temporal needs of the Faithful. His religious authority rested on his claim to be in the *Khilāfat* or succession of divine authority.

Now, for such delegations of personal authority, the bestowal of the *Khil'at* appears to have been the symbol, and, by the personal association involved in its acceptance, may be conjectured that its acceptance brought the *nā'ib* within the *Khilāfat*, or Muslim Apostolic succession ; thus the *Khil'at* was part of an ordination ceremonial necessary to render valid the exercise of official functions within the State. In other words, the process of *niyābat* fell within the *Khilāfat*.¹ This conjecture is supported by the fact of the religious position of the Emperor, the nature of *nazr*, the regular use of the *Khil'at* on all occasions of admission to officē and investment of command. If such, then, be the case, the action of Lord Ellenborough in 1843 acquires a deeper significance, for by it the Company and its officers were placed outside the *Khilāfat* of legitimate Muslim authority—or, in Christian parlance, in *Schism*. Then the acute religious atmosphere of the " Mutiny " becomes clear, and the attack on the succession, made by Dalhousie and

V. A. Smith, *Akbar the Great Mogul*, pp. 178 ff. Both miss the significance of the step.

¹ A curious piece of evidence in favour of this conjecture is found in the *Shāh 'Ālam Nāma*, p. 24 (last sentence).

Canning, acquires an added significance. The attempt to exclude Mirza Jawān Bakht alike from the succession, and from *Dihlī Dār ul Khilāfat*, touched at once both the Mughal and Muslim feelings of the Emperor and his supporters.¹

To this hour, fate seemed to point as the hour of deliverance—the *Hijrah* centenary of Pānipat, when there came the news of Crimean disasters, Persian successes, popular discontent in Oudh, and when a Hindu rally to the Mughal cause seemed within the bounds of possibility.

From the nature of the reconquest of India by Humāyūn, it would appear inevitable that the *Shī'ah* vassals would form an ultramontane party in the Mughal Empire. The conduct of the Nawāb of Oudh in 1738 and 1761 supports this hypothesis, for the house of Sa'ādat Khān was the leader of the Persian and *Shī'ah* party in the Mughal Empire. The policy resulting in the annexation of Oudh in 1856, then, would account for Persian rather than Mughal intervention. Further, it accounts for the alleged conversion of Bahādur Shāh to the *Shī'ah* creed in or about 1853. Here the Court was misled by chronology and geography, and was forcing the course of events out of its natural channel. In 1761 it was the advance of the Mahratta against the Panjāb that brought in the Persian province of Afghanistan against the *Kāfir*; in 1857, it was the Company's invasion of Oudh; and as Humāyūn and Muḥammad Shāh, so Bahādur Shāh expected to be restored to power by Persian arms. As Persia was *Shī'ah*, to remove any danger of complications, Bahādur Shāh became a *Shī'ah*.²

¹ For fuller treatment of this point and its possible relation to modern politics, see my article "The Historical Antecedents of the *Khilāfat* Movement." (*The Contemporary Review*, May, 1922.)

² *V. supra*, p. 83, n. 1, also Sleeman, *Rambles and Recollections* (ed. V. A. Smith), pp. 135 ff. and notes, for Persian survivals in Oudh and the Mughal Empire in general. Since I wrote this paper I have been indebted to Mr. B. H. Zaidi, of FitzWilliam Hall, Cambridge, for a reference confirming this conjecture. In Rampur State Library (Persian Histories, No. 229), a MS., *Dastur al 'Amal*, has been recently unearthed, in which are enclosed the Persian letters referred to by Ihsan Ullah Khan in the evidence. It is significant that the denial of the conversion is made only to the English and through a *Shī'ah* poet! The date of the conversion is

Further, the Shāh of Persia was checked by the Anglo-Persian War (1856-7)—by British Foreign policy, and by the internal dissension of the Persian Empire caused by the independence of Afghanistan, which was in league with Bengal. Had the Company, as *Diwān* of Bengal or even as virtual *Wakīl-i-Mutlaq* of the Mughal Empire, been thrown entirely on its own resources, it seems more than probable that Bahādur Shāh would have been restored, as was Humāyūn. The initial success of the outbreak seems to indicate such a conclusion. This fact alone dispels the fiction that the Mughal Empire had ceased *practically* to exist.

One other usurpation on the part of the Company needs to be mentioned—the change of coinage in 1835. There was opposition to the step on the part of some of the advisers of the Governor-General.¹ It should be noticed that this step was taken while yet *nazr* was being offered to the Emperor in token of the loyalty of the Company.

It is clear, then, that as far as Mughal Sovereignty was concerned, the religious and political doctrines reflected in the trial were the same as those existing in the sixteenth and seventeenth centuries. Moreover, that even in the latter century the seeds of this understanding, which appeared later in full growth, had already been sown in the form of inexact translations, which distorted the features of the Mughal Empire to the eyes of the West. It was on this distorted view that the policy of the Company was based, and their full meaning appeared in the events of 1857-8. In the seventeenth century, too, appears the explanation of the party or racial politics of which the results directly and indirectly acted on 1857.

The policy of the Company was based on the tradition that the Mahrattas belonged to an independent extra

A.H. 1270, 6 Rabī'al Awwal, 7 December, 1853 A.D. The motive of such a denial is clearly to unite Shī'ah and Sunnī.

¹ At least so it would appear from E. Thurston, *A History of the Coinage of the East India Company* (1890), p. 66, although the controversy may merely refer to design.

Mughal State. The rebellion begun by Sivājī, in 1670, was artificially continued beyond the year 1720, when *jizya* was finally abolished and the Mahratta returned to the Mughal State to be, on the whole, a loyal if somewhat difficult vassal. In the eighteenth, as in the seventeenth century, there were two parties in the Mahratta confederacy—one was pro-Mughal, the other anti-Mughal. Both Elphinstone and Grant Duff, writing under the influence of the Mahratta Wars, failed to recognize the significance of this division, of which, however, they record instances. The Mughal Emperor was able to use the pro-Mughal party against rebels in other parts of the Empire, while loyal vassals were afflicted by the attacks of the anti-Mughal party. It was only with the rise of Tipū Sāhib and the house of Sindia that these divisions disappeared, and the Mahrattas were welded into a strong, loyal, pro-Mughal confederacy, which counterbalanced the Eastern Muslim confederacy under the leadership of Bengal. To the Europeans, however, they were all Mahrattas, and therefore all anti-Mughal.¹

On this account Warren Hastings, with some plausibility, was able to convert a breach of contract into an act of loyalty to the Mughal, when he withheld the Bengal Revenue. Thereby, too, he paved the way for Wellesley's profession that he was freeing Shāh 'Ālam from the "State of vigorous confinement in which [he was] held by the Mahrattas."

Shāh 'Ālam's attitude towards the Mahrattas is the final proof of the invalidity of the plea. His *choice* of Delhi in 1771²; his unbounded gratitude to Sindia in 1788,

¹ Two instances will suffice to illustrate this point. The Mahrattas in Bengal (Grant Duff, Oxford Edn., I, 424 f.), and Ghāziuddīn, the Wazīr's alliance counteracted by 'Alī Gōhar's alliance with Vithal Rāo. *Shāh 'Ālam Nāma*, pp. 32 and 40. For Sindia's part during the danger of Tipū, *I.O. Home Misc.* 556, *passim*. That volume is a record of a contrast between Mahratta loyalty and the Company's disloyalty to the Mughal Emperor—even the pro-Company point of view of the compiler fails to obliterate this fact.

² Miss E. M. Monckton-Jones, *op. cit.*, p. 184. Letter 4. *Cf. Parl. Papers* (East Indies), 1805 (19), p. 13. Gentil, *Indoustan en Empire Mogol*, p. 73 (*Bibl. Nat.* (Paris) MSS. Fr. 9091).

when he delivered him from the hands of Ghulām Qādir, the Rohilla, after Cornwallis had written "a letter perfectly civil and respectful . . . in which [he] stated most explicitly the impossibility of [the Company's] interference."¹ Further, in 1785, when the Company seemed to have decided to stand by the Treaty of Mangalore, made with the rebel Tīpū, it was Sindia who asked if the Company wanted Tīpū to be Sultān of India. Mahratta policy, from this time forward, was consistently loyal in its opposition to the anti-*Pādīshāh*.² Bengal and the Deccan vacillated, until the French menace forced the former to take decisive action and to identify itself with the Mughal Empire. The Deccan followed its lead, and it was the Mughal Empire *as a whole* that defeated Tīpū, and its united action was due, not a little, to the constant efforts of the deputy *Wakīl-i-Mutlaq*—Sindia. That Shāh 'Ālam realized the work his house had accomplished is shown by his refusal to deprive Daulat Rāo Sindia of his office and rank in 1803, even when the English Company was triumphant.³

The year 1785, indeed, was the critical year in the history of the Mughal Empire, for it was threatened by two simultaneous attacks. One was from Tīpū, with his claim to *Quraish* descent and his bid for the status of *Pādīshāh* of India.⁴ The other was the appointment of Cornwallis, under the terms of Pitt's India Act of 1784, immediately after the loss of the American Colonies. Cornwallis brought with him the ideas of the Colonial System, and concealed in his

¹ *Correspondence of Charles, First Marquis of Cornwallis*, ed. C. Ross, I, 307. See also W. Thorn, *Memoir of the War in India* (1818), pp. 139 ff., 149, 151. For the text of the poem, W. Francklin, *Shah Aulum*, App. IV (p. 250). *Parl. Papers*, 1805 (48), p. 6, *I.O. Home Misc.* 556, pp. 100 ff.

² *I.O. Home Misc.* 556, p. 41.

³ *Ibid.*, pp. 33 ff., 90 ff. It is significant to note that the "Bengal Tribute" controversy is contemporary with the increased pressure of Tīpū on the Mahratta *Śūbahs* of the Empire. Michaud, I, 144. Both Mill (VI, 509–10) and Thorn (p. 126) omit to state the non possumus in favour of Sindia, for which *v.* Wellesley, *History of the Transactions of the British Government in India* (1805), p. 193.

⁴ For Tīpū's claim to *Quraish* descent, *supra*, p. 72, n. 2; its significance, T. P. Hughes, *Dict. of Islām*, p. 264a.

office the second anti-*Pādishāh*—the King of England.¹ From his time appears the tendency of the Governors-General to favour their natural sovereign at the expense of their official suzerain until the latter was deposed. But, for the time, the two dangers neutralized one another owing to Tipū's hatred of the English. It was, however, the development of the Company's power in the Mysore wars that established their influence in Haidarābād and Arcot, and laid the foundations of their power by which they overthrew Sindia in 1803. The death of Tipū and the treaty of 1801² with Sa'ādat 'Alī Khān left the issue clear between the Muslim east, and the Mahratta west, of the Mughal Empire. It was an attempt to carry into the Mahratta confederacy the policy to which Oudh had been forced to submit that produced in 1803 the outbreak of war.³

This year (1803) is the key to the "Mutiny." In its records are veiled the forces at work in India—the policy of Sindia based on the fact of the suzerainty of the Mughal Emperor, and the policy of the Company based on the fiction of the suzerainty of the King of England. In this respect, the "Mutiny" is but the corollary of the second Mahratta War.

To establish the British Government's claim to suzerainty over Bahādur Shāh, the Court summoned Mr. C. B. Saunders, the acting Commissioner of Delhi, and examined him on oath. He was asked: ⁴

"Can you give the Court any information as to the circumstances under which the Kings of Delhi became subjects and pensioners of the British Government?"

¹ *v. Mill*, IV, 557 ff. For the *practical* mind of Cornwallis, *v. letter*, *cit. supra*, p. 88, n. 1.

² *A Collection of Treaties*, p. 213. For Negotiations, *v. Mill*, Bk. VI, c. 9, and *Dacoitee in Excelsis* (1857), pp. 39 ff. Sir Henry Lawrence (*Calcutta Review*, 1845, pp. 375 ff.). *Parl. Papers*, 1806 (7), pp. 31 ff., and 1806 (20).

³ For discussions of the Treaty of Bassein (1802), *v. Mill*, Bk. VI, c. 11. Grant Duff, II, 328 ff.

⁴ *Trial*, p. 94.

He replied :

“ Shah Alam, Emperor of Delhi, after having his eyes put out and having suffered every indignity from the hands of Ghulam Kadir, fell into the hands of the Marattas in the year 1788. The Emperor, although vested with nominal authority over the city of Delhi, was kept in confinement more or less rigorous until the year 1803, when General Lake, having seized Aligarh, marched with British troops against Delhi. The Mahratta army, drawn out at Patpanganj, six miles from Delhi, was attacked by General Lake and thoroughly routed. The city and fort, having been evacuated by the Mahrattas, the Emperor Shah Alam sent a message to General Lake applying for the protection of the British authorities, and on the 14th of September . . . the Kings of Delhi [became] the pensioned subjects of the British Government and . . . exchanged the state of rigorous confinement, in which they were held by the Mahrattas, to one of more lenient restraint under the British rule. The prisoner succeeded to the titular sovereignty of Delhi in 1837. He had no power whatever beyond the precincts of his own palace ; he had the power of conferring titles and dresses of honour upon his own immediate retainers, but was prohibited from exercising that power on any others. He and his heir-apparent alone were exempted from the jurisdiction of the Company's local courts, but were under the orders of the Supreme Government.”

That answer was given on oath, but an examination of the events and correspondence—even in the English version—proves it to be untenable.

In 1803, Wellesley was faced by two issues—one, the possibility of an unofficial French ascendancy at the Court of Delhi, the other, the desirability of overthrowing the effective ascendancy of Sindia in the Ministry of Shāh 'Ālam. The Napoleonic peril obsessed the minds of all who came from Europe, while plans of a Persian invasion with Bonaparte in alliance increased the apprehension of the Governor-General in India. The news, however, of the diplomacy of the Peace of Amiens and the despatch of General Decaen to establish communication between India and Paris through *l'Île de France*, forced Wellesley to take such action as would place Delhi outside the range of French

enterprise and European International Law. The method he adopted was to avail himself of the possibility of narrowing the connotation of Persian words in translation, and he was able, thereby, to assert *in English*, that he had taken the Mughal Emperor *under the protection of the British Government*, in other words, that he had declared the Mughal Empire to be a British Protectorate.¹

Whether he could or could not have made the assertion to Shāh 'Ālam does not affect the question. The fact remains that he apparently did *not*, but took advantage of the Company's vassaldom and the vagueness of the Persian language to render his action acceptable to the Emperor and, at the same time, to satisfy the requirements of International Law. In short, he professed to proclaim a protectorate while he merely offered a vassal's protection of his lord.²

The *form* adopted can be most conveniently seen in the summary of a vassal's duty given in the *Germania*.³

"Illum [regem] defendere, *tueri*, sua quoque fortia facta gloriae ejus assignare praecipuum sacramentum est."

The correspondence of the period makes this fact clear. In the month of August, Shāh 'Ālam, through Saiyid Rizā Khān, wrote :

"It becomes necessary for the General to settle the point with the Governor-General that hereafter *there will be no want of obedience or cause of dissatisfaction to me.*"⁴

On 1st September, 1803, General Lake forwarded a *farmān* he had received from Shāh 'Ālam. It bitterly denounces the treason of the English Sardars :

"The duty which of old hath been manifested towards our illustrious House by the English Chiefs is well known, as is also the opposite course which has of late been pursued by them, inasmuch as that they have possessed themselves of the whole

¹ *Parl. Papers*, 1805 (x), pp. 761-2. Thorn, *op. cit.*, pp. 76 ff. H. Prentout, *l'Île de France sous Decaen*, pp. 8 ff.

² *Cf. supra*, p. 97.

³ *Tac. Germ.*, c. xiv.

⁴ *Parl. Papers* (1805), x, 762 (2).

of that country and not manifested the least attention nor rendered the slightest service to us.”¹

He proceeds to announce that Daulat Rāo Sindia as his deputy (*Wakīl-i-Mutlaq*) is to be obeyed by the English.

On the 14th of September, Delhi fell; on the 16th, General Lake was received by Shāh ‘Ālam, presented *nazr* on behalf of the Governor-General and on his own account, and

“ the Emperor was graciously pleased to confer on General Lake the second title in the Empire, *sumsam u dowla ashgar ul mulk, Khan dowran Khan, General Gerard Lake Bahadur, futteh jung* : The Sword of the State, the hero of the land, the Lord of the Age, and the victorious in war.”²

The first title was held by Sindia, who was not deposed. Further, it is interesting to note that this rank carried with it a jāgīr in Rājshāhī in Bengal.³ It is not recorded that Lake received the emoluments therefrom.

On the 5th of October, 1803, Shāh ‘Ālam sent to Wellesley the following *farmān* :

“ As the designs of our faithful servants have now happily succeeded, the time is now arrived for your Lordship, in conformity to the distinct and obligatory engagement described to us by your Lordship yourself in the letter which you lately transmitted, to secure yourself happiness, temporal and eternal, and permanent reputation, by fulfilling that engagement, and to carry into effect that which may provide for the interest and welfare of the servants of this Imperial Court . . . and for the happiness of the people of God through the aid and services of the Officers of the Company’s Government.”⁴

¹ *Ibid.*, 770-1. Cf. pp. 766, 769, and Wellesley’s letter, p. 767.

² Mill, VI, 509-10. Cf. *Parl. Papers, cit.*, p. 777. Apparently Lake was appointed to the rank of “ the third *Bakhshī*,” also called occasionally *Bakhshī* of the *Wālā Shāhīs*, that is of the household troops. (Cf. Irvine, *The Army of the Indian Moghuls*, pp. 39-40; also Ap. J.A.S.B., LXVII, Pt. I, p. 154, where Mansūr Jang’s promotion to this office and title is recorded.) Cf. p. 77 n. 1.

³ *The Fifth Report of 1812*, ed. Firminger, II, 300.

⁴ *Parl. Papers, cit.*, p. 774. If, as is probable, the word translated “ happily ” is a derivative of *nasaba* (fixed—by Fate), the whole *farmān* is capable of a totally different interpretation !

Here again the tone of the communication is perfectly clear—it is that of a sovereign addressing a vassal or subject. The use of the term “Company’s Government” by the translator is interesting. The word for Government is almost certainly “*sarkār*,” the phrase used would be either *sarkār-i-angrēz* or *sarkār-i-jumā’āt-i-angrēz*. If the former were used, it might equally well have been translated “British Government.” The latter form is less probable than the former, and the translator probably used the term “Company” with reason—to shelter the *diplomatic* position of Wellesley. The ambiguous use of *sarkār-i-angrēz* prevented the Mughal Emperor from seeing the British Government in his dealings with his vassal, the Company. Further, the term *sarkār* is never used alone, unqualified by epithet, for the Supreme Government. Its use seems confined to provincial head-quarters (*sarkār*). Hence any differentiation would appear only in the English version of the transactions.

Further, the *farmān*, just quoted, removes all doubt as to the word used to denote “protection.” Had the idea of “*protectorate*” been conveyed in the negotiations of September, none of the letters quoted could have been written. The only means of expressing the idea was by the use of the word *hukūmat* (rule), or a synonym, which would have furnished the Mahrattas (and probably the *Nizām*) with a cry sufficient to rally the rest of India.¹ Of this there is no evidence. Hence it would seem proved that no proclamation of a protectorate over Shah ‘Ālam was ever made, save in Wellesley’s despatches to England. The Company, *in fact*, merely returned to its allegiance. India saw the fact, England saw the fiction.

The return of the Company in 1803 to the allegiance of the Mughal would imply the loyal execution of its duties as *Dīwān* of Bengal, Bihar and Orissa. In 1765, Clive had made quite clear to the Council in Calcutta and to the

¹ Cf. A. N. Wollaston, *A Complete English-Persian Dictionary* (1889), s.v. protection, protectorate. If there were no other clue, the use of the word *farmān* (order, command) would be final.

Directors at home that the regular payment of the revenue into the Emperor's treasury was a binding condition—the condition on which the office was obtained. There was nothing of the nature of tribute from the Company. The *Diwānī* was an office, its function the collection of *revenue*. The action of Warren Hastings, then, seven years later, is indefensible save on the grounds stated to the Emperor—the ill-effects of a famine. That this was not the true reason is shown by a letter to Mr. Purling.¹ The return of Shāh 'Ālam to Delhi could constitute no valid ground for the stoppage, as his restoration was one of the services guaranteed with the revenue.² Moreover, the application of the terms "allowance" and "pension" to the compounded revenue was pure misrepresentation, from as far back as the year 1765.³ The diversion of the Mughal Revenue from the Treasury of the Emperor to the dividends of the Company—this it was which in a large measure accounted for the embarrassment of Sindia and the forlorn state of Shāh 'Ālam in 1803. In testimony of this fact Thorn quotes a very striking letter :

"The English Company, by its ignominious treatment of the Great Mogul, has forfeited its rights as Dewan and Treasurer of the Empire. The Nawaubs of Oude and Bengal are equally criminal, because they acted as traitors towards their lawful sovereign ; thus the Emperor of Delhi has a real and indisputable right to transmit to whomsoever he may please to select, the sovereignty of his dominions, as well as the arrears due to him from the English. These arrears of tribute of twenty-six lacks promised by the Company, with the interest of the country added, will amount at the present time to four hundred and fifty-two millions of livres tournois [$\text{£}14\frac{1}{2}$ million] ; a sum which greatly exceeds the value of the Company's moveable capital." ⁴

From this charge there appears no escape. The only reply given by the officials or historians of the Company was

¹ Miss Monckton-Jones, *op. cit.*, p. 147, etc. Cf. Clive's letter, September 30, 1765. *I.O. Home Misc.* 629, p. 288.

² *Ibid.*, p. 55.

³ *I.O. Home Misc.* 629, p. 296, para. 20.

⁴ Thorn, *op. cit.*, pp. 43-4. Cf. *supra*, pp. 80-1,

abuse of its French source. So, Bahādur Shāh, as heir of Shāh 'Ālam, was neither a "subject" nor a "pensioner" of the British Government, which had *de jure* no jurisdiction over India at all, since the day when Bombay accepted the Mughal *farmān*.¹

The relation between the years 1803 and 1857 is now clear. Wellesley had inaugurated a fiction that the Mughal Empire was a power protected by and therefore a subject of the British Government. The fact of the vassaldom of the Company to the Mughal Emperor remained, for Shāh 'Ālam does not appear to have been informed of his alleged change of status. Both the British Government and the East India Company were represented in one and the same person—the Governor-General, who gradually allowed his status in the Company to vanish before his diplomatic position as representative of the British Government. Hence the later policy of the Governors-General, based upon the Wellesley fiction, must have appeared to the Mughal Emperor as nothing short of treason.

Wellesley was careful to maintain the appearance of a vassal towards Shāh 'Ālam, who from the length of his reign and his sad misfortune was generally treated with deference. In 1807, Mir Shēr 'Alī Afsōs recorded that

"No one regarded the Emperor—yes, one,—the honourable Gentlemen (*i.e.* of the Company) did not give up homage and service, even as now, in the year 1222 *Hijrah*, and Akbar Shāh, the son of Shāh 'Ālam, is Emperor. In short, they perform his meanest service, nor do they withdraw their hand from allegiance."²

¹ Had the Court proceeded on the *de facto* grounds of right of conquest by the Queen of England in the war 1857–8, and had they not attempted to make any claim to legality, there might have been no ground for criticism. As it is, they failed to make good their case.

² *Arāish-i-Mahfil*, ed. Court, p. 209. Court's translation is full of blunders and should be used only with care: *e.g.* twice (pp. 67 and 74) he translates *ba'd-i-hangāmah-i-Bakhsār*, "after the *mutiny* of Baksar"! The context shows clearly that the battle of *Bakhsār* is intended. If he is correct, the Company must be mutineers! but there is no need to attach such a specialized meaning to the word. J. Shakespear (1834) does not give the word "mutiny" as one of the meanings of the word.

Although this passage does not ring quite true, it shows that the Company still acknowledged their vassal status to their Indian subjects. Indeed, much that is censured as impolitic was traditional Mughal policy. The "doctrine of lapse" marked a revival of the Emperor's right, through his deputy (*nā'ib*), to determine the succession to *mansabs*. That lapsed fiefs should fall to the Dīwān of the *Khālisa* lands would not appear strange.¹ But, in disallowing adoption, Hindu opinion was offended. By the Company's retention was Mughal opinion aggrieved. Similarly, the projected Mughal reforms of the seventeenth century realized in the nineteenth by the Company—as the suppression of *satī*, *thagī* and of the Pindāris—all tended to alienate the Company from Hindu sympathy and support. In this way was the Hindu brought back to Mughal loyalty and service, while "Judicial reforms," by which Western Courts and Western law supplanted Muslim institutions, alienated the Muslim population from the Company's cause. Further, the successful campaigns of the Company realized the ambitions of Aurangzēb and his son. The Deccan had been reduced to order, the Panjāb and Sind recovered, and Afghanistan had been weaned from Persian control. But—the Company neglected "sua fortia facta gloriae ejus assignare," so that even its triumphs brought but dissatisfaction, apart from the dislike of its increased power.

It was, however, in their direct relations with the Emperor that the Governors-General laid the foundations of the outbreak of 1857, for co-ordination of disaffection is necessary as a first consideration for an outbreak of any magnitude, and the only nucleus was the throne of the Mughal Emperor.²

From the time of Wellesley, the Governor-General neglected to visit the Emperor despite his repeated commands, and though he accepted the *Khil'at*, he refused to

¹ Cf. Farman of 1765 and Sarkar, *Mughal Administration*, pp. 61 ff.

² Cf. *Private Letters of the Marquis of Dalhousie*, ed. J. G. A. Baird, pp. 380-1, 389-90.

wear it. He accepted by touch—but that was sufficient.¹ It was not, however, until the arrival of the Marquess of Hastings, under the influence of the debates of 1812–13, that a more definite assertion of the Governor-General's new position was made. "The Court of Directors [had] claimed the territory of India in the Company's possession as theirs by right of conquest, achieved originally from the profits of their trade: they had paid for it, and it was theirs."² Naturally the King in Parliament put an end to such an attitude assumed by his subjects—but, from what has been shown already, it will be clear that the Company was simply playing a double game. The King of England defeated it—Lord Hastings carried that victory to India, also the effects of the Wellesley tradition.

It was necessary for Bengal to break up the Muslim core of the Mughal Empire, and to convert the religious differences of *Sunnī* and *Shī'ah* into political divisions between Delhi and Lucknow. As early as 1775, Warren Hastings had joined with the Nawāb Wazīr against the Court of Delhi by the Treaty of Lucknow.³ In 1819, the schism was completed by the assumption of the title of *Pādīshāh-i-Āwadh* by the *Nawāb Wazīr* Ghāzī ud dīn Haidar, who struck coin in his own name. The step appears to have excited but little attention in Oudh, where he was still referred to by his Mughal title, as Bishop Heber noticed, but at Delhi feeling ran high.

"The Sovereign of Oude's assumption of the title of King," wrote Hastings, "was treated by the Court of Delhi with undisguised indignation. The offensive animadversions were keenly resented by the Court of Lucknow, and an irreparable breach between these two Mahommedan States is avowed."⁴

¹ *Voyages and Travels to India . . . in the years 1802–6*, by Lord Valentia, pp. 99, 103, 147.

² Mill and Wilson, *op. cit.*, VII, 510 ff.

³ Esp. Article III.

⁴ Hastings, *Summary of Administration* (1824), pp. 102–5. C. J. Rogers, *Catalogue of the Coins in the Indian Museum*, II, 198 ff. (Nos. 11608 ff.). *Narrative of a Journey through the Upper Provinces of India, 1824–5*, Bishop Heber, I, 371. In Norgate's *Sepoy to Subedar, Sitarām* never refers to him except as the Nawab.

The breach, however, was not beyond repair. The ruler of Oudh had placed himself outside the Mughal State. His removal freed Oudh from the stigma of disloyalty, and brought it back within the Mughal Empire—to the satisfaction of Delhi.¹ The usurpation by the *Dīwān* of Bengal, however, was resented. It was not the deposition of its King but the annexation that drove Oudh to the support of the Mughal.

Further, Oudh was the main recruiting ground of that portion of the Mughal army which was under the command of the *Dīwān* of Bengal. As the deposition of the "King" of Oudh was followed by similar action against the claims of the Mughal Shāh-zāda, threatening the Mughal Empire with extinction, the sepoys clung to the cause of their King and Emperor against the intrigue of their Commanding Officer—the *Dīwān* of Bengal, the East India Company, which, for them, was the mutineer.² Of Acts of Parliament they knew nothing, and even if they did, they could carry no weight against the commands of their *Khalīfah*. Not the Court's suggested explanation but this theory I suggest as the true solution to the evidence of Hakīm Ihsān Ullah Khān, who said :

"I consider that the native army was impregnated with malevolent intentions towards the British Government; and had even the new cartridges not been issued, they would have made some other pretext to mutiny, because if they had been actuated by religious motives alone they would have given up the service; and if they had wished to serve they would not have mutinied."³

But, if the army belonged to the Mughal Pādishāh, and he claimed to be "the divine vicegerent in spiritual matters"

¹ *Trial*, pp. 70, 72, 160.

² Cf. Jean Law de Lauriston, *Mémoire sur quelques affaires de L'Empire Mogol* (1756-1761), ed. A. Martineau, p. 22, for the authority of the Mir Ātish over the Company's artillery. Both *Sunnī* and *Shī'ah* opinion were outraged, hence the value of Bahādur Shāh's dual policy (*v. supra*, p. 85. n. 2).

³ *Trial*, p. 157. The footnote is worthy of attention as an illustration of the Court's inability to appreciate the religious situation.

—*Khalīfah ul zamān*—the service becomes part of the religious duty—*jihād*.¹

As has been shown, the Hindus were already alienated by the Company's policy when in some respects it was most Mughal. Nānā Sāhib represented both the Hindu grievance and the unemployed pro-Mughal Mahratta. The issue of greased cartridges merely provided the occasion of the outburst.

The main cause, then, was the treatment of the Emperor. The fiction started by Wellesley was growing more evident to the East. Akbar Shāh was approached with the bribe of an increased "pension" to acknowledge himself as no more than the King of Delhi—he refused, but the fiction persisted in the West. Bahādur Shāh II was approached likewise, and likewise he refused. The next step was so to manœuvre that Bahadur Shah's successor should consent to leave Delhi, for they believed his strength to lie in the associations of the city—in that they were probably correct for the phrase *Dihlī Dār ul Khilāfat* had at least two and a half centuries' association with the House of Tīmūr. This step—of consenting to leave Delhi—was made the price of recognition by the East India Company. Universal recognition may be a condition for the valid election of the *Khalīfah*, but only to the Faithful is the right of dissent. The Company had ceased to belong to the Faithful in the year 1843, so on the 10th July, 1856, when Faqīr ud dīn died, the Mughal succession was in a critical state, for the Emperor's most powerful vassal had refused to recognize his son, except on terms tantamount to a betrayal of Faith.

The Company had been warned of the danger when Dalhousie, in 1849, had proposed the removal of the House of Timur from Delhi, but in vain. When Canning, newly arrived in India, was forced to make a decision, he relied on "the minutes of the preceding members of the Govern-

¹ It should be remembered that the Mughal *Khilāfat* was a *Sūfī*, not the ordinary *Sunnī Khilāfat*, although it had come to be regarded in much the same light as the latter (*v. supra*, p. 83).

ment," that is, on the Wellesley tradition, to interpret the situation. His decision was that

"To recognize the title of King, and a claim to the external marks of loyalty in a new person, would be an act purely voluntary on the part of the Government of India, and quite uncalled for."

In the events that followed, Canning represented the Wellesley tradition, Zinat Mahall that of the Persian version of the transactions.¹ The view that mere palace intrigue could have produced such a rising needs no discussion. The cause lay in the conflict of fact and fiction dating at least from the year 1803. The charges against Bahādur Shāh, the authority of the Court to try him and its finding mark the conclusion of the work of the fiction, for a practical element had intervened—the Queen of England as the Protector of her *subjects*—the servants of the Mughal and his vassal—from the cruelties of a miscarriage of justice, which had involved them in the penalty due to the Company.²

¹ All the facts for this section are to be found in Kaye, *Sepoy War*, II, 1-42; cf. *Trial*, p. 154.

² [Since January, in the light of fresh material, the views set forward in this paper have undergone some modification owing to the increase of Persian influence detected in Indian affairs down to 1857. As, however, any development in the theory has been to carry it still farther from the accepted view, it has seemed best not to make any alterations in the paper itself and only very slight additions to the notes, v. *The Cambridge History of British Foreign Policy*, II, 403-422 (*in the Press*).]