



## **British India's Relations with the Kingdom of Nepal During Maddock**

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### **Abstract:**

During the period of the new Resident Maddock, there had been no significant change in the Indo-Nepalese relations. The relationship was based on goodwill and mutual understanding of interests of the two concerned government. The Resident has reported "It may be worthwhile to notice as the marking of the gradual extinction of that total want of confidence." Hodgson elucidated that "it was unlikely for Nepal to rush into hostilities with the British under Bhimsen's predominance". Nevertheless he seemed to the anxious to establish tranquility and peace between the two countries, based upon a sound, workable, and everlasting system instead of on any individual interest.

### **Introduction:**

The main guideline of Gardner's policy of 'benevolent non-interference' was continued, but during the days of young and ambitious Hodgson, an attempt was made to reverse the status quo and increase the British influence in the kingdom. In his long report dated 8 March, 1830, Hodgson had written that "what can be done to awake his attention and through his that of his countrymen to new objects of peaceful utility and elegant enjoyment has been done not together without success.

Since the establishment of Residency in Nepal, the British influence however, was apparent not only in the style and standard of living of chief Bhardars, but also in the ways of trade and commerce. The volume of the British trade had increased and the Residency was totally being self sustained, whereas in its earlier days the British government was obliged to bear the expense of the Residency. In recent years, houses, though a few in number were kept in half European style and spacious gardens were being constructed around the dwellings. Carriages buggies, and horses were common. Bhimsen Thapa had bought all silverwares of late Stuart. The Residency all European dresses were in sight. It is very interesting to note that the nephew of minister ate 'pan' from the same Stafford silverware dish from which he usually offered one to the Resident. Despite the simple living of the general public and their insensibility to foreign luxuries, as inculcated by the Gurkhas, Hodgson remarked that "so much has already been effected." he further hoped that "it would ultimately cultivate their own mean of elegance and refinement and would divert their surplus fund and attention from militarism to peaceful channels and foreign luxuries.



## Analysis of the Study:

Despite these few change and effects, the general attitude had not changed. This was quite apparent during the period of 1829-33. With the change of the Resident the Nepalese had anticipated that there would be some change of the Resident the Nepalese had anticipated that there would be some change in the British policy towards Nepal. In his summary report dated 9 December 1839, Maddock had written that his appointment as a Resident at Kathmandu had caused much speculation and conjecture. So with their characteristic circumspection the Nepalese had treated Maddock with even more reservation than his predecessor. He felt so much isolated that he did not get any opportunity to bring the Nepalese court closer than before. Maddock had remarked that “the Resident has never exercised that slightest influence direct or indirect over the proceedings of this government and subjects of discussion occur so rarely that my remain for months together without communication with the court.”

In his reply, dated 20 June 1832, regarding the instruction of his government to keep diary in the Residency, he suggested to his government that the standard forms used in other native states of India were not applicable to Nepal. There was neither official correspondence with the government nor any communication from the court. As regards the personal intercourse of the Residency with the court, was confined to two customary visits of the Resident to the court, one on the occasion of Holi and another on Dasahara and two public visits of the minister to the Resident. The communication with the Durbar was channelised through the court “Munshi” and “Taksalee”. Since his arrival to Kathmandu, Maddock was honoured with only eight or ten visits of these officers. Except on these occasions the Residency did not have any regular channel of information. He had to obtain it secretly and discreetly. The Resident was afraid that he would not be able to collect any further information if the information collected or its channel were made public by keeping a record of it. The matter of public nature and interest to both the governments occurred so rarely that Maddock thought it unnecessary to keep any public diary. The situation of the Residency was rendered peculiar because of the antipathy of the court towards the establishment the Residency was still prevalent. The Resident was still constrained to spend his time in the Residency and he was debarred from having direct access to the local inhabitants.

“The jealousy of the Nepal government and its original aversion to the establishment of our mission here are still undiminished, the narrow bonds within which it studies to limit its intercourse with the Resident and the stick interceded placed upon its subject, who might otherwise seek our society, have conduced to render our situation more isolated with reference both to the court and to the people of the country.”

The Residency remained heavily cordoned throughout the period the prevent the gentlemen of the Residency from rambling beyond its limit.<sup>103</sup> However, the Durbar repeatedly assured the Resident that the Government had harbored to Jealousy or apprehension of the Resident liked to go on excursion to ant part of the country. So the Resident expressed his desire to make up to three marches in the direction of the Himalayan ranges. Upon this Nepal Durbar immediately pleaded wrath of China if the Resident were allowed to visit places adjacent to the Chinese border. The only excuse advanced he provoked to take retaliatory action if they visited



the border areas. Maddock therefore wrote that “the reason.....was brought forward....as the only civil method of preventing us from exploring the country.”

Like Gardner, Maddock had also deliberately avoided taking such steps that were likely to arouse suspicion and hostility of the Nepal Durbar.<sup>105</sup> Though the Resident was inclined to disbelieve such lame excuses of the Durbar, still he continued Gardner’s policy of non-interference, and watched the situation patiently for a better opportunity that would enable the British to further to it’s imperialist designs.

The peculiar circumstances of the Residency had dissuaded the Resident from adopting the usual mode of keeping himself informed of ordinary proceedings of the Nepalese court. The sovereign principles and suspicious dealings of the court had prevented the Bhardars from yielding to any temptation.<sup>108</sup> So the Resident had to be very discreet in such matters otherwise it would have defeated its disguised policy of collecting the requisite information of the place and the court. From the very beginning, the Nepalese court had succeeded in its object of isolating the Residency and so the successive Resident were deterred from establishing personal communion. Maddock had neither occasion, nor he was anxious to diminish the distance between the Residency and the Nepalese court. The matters of business in which the interest of the two states were involved, occurred so rarely that Maddock thought it inexpedient to compel the Nepalese court for more frequent intercourse. It was all due such circumstances that matters of common importance had not been recorded. The situation had been explained by Maddock when he poignantly wrote that “the Resident had to reconcile himself to the neglect of the court and must be satisfied if he an avoid experiencing incivility or insult.<sup>113</sup> The manifestation of courtesy from the Rajah or minister was subjected to the individual caprice and it was not at all a general feeling of the court. Even on sensitive issues like the relations with China, the Nepalese court did not bother to inform the Resident even formally about the quinquennial embassy of Nepal Durbar to the court of China.

## **Residential Jurisdiction**

Gardner in 1817 had made it clear that the Resident had no intention of interfering with the sovereign power of the Raja in the execution of the laws of his country, but with respect to offense committed by the personnel of the Residency against the existing laws, he proposed to adopt the same mode of adjudicating and deciding them that prevailed with regard to the followers of embassies in all parts of the civilized world.

Maddock emphasized the same principles as formulated by Gardner regarding the Jurisdictional power of the Resident over the Residency establishment. He clarified that the Resident since the establishment of the Resident, had neither attempts to interfere with the laws and customs of Nepal nor they had demanded any immunity of privilege except such as were sanctioned by mutual understanding and concessions at all the most powerful court of the civilized world, and excepted that the Durbar would discuss the best mode of reconciling to the practice of Nepalese laws with the principles of justice.

Maddick in his letter to political Secretary to the Government, dated 21 February 1831, explicitly described the jurisdictional power of the Resident. He wrote that in such cases where a follower of the Residency alone was concerned, the Resident was to dismiss the offender



from the services and expel him from the country of the offence was not so serious, otherwise, the offender under the custody of Residency sepoy, was to be departed to the nearest zillah for trial and punishment. With respect to the sipahees of bad character, the Resident was authorized to expel them from the service without the intervention of a court martial. The Resident was not entitled to exercise any criminal judicial authority. The cases in which a follower of the Residency had committed offence against the person, property and law of Nepal, the Resident, according to the international law and the conventional law of courtesy, mutually observed by European states towards each other, was required to surrender the delinquent to the Nepalese jurisdiction. In case of trivial offences, the offender was to be dismissed from the service and expelled of course, punishment was meted out with the intervention of a court martial. However, the Resident did not see any prospect of a perplexing case arising under that system of careful forewarning case arising under that system of careful forewarning and precaution to which all the followers of the Residency were constantly subjected.

Nevertheless, the British ignorance of social customs and law of Nepal was always liable to cause unpleasant circumstances. The Nepalese society based on the orthodox Hindoo caste system was very sensitive, rigid and severe to iconoclasts. Specially, adultery was regarded as a great offence against the society and was condemnable to capital punishment, In 1817 a great scandal was raised by philandering of the Muslim retainer of the Residency with a high caste Hindoo women. Gardner handled the case very gently and the problem was amicably settled. In 1832, a Muslim retainer of the Residency gave some bread to high caste Bramhin children. It was against the social law for a high caste to take food or drink from the people of low caste, another religion, and mlechas. Any high caste who thus was contaminated, was excommunicated from the caste. This case though trivial from the British pointy of view, was enough to offend the Nepalese.

More outrageous than these cases was that of the Muslim mehatar of the Residency, who was charged with the offence of fornication with a high caste Hindoo women. The Scandal aroused the indignation of an antagonistic court against the British Residency. Regardless of its consequence, the Majority of the Mhardars demanded the execution of the offender, even if it were to drag the nation to war with the British. The Prime Minister stood almost alone in his opposition to this decision of the intemperate council of the majority. The deputies from the court of Nepal suggested that the mehatar should be clandestinely deported to the plains. But the Resident declined to accept the suggestion and conveyed that the decision was unpractical and in sound. After a long negotiation between the Resident and Durbar, the offender was left to be dealt with by the Resident. But it was resolved to have some arrangements as to the mode of proceedings to misunderstanding. The Resident assured the Nepal Durbar that like his predecessor's unceasing efforts to prevent offence against the peculiar law of Nepal, he would endeavor to afford satisfaction to the Nepal Durbar. the resident punished the Muslim mehatar with severity. He was dismissed from the service and condemned to five years imprisonment with hard labour. Thus the crisis was solved and adjusted to the satisfaction of all parties. But some part of permanent and mutual understanding was felt essential for the prevention of future misunderstanding, caused or to be caused either by the intemperance of the Court or by the indiscretion of the Resident on such matters.



Certain Nepalese laws were very peculiar and anachronism such as that regarding the death sentence to any person of low caste of another religion for the offence of philandering with high caste Hindoo woman. On such issues, the Resident had no right to demand its abolition. But it, indeed, was very unpleasant for the British Resident to allow the follower of the Residency to be executed for such a crime. So the then vice-Resident tendered certain proposals to avoid future misunderstanding on these grounds. He advocated that through the Resident commanded no right to condemn the law of Nepal, the Resident should maintain his general right exclusive jurisdiction over the Residency And the Resident should exercise his discretionary power on the question of surrendering the culprit or detaining him or demanding the Resident's superintendent in trial or punishment according to the degree of the crime and the extent to which alleged offender had rendered himself amenable to the law Because "the followers of the British Residency are subjects only to the Resident's jurisdiction and unless surrendered by the Resident are not amenable to the law of Nepal. But the Resident should without any hesitation, surrender the offender in case of grievous crimes such as murder.

However, there should be some differentiation between the crime committed within the premises of the Residency and demanding the surrender of a person seized in the commission of the crime by Nepal authority beyond the precincts of the Residency. The Resident should not be authorized to interfere with the execution of the laws of Nepal on native<sup>3</sup> Indian residing in Nepal but not belonging to retinue of the Resident. The Vice-Resident in his proposals intimated that such measures could be rendered effectives only by mutual negotiation and adjustment and not by compulsion. He added one important point to the proposals that the British government should be prepared to grant, if required, to any Nepalese Resident of deficient rank, the same privileges which they demand for their representative.

The Nepal Durbar accepted the acting Resident's draft of the treaty regarding the ambassadorial privileges in Nepal, except the one relating to the case of the case of adultery. The Nepalese husband's privilege in this regard was so consorted that no compromise was possible. After long negotiations the whole idea of the treaty was dropped and the Acting Resident deemed it expedient to revert to the old system of precaution, prevention and vigilance of the Resident. judging from the past experiences, the Acting Resident hoped that "practically no inconvenience can arise from the want of a treaty." At all the cases of jurisdiction up to now were adjusted satisfactorily, he observed that, "it was quite likely that the Durbar would never hesitate to surrender the culprit if the breaches of the peculiar legal system was rendered rare by the vigilance of the Resident." So no treaty was signed between the Durbar and the Resident relative to the ambassadorial privileges in Nepal. Fortunately, disputes related to the jurisdictional privileges were rare and all were amicably settled.

## **Custodians of peace**

Ever since the termination of war, both, the Resident and Bhimsen Thapa took pains to maintain peace and tranquility between the two powers amidst great adversities. Even after more than a decade and half of the establishment of the Residency, Nepal's general odium against the British's circumvention, Nepal's military enthusiast was still persisting and nothing would have been more popular and satisfying than to fight with the British, and snatch whatever





had been lost during the war. But the British position in India was very much strengthened by 1830. Nevertheless, in Nepal the anti-British elements still nurtured the hope of fighting against the British. By 1832 the anti-Anglican faction in the Durbar led by Ranjung Pandey, had become bold enough to press for violent measures to provoke war with the British upon the slightest pretexts. The Prime Minister stood almost alone in his opposition to this intemperate Council of Majority. It was only the Prime Minister who had realized that such anachronism policy would lead to the detriment of the Nepalese integrity.

Bhimsen Thapa had earnestly co-operated with the British Resident in eliminating the disputes, which endangered bitterness in the Anglo-Nepalese relations. The border disputes were the common events, which caused much tension during the Resident ship of Gardner. Though vigilance and alertness of both the Resident and the Prime Minister had settled as many problems as possible but those were not totally eliminated. In 1832 the problem was created in saran district. The dispute occurred by the branching of the river Bagmati. Maddock established the main stream of the channel as the boundary line. Thus, this issue was amicably settled. The Prime Minister was as eager as the Resident to solve the boundary disputes. Apart from such minor disputes and grudges, the relations between Nepal Durbar and the Resident was peaceful under the able leadership of Bhimsen Thapa.

Thus, despite his grumbling against Bhimsen for the latter's insolence and restrictions imposed upon the Residency, Maddock admired the good effects produced by Bhimsen Thapa's influence on foreign as well as internal affairs of Nepal. The very presence of Bhimsen Thapa in the political arena of Nepal was reassuring for the British Residents. The sagacity and political ability had made him indispensable for the atmosphere of peace and tranquility between the two countries.

Maddock anticipated that the subversion of Bhimsen's hegemony would be deplorable to the British. Maddock had admitted that if the British would have been deprived of the intelligence of Bhimsen Thapa, "the contingency of peace and war may then depend on the ambition of party leaders or the caprice of the military mob.

Conclusion:

So Maddock, like his predecessors emulated the policy of peace to gain confidence of the Prime minister and preserve peace, which in turn strengthened the position of Bhimsen Thapa. The effort of Maddock was not fruitless. By the end of 1832 the suspicion which had arisen by the appointment of Maddock was "gradually superseded by confidence and he was beginning to experience more attention than was shown before."

However, he was not fully complacent to the events happening in the Nepal Durbar. The death of Regent queen Tripur Sundari in 1832 had disconcerted impact upon the political balance of the Nepal Durbar. hence, Resident Maddock though appearing to follow the policy of strict non-interference and indifference towards the internal affairs of Nepal, watched the development of the Durbar with active interest. In his report dated 2 December 1832, he had advised his government that "such being the case, the British government must feel directly interested in the character of administration which governs Nepal."

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