
The Languages of Petitioning in Early Colonial India

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With relatively few exceptions, personal petitions from individuals have received much less attention from historians than those from groups in the public political sphere. In one sense, personal petitions adopted many of the same rhetorical strategies as those delivered by a group. However, they also offer unique insights into the quotidian relationship between the people and their rulers. This article examines surviving personal petitions to various administrators at different levels of government in western India during the decades surrounding the East India Company's conquests. The analysis of these petitions helps to refine our understanding of the place of the new judicial system in the social world of early-nineteenth-century India, especially by illuminating the discourse of justice that petitioners brought to the presentation of their cases to their new governors. The conclusion of this article seeks to place the rhetoric of personal petitioning within the larger context of mass political petitioning in India during the early nineteenth century.

Well before the British conquests, petitions and petitioning were a common feature of the judicial administration of western India (Lumsden 1953 [1819]). As Rosalind O'Hanlon has shown recently, from at the least the early seventeenth century, petitioning was the ordinary means by which a variety of civil disputes were brought before the state. As Professor O'Hanlon notes, "[A]ll justice started with a petition" (O'Hanlon 2019: 54). As British control of western India expanded throughout the late eighteenth and early nineteenth centuries, the new governors attempted to preserve many of these judicial institutions and procedures and incorporate them into their own practices of governance (Siddiqi 2005). In this ambivalent space of past and present, individuals were able to draw upon a wide variety of discourses in which to present their petitions for justice. Some were expressed in the customary languages of solicitation and submissiveness, others sought to more directly affirm their ancient privileges, while still others tried to adapt to the arcane language of English law.

This article is based upon the analysis of several dozen petitions for justice drawn from a wide variety of sources, including petitions for legal remedies in the town of Bombay, personal appeals to the Governor-General of the Bombay Presidency, and the volumes of petitions in the Maharashtra State Archives to local judicial and administrative officials of the East India Company in the *mofussil*, that is, the countryside beyond the Presidency town. No attempt has been made to offer a statistical analysis of these petitions. Instead, this article seeks to present a descriptive examination of the languages and discourse of petitioning employed by petitioners seeking redress of their grievances.

Existing studies of petitioning in the West have been focused generally on the petitions of groups or collectives of people to the government (van Voss 2002a).

Many thanks to Henry Miller for his kind and gentle persistence that was necessary to see the project through to the end.

With relatively few exceptions, personal petitions from individuals have received much less attention (Bear 2007; Davis 1987; Gatrell 1994). And yet in one sense, personal petitions adopted many of the same rhetorical strategies as those delivered by groups. They testified to the magnificence, generosity, and benevolence of their superiors (Gatrell 1994: 203; van Voss 2002b: 2–3). They often, but not always, sought mercy rather than demanding justice (Davis 1987: 11). They almost invariably were “collaborative efforts” involving the intercession of lawyers, pleaders, translators, or other professionals (ibid.: 5; van Voss 2002b: 8–9). In another sense, however, private petitions are unique. They retell tales of personal disputes, fractured relationships with others, and disappointments with the justice system. That they may be “fictionalized,” in the sense in which the term is used by Natalie Zemon Davis (1987), is undoubtedly true, but they also tell us much about the petitioner’s personal expectations regarding others as well as regarding their governors. As such, petitions can aid in the refinement of our understanding of the place of the courts in the social world of early-nineteenth-century India, especially by illuminating the discourse of justice that petitioners brought to the presentation of their cases.

The Legal Framework for Petitions in Colonial India

The petitions discussed here need to be understood within a unique legal framework. The administration of civil justice in early colonial India was at best a patchwork of jurisdictions, laws, and administrative regulations. Justice in the Presidency towns of Bombay, Madras, and Calcutta was dispensed by royal courts following the procedures and jurisprudence of English law except in areas known as “personal law,” in which Hindu and Muslim practices relating to marriage, divorce, inheritance, and other family matters were followed (Jain 2006 [1952]: 57–9). Beyond the boundaries of the Presidency towns, in the *mofussil*, justice was administered by courts established and staffed by the East India Company and the “law” there was based upon an ever-changing set of military-style regulations. In this anomalous situation, jurisdictional disputes were common and Indian litigants frequently went “forum shopping” looking for the most amenable site in which to plead their cases (Inagaki 2016; Sharafi 2010). Additionally, during the first three decades of the British occupation of western and southern India, significant attempts were made to incorporate what were believed to be indigenous forms of dispute resolution into this complicated legal edifice. The jurisdiction of these “*panchayats*,” or councils of five, extended to almost all areas of civil law and their remit was to decide cases based solely upon equitable principles and dispensing entirely with Hindu, Muslim, or English law and precedent (Jaffe 2015).

The Language of the Law

During the late eighteenth and early nineteenth centuries, there was a notable range of forms of expression used in petitions often depending upon a variety of circumstances, including the date of the petition, the Company officer or judge

being addressed, the intercession of legal professionals, and the location of the petitioner. The variety of legal venues and personnel sometimes makes it difficult to generalize about the form and content of individual petitions. Moreover, during the early colonial period, British control rapidly expanded throughout southern and western India. As the Company's territorial control grew, the structure and institutions of judicial administration repeatedly were reformed, rearranged, and reorganized to meet the needs of the vast numbers of new subjects under their authority.

Nevertheless, petitions to administrative and judicial authorities for the redress of grievances long had been an aspect both of Company rule and in the long-established Presidency towns of Madras, Bombay, and Calcutta and other "factories," or trading posts. Along the western coast, a rare judicial diary from Surat during the late 1790s suggests that Company officials often were unwilling personally to resolve the disputes addressed in most petitions. Daniel Seton, the magistrate stationed at Surat, indicated that he rarely responded to petitions delivered to him directly, but heard them only upon appeal. In 1796, he received a total of 150 petitions but personally heard only 12 cases (Seton 1796). Petitions first were distributed to local notables and caste councils (*panchayats*) for resolution and only then referred back to the "chief," that is, Seton. His first report to the Governor of Bombay, Jonathan Duncan, explained:

Since my arrival, Petitions, thirty eight in number, have been received, some respecting property, some for petty oppressions from the Officers of Government, disputes in the Casts, and the like, none of any great importance, to those respecting property, the Petitioners generally pray for a Punctat [*panchayat*] or arbitration, those for oppression they Pray to be referred to the Nabob, his Brother, the Buxy,¹ and Jaffer Yaub Cawn [?], who after hearing the case reports in writing to the Chief, and if the Parties aggrieved are not satisfied with the decision of the referee the Chief orders the redress he thinks suitable to the Case, for disputes in the Casts they pray to be referred to the Patells [village headmen] and heads of the Cast, who determine the case conformably to the laws of their sects, and report to the Chief, who orders such decisions on the laws to be observed by the Parties. (*ibid.*)

Unlike in Surat, in the Presidency town of Bombay, the establishment of a Mayor's Court there in the 1720s attracted a good many British lawyers and Indian pleaders, known as *vakils*, who preferred to approach the court directly. Petitions to the Mayor's Court evinced a marked uniformity of format, style, and language. They are addressed "To the Honble Mayor's Court of Bombay" and open their plea with the phrase "humbly complaining." In the body of the petition, a male petitioner is referred to as an "orator" and a female petitioner as an "oratrix." The transitive verb "sheweth" is frequently deployed as are such commonly used legal adverbs such as "hereunto," "heretofore," "abovementioned," and "thereunto" (Rookey 1791). Thus the introduction to a typical petition for redress to the Bombay Mayor's Court from 1793 begins:

1. A "buxee" was a high state official usually associated with the army or treasury.

To the Honble The Mayors Court of B'bay[:]

Humbly Complaining Sheweth unto you Honble Court your Orator Nozershaw Rullonjeeshaw Complainant abovenamed that sometime in the year 1786 Bomonjee Dhunjeeshaw the Defendant herein beforenamed being a merchant then Resident at Seurat and engaged in various and extensive Commercial Concerns having Occasion for a Certain Sum of Money the better to enable him to Transact & Carry on the Same, did apply to your Orator for the loan thereof, & as an inducement to your Orator to make the Same he the said Bomonjee Dhunjeeshaw did propose to mortgage to your Orator a Certain Grab [a small boat], then the property of the Said Defendant & your Orator sheweth that the said Defendant being nearly related to your Orator, so your Orator was the more readily induced [to] Comply with his the Defendants request, and did then & there lend & advance to the said Defendant the Sum of Rupees and did accept of the mortgage of the said Grab as a Security for the Same. (Rullonjeeshaw 1793)²

Many petitions often related to the enforcement of awards or judgments decreed by other courts, Company administrators, or independent arbitrators, and, given the intercession of legal professionals, plainly adopt the manner, style, and usage of British legal idioms. One noteworthy petition, for example, was submitted to the Mayor's Court on behalf of a female trader, Dwarkay Bhandry, pleading for the dismissal of an arbitration award. Her petition to the Court was accompanied by a second petition drafted by her attorney asking for a dismissal because "in an action upon promise or assumpsit the plaintiff cannot also declare upon an award of arbitration" (Barja 1790). Thus, it appears that in the long-established Presidency towns where royal courts had been established, the language and procedures of English law were taken up quickly by local pleaders in an effort to conform to the demands and expectations of the courts.

Deference and Supplication

Such very formal legal language, however, becomes less in evidence the further one moves away from the centers of British governance and the royal courts although the intervention of a pleader or other intermediary conversant with some measure of English remains apparent. The conclusion of the Third Anglo-Maratha War in 1818 had brought very significant changes to Western India that not only altered the structures of political and judicial administration, but equally affected the rhetorical forms of petitioning. In 1818, the Company came to occupy more than 50,000 square miles of newly conquered territory in the Deccan Plateau with about 4 million inhabitants. In addition to the already established Mayor's Court in

2. *Hobson-Jobson*, a standard Anglo-Indian dictionary, defines a "grab" as a type of corsair commonly used in warfare or piracy, but it is clear from this petition that the "grab" mentioned here refers to a merchant ship.

Bombay, civil and criminal courts were created by the East India Company elsewhere in the Presidency. Regional “Collectors” were appointed not only to collect taxes and other revenues but also to administer justice. In this latter role, they were ordered to receive complaints and petitions from the inhabitants of their area both in written form and *viva voce* (Circular 1819). Collectors in the *mofussil* also were instructed to mount a box outside of their office, or *kachari*, in which individual petitions were to be deposited. Hearings on these petitions were to be scheduled for two days in each week. In Pune, the principal city of the former Maratha Empire about a hundred miles inland from contemporary Mumbai, judicial assistants, called *amins*, were appointed whose primary responsibility was to “receive every petition which is brought to you, and send it with a peon to the Register for registry” (Choksey 1950: 349). Although many attempts were made to limit the number and frequency of petitions, they nonetheless appear at almost all levels of the Company’s judicial hierarchy.

These petitions from the *mofussil* tend to reveal a more pronounced combination of the languages of British law with the customary rhetoric of submission, subordination, and obedience. Thus, a petition received by the Superintendent of Ajmer (Rajasthan) immediately after the British defeat of the Marathas in the Third Anglo-Maratha War (1817–18) opened with salutation “To the Cherishers of the Poor.” A second petition from the same petitioner began “Health to our Protector” (Wilder 1820). Writing to the Collector of Pune, one petitioner wrote:

Dajee Appajee writes this with due deference and utmost respect to his Worshipful A. Robertson Esq Collector at Poona to wit, By your Worship’s kind regard, I am well and happy here up to the 27th day of the Mahommedan month Robe’ut Akhhur. (Appajee 1825)

Unfortunately, relatively few of these local, individualized, and personalized petitions have survived although many more still may lie undiscovered in local archives. Moreover, the majority of the surviving petitions come from landowners or other local notables. Petitions from poorer appellants are extremely rare at the very least because petitions for appeal had to be submitted on stamped paper and probably required the employment of a pleader (*vakil*) conversant in written English. Finally, in Western India, those that are now accessible often are appeals petitions that have made their way to the highest ranks of the Company’s administration, such as the Governor of the Presidency, and frequently relate to appeals from the decisions of *panchayats*.

Customarily, *panchayats* were caste or village councils, usually comprised of members of the caste or village elite. One very common function of *panchayats* was to resolve disputes either between caste members or between village inhabitants. After the Company conquests, however, significant efforts were made by Company officers to incorporate the *panchayat* into the administration of justice by arrogating to them the authority to hear petty cases (Jaffe 2015). In Western India, such efforts were adopted and encouraged by Mountstuart Elphinstone, who had been the Commissioner of the

Deccan when it first was occupied by the Company and then became the Governor of the Bombay Presidency from 1819 to 1827 (Bayly 2008 [2004]).

Several of the surviving petitions adopt the grandiloquent but submissive language of that of Ponnjeabhae Doshawbhoy in a dispute over the legitimate heir to an estate. In this case, a local *panchayat* initially had awarded the estate to Ponnjeabhae, but that decision was overturned on appeal to the (regional) *zilla* court. The *sadr diwani adalat*, or civil appeals court, restored the original decision, but left Ponnjeabhae to pay costs of nearly Rs. 3,800. Ponnjeabhae subsequently appealed to Mountstuart Elphinstone, hoping to have the costs rescinded. He therefore applied to Elphinstone “with the utmost deference” and “most humbly beg your Majesty in Council will graciously be blessed to take the whole case into your Majesty’s candid consideration and mercifully order the sum of three thousand seven hundred and ninety-six Rupees for the cost and charges putted [*sic*] on your Petitioner may be freed” (Doshawbhoy 1825). Similarly, Moroo Ragoonath Dumdarah, whose father had died of cholera, appealed to the Governor after a *panchayat* decreed that he was liable for certain debts contracted by his father. “I humbly pray to grant me a Compassion,” the petition states, “in consideration of my being a minor and supportless child of Dumdarah’s family to recommend me to the Commissioner in the Deccan to grant me a rehearing where if I prove wrong after examining my papers and evidence—I shall plead no discord to pay any fine that will be inflicted on me” (Dumdarah 1823). In 1821, a petition to the Commissioner of the Deccan concluded with the rather innocuous appeal “that your honor is well acquainted with the circumstances of our house and of ourselves and trust that your honor will be so Gracious as to give what order your honor think proper Concerning us” (Row et al. 1821).

The rhetoric of submission and subordination, however, could be deployed in several ways, especially when it involved members of the traditional elite. Dadjee Appajee, the son of a principal minister from Baroda, a princely state that had been an ally of the British in the Anglo-Maratha Wars, for example, applied the language of subordination in his appeal to the Council in Bombay, but at the same time reminded the British of their obligations to him and his family. “I hope and trust,” Dadjee wrote, “the liberty I have taken in soliciting your Honble Board’s kind intercession will be pardoned. I have been urged to it by a sense of the liberality of your Honble Board to your humble subjects, and by the promise which the Honble the Governor made to my father, during the treaty for the delivery of the Fort, and to me, after my father’s death, that my character should not be prejudiced or calumniated” (Appajee 1825).

Several petitions, however, eschewed the language of supplication almost entirely and attempted to present a direct statement of facts. In a disputed inheritance case between two brothers brought before the Collector of Pune, for example, a *panchayat* was demanded to establish the rightful heir. The *panchayat* decided to divide the estate equally, upon which an appeal was lodged before Elphinstone. The petition cataloged each step of the judicial process concluding with the statement that

Under these circumstances I beg to represent that my adversary Damother was not adopted nor was he acknowledged by the Paishwas Government or by the

(deceased) owner to be the proprietor of the Estate &c. neither has any separation taken place between us yet notwithstanding this, he was declared to be the proprietor of the Estate &c. I now therefore prefer this Petition to you Honble. Sir in order that having examined the matter in your presence you may be pleased to order the half of the Estate to be given to me. (Josee 1826)³

In a similar manner, a law officer of the former Maratha government, or *cazee*, petitioned Governor Elphinstone for the restoration of his hereditary estate (*watan*) after his own agent (*gomashta*) had cleverly appropriated it during the transition from Maratha to British rule. The petition carefully noted the documents that the *cazee* held to prove his ownership of the estate as well as the manner in which the agent's claim had first been accepted. "I hold by wuttun the right of exercising the functions of Cazeey in the above Purgunnah and other places, and in proof of this I can shew royal furmans and sunnuds of Nizam Ool Moolk and other documents in my possession," the petitioner began.

My Gomashta Muhummud Moodutsun by means of his juggling contrivances appropriated himself my Wuttun Cazyship, and relinquished all his respect for me—on the subject I went to Poona and complained before the Paishwa's Government which ordered a punchayet on my case; This Punchayet found the Goomashta to have laid false claim to the Office of Cazy and in consequence of their decision the Goomashta gave them a note of confession "that he had claimed the Cazyship falsely: notwithstanding this the Goomashta, when the Country came under the British, went to Captain Pottinger and there presented his petition—Captain Pottinger sent for me and desired to produce all my sunnuds &c &c and because I had not these documents with me and ready to produce at the time, Capn Pottinger assigned the Cazyship to the Goomashta. I have now come with all my Sunnuds &ca &ca according to the tenor of which, as touching the hereditary Cazyship in question, I entreat your Excellency will issue a decree." (Vullud 1822)

Regardless of the matter at issue, the petitions always bear evidence of the assistance of a legal intermediary and an attempt to adopt the legal language deemed suitable for such a document. These efforts, however, were extremely uneven and reveal not only the difficulties of the adoption of the English language or the translation of petitions into English but also the varied understandings of what constituted the proper legal language of their rulers. Some petitions indicate the work of someone who was experienced with British legal language and procedures as well as acutely aware of the new structures of British judicial administration. The petition of Dadjee Appajee, for example, complained "if I fail to repair to Poonah, the Collector will decide *ex parte* [*sic*] on my case." The petitioner went on to state, "The circumstance has, I assure your Honble Board, embarrassed me exceedingly. Your Secretary's letter of the 23rd November informed me that I should wait until the Collector had decided the dispute

3. The "Paishwas Government" mentioned in the petition refers to the *de facto* head of the Maratha Empire, the Peshwa, or chief minister of the emperor.

with Chowdrey [the defendant], and if his decision was not satisfactory, I was at liberty to appeal to the Commissioner, and from him to your Honble Board, and further, if necessary to His Majesty the King in Council” (Appajee 1825).

A second petition involving a forged note of a security on a bill of exchange reveals a similarly sophisticated grasp of both the language and syntax of English legal writing. In this instance, the petitioner explained why he should not be held liable for monies disbursed on the strength of the forged note:

The Question at issue he, in the mean while [*sic*], referred for arbitration to one Atya Gooroojee, who having consulted with four merchants, came to the following decision—namely That as from a comparison of hand writing the note was an evident forgery, as moreover your Pet^r had warned Keshowraw of its being so, *before* the money was paid, and lastly, as there never had been any one named Gopall Pratunter, in the service of y^r Pet^r; he therefore was not at all bound to refund a sum, which Keshowraw had lost through his own imprudence. (Dhondew 1824)

Other petitions, however, reveal a less secure grasp of English legal language, but also reveal a determined attempt to mimic its abstruse content and style, nonetheless. Thus, one petition concluded,

In this manner the aluded [*sic*] Grounds of your Petitioner were taken by the abovenamed Persons did not Restore yet, for which Purpose your Petitioner made their request to the Collector of Ahmuggur [Ahmednagar] regarding of the above disputs [*sic*] of Grounds who then hath been Pleased and refered [*sic*] the same for the investigation and report of the Panchutt [*panchayat*] but not yet been not taken any Place thereof. Your Petitioner therefore most humbly Pray to your Honor will be Pleased to issue an Order for your Honble Board to the Collector of Poona that he may examin [*sic*] the Disput [*sic*] of your petitioner said ground and do accordingly whatever.” (Mulharjee 1825)

Similarly, the petitioner in another case tried to explain the basis of their appeal as follows:

That in the year Hindoo anno 1874/75 the said respondent has been preferred a Complaint in the Court of Adawlut at Surat against your Majesty’s appellants for an [*sic*] note dated Hindoo anno 1849 for Rupees 3,477.1.50 Principal named of Rupchund Khemchund Deceased, and Interest thereon 3,477.1.50 are the whole claims being Rupees 6,954.3—which Justice has been Faithfully quoted [*sic*] by the Judge in the Court of Adawlut, wherein found on examination that the said respondents allegation not proved by proper Proofs on your Majesty’s appellants, and the said Complaint dismissed with Costs & charges, because questioned to the said respondent by the Judges, that any such proper witnesses he had in this matter to prove on the Contrary, who then sayeth none any sufficient witnesses at all but In Case any one perhaps may be living at Poona because which transactions were made at that place therefore that said Respondent beg leave

to request to the Judge that this disputed matter may refer on the arbitrators for their award, but your gracious Majesty's appellant was not consented to it, therefore the said Court of Adawlut dismissed aforesaid suit. (Bhochund 1824)

Adjectival Justice and Petitions

The vast majority of petitions, however, expressed their protests not in the language of obedience and supplication but instead in the language of procedural, or adjectival, justice. This was particularly true when there were deviations from the standard procedures expected to be followed in the lower *panchayat* courts. Based upon what the Company officials believed to be Indian custom, *panchayats* were composed of five members, two of whom were to be appointed by each litigant. These four members of the *panchayat* (*panchayatdars*) then proceeded to select a fifth member as *sarpanch*, or umpire. The rulings of the *panchayat* were expected to be unanimous, and their procedures included the acceptance of bonds (*razeenamah*) from the litigants as well as the issuance of written awards (*sarounsh*).

Given this rather detailed set of procedural expectations, the failure to meet one or more of them was perhaps the most common basis for the submission of petitions to the regional Collector. In several instances, *panchayats* were unable to come to a unanimous agreement and the *panchayatdars* resorted to issuing two separate awards instead. In the inheritance case of Narayen Damother, for example, Narayen's petition noted,

[T]he Collector required a written instrument from both parties to conform to the decision of the PUNCHAYET an[d] a Surpunch (umpire) was nominated by that Gentleman after which the arbitrators of Sadasew Damother, and the Surpunch being of the same opinion made out an award declaring Sadasew Damother to be the proprietor of the Estate &c and to this award was affixed the signature of the Surpunch; on the other hand in the award which was drawn out by my arbitrators—I was declared to [be] the proprietor of the half Estate &c. (Josee 1826)

The petitioner therefore sought the intervention of the Governor to resolve the case.

In a similar instance regarding the inheritance of a debt, the petitioner complained of the irregularities in his case:

The arbitrators ought to examine the cases of both parties before they come to determine a final decision which the arbitrators of Pandoorang Dumdarah did not and prepared an award exparty [*sic*] wherein they determined that I and Pandoorang was unitedly residing together. This award they given into the Adawlut without obtaining signatures of my arbitrators who however prepared another award by order of the Commissioner determining therein that I and Pandoorang had been divided by separation before the death of my father. (Dumdarah 1823)

In several other instances, there were complaints of undue or inappropriate interference or improper behavior on the part of Company officials. Dadjee

Appajee's petition to the Governor, for example, wrote of being "persecuted" by the Collector of Pune and thus suspected that he could not get an "impartial and unbiased" *panchayat* there. "Captain Robertson," he claimed, "has subjected me to a great many hardships, and will no doubt do all in his power to injure my character both in public and private, which, as it will lead to the entire ruin of my property and family, is tantamount to the destruction of my existence" (Appajee 1825). In another petition submitted on behalf of an 11-year-old heir, an appeal was made on the grounds that the assistant Collector at Pune, Mr. Lumsden, had signed a *panchayat* award submitted by only one of the parties.

"Having got both the parties to select their respective Punks (Arbitrators)," the petition stated, "written obligations were obtained to abide by such decisions as might be equitably passed on due enquiry, by 10 Arbitrators, and the PUNCHAYET was set on foot accordingly; after which, the Arbitrators on the part of my adversary having prepared an *ex parte* [*sic*] award, explained it to Mr. Lumsden, and obtained his signature to it, which award bears no signatures of my Arbitrators." (Dhumdhery 1825)

There was one petition, however, in which adjectival rhetoric was replaced almost entirely by pleas for abstract justice. The case concerned a dispute over the restoration of hereditary estates (*watans*) to the accountants (*kulkarni*) of two villages that had been seized by the British in Ahmednagar. William B. Hockley, the assistant collector, initially restored the estates to them, but subsequently forced the *kulkarni* to resubmit their claim to a *panchayat* in an effort to extort money from them. Hockley's malfeasance in office eventually was revealed. He later was tried and convicted on charges of bribery and extortion and dismissed from the Company's service. Nevertheless, during the affair, the *kulkarni* petitioned Elphinstone for redress. Expressing their reluctance to appeal to Hockley's superior, Henry Pottinger, they wrote:

As we should not obtain justice were we to apply to Captain Pottinger, we have come and presented this petition praying that you will have the goodness to take the evidence of Jameedars and Pandurees, and examine the papers and documents, and then order us to be allowed the possession of our wutun. Ever since the wutun was bestowed, our family have lived at Wageray, whereas the opposite party has not resided there or had any thing to do with the place. Notwithstanding this we have suffered the injustice complained of, and can only obtain redress from you. (Krishnu 1820)⁴

As noted previously, most surviving petitions are those from landowners, former government officials, or other local notables. Petitions from poorer appellants are extremely rare. However, one such appeal does survive in the Company papers at the Maharashtra State Archives from Saobriah Bravund Bramny, an assistant to the

4. A "jameedar" was a village officer who guarded the crops. "Pandurees," however, is much more obscure. It may refer to the residents of a neighboring village.

registrar (*karkun*) of the bullock “contractory” of the Pune Division of the Army (Bramny 1823). Saobriah earned Rs. 15 per month and after six years’ employment wanted to return to his village. However, when he asked for his entire back pay, the master registrar claimed he was only owed half of the amount. Saobriah, who appears to have known enough English to either dictate this account or to write it himself, explained that when he asked his master for an explanation, “he replied, that is my please, I will give what I think proper, your humble petitioner answered, I will lodge a complaint against your honor. He replied your humble petitioner in abrupt manner you may lodge a complaint where you may think proper (ibid.).”

Saobriah lodged a complaint in Pune and was granted a *panchayat* in Seror, near Aurangabad. Before the *panchayat* had met, however, the Collector left Pune and Saobriah’s master took the opportunity to lodge a separate complaint in Solapur. There, another *panchayat* was convened, which Saobriah attended bringing along with him all of his papers and accounts. When he appeared before the *panchayat*, he sought to submit his papers as evidence, but “the Panchayut said, they will not take no trouble about the papers, but they will settle it by word of mouth (ibid.).” Obviously angered, Saobriah’s response revealed the often-hidden world of a justice system, including *panchayat* justice, that was inimical to the interests of the poor. In Saobriah’s words, “your humble petitioner replied [to] the Panchayut as the *Punch* don’t take no notice of a poor man’s cause and papers; I rejected the Panchayut, and said as they don’t take no notice of my papers, I will not undercome [*sic*] their settlements or any arrangement that may be proposed by them (ibid.).”

In his address to Elphinstone, Saobriah reiterated the claim that the *panchayat* dispensed a rich man’s justice while he incorporated his protest into the debasing language of supplication and submission. “Your humble petitioner,” he wrote, “Master being a great and well situated person in all respect, therefore may have regard upon him, and your humble petitioner being a poor and miserable soul, they have paid no attention towards a poor man, and, illy [*sic*] treated in every part of the settlement.” He concluded the petition by stating that he has been “in a distressed state for these last sixteen months, [on] this affair; therefore your humble petitioner humbly kneel and beg of your honor’s favor to bring these few line [*sic*] into your kind consideration (ibid.).”

By the middle of the nineteenth century, individual petitioning of local officials had become such a common aspect of Indian life that at least one government-produced publication sought to illustrate their common form and substance. The *Key to Váchanmálá* (Dándekar 1868) was a reading guide and text prepared for candidates for the Indian Civil Service. It included dozens of actual examples of individual petitions in an apparent attempt to familiarize the candidate with the grammar, syntax, and language of petitioning. One brief example represents many others:

TO THE COLLECTOR OF POONA.

Appeal of Gopálá Bin Krishnájí Jhanke, inhabitant of Bopkhel, Talooka Havelli.
I petition that in the aforesaid village there is some land in my possession, and a

portion of it sowed with seed has been given to Mahipatí Bin Krishnájí Jhanká on an illegal decision given on a petition from him. I give the following particulars concerning it.

1. The land has been in my possession for the last 4 or 5 years to the present day. I tilled and sowed the land and I used to pay the assessment on it. Although the Patil and the Kulkurnee and other persons deposed to this effect, the land was illegally transferred from my possession to Mahipatí without considering the matter.

This information is laid before you. The papers therefore should be called for from the Mamledar and looked into. You will then be satisfied of the illegality of the proceeding. This petition is presented to you and it rests with you to make over my land to me.

(Dated 12th July 1866)

The mark of a plough by the hand of Gopájí Bin Krishnájí. (*Dándekar 1868*: 20)

As this example illustrates, by the middle of the nineteenth century, the form and language of individual petitioning largely had become systematized and bureaucratized. Unlike earlier personal petitions, these later ones show little sign of legal intervention although the intercession of a literate scribe is evident here. The petitions are almost completely shorn of the languages of obedience and deference. Although there are semblances of requests for procedural justice, most petitions are presented in the form of a demand based upon an understanding of the law and government regulations. In a sense, therefore, the customary language of petitioning had all but disappeared and by mid-century and given way to a modern bureaucratic discourse.

Collective Petitioning and Substantive Justice

In the majority of cases of individual petitions presented here, an emphasis was placed on the norms and expectations of procedural, or adjectival, justice, rather than upon claims for substantive justice. However, on the much larger stage of collective or mass petitioning, the opposite often was the case. In those petitions, few if any claims were made for procedural justice. Instead, the dominant language was based not only upon the discourse of justice as substantive law, but also the language of rights and liberty.

In her superb book on the discourses of justice in colonial and imperial India, Mithi Mukherjee has described in detail how competing discourses of justice were inextricably linked to emerging philosophies of empire (Mukherjee 2010). In this context, the applicability of the English common law to those who were not English was of particular importance (*ibid.*: 22–26). Mukherjee has shown how the question of the reach of the common law in India also “took the institutional form in India of a conflict between the East India Company’s government and the Supreme Court”

(*ibid.*: 46). This certainly was the case. However, the evidence from mass petitions suggests that this conflict was not limited to these two British institutions. It reached beyond that to at least the literate Indian public. The question of which law—Company or common law—applied to them eventually drew in very large numbers of Indian petitioners who sought relief from the largely autonomous Company courts and the often inexperienced and prejudiced Company officers who manned them.

As we have noted, the law of the Company courts in the *mofussil* was based upon a series of Regulations passed and implemented by Company officials. After many years of complaints concerning Company corruption, inexperienced judges, and the like, the first Supreme Court was established by Royal Charter in Calcutta in 1774 and similar courts later were established in Madras and Bombay (Jain 2006 [1952]: 102–3)⁵. The specific function of these royal courts, staffed by English barristers, was to monitor and regulate the activities of Company personnel as well as the Company's own system of courts (*ibid.*: 63–103; Mukherjee 2010: 48–55). These new courts technically were courts of both equity and common law, but their decisions were based largely on English law and they introduced many aspects of the common law into India, including trial by jury and the issuance of various writs.

The most significant limitation of the new Supreme Courts, however, was the fact that their jurisdiction was restricted to Company employees as well as all residents of the Presidency towns. Thus the older Company courts continued to operate relatively freely in the *mofussil* without judicial supervision. Thus, by the end of the eighteenth century, there arose in India “two distinct and independent judicial systems,” as the constitutional historian M. P. Jain described it, the ramifications of which would be felt for the next several decades (Jain 2006 [1952]: 73).

It was this peculiar circumstance that led 4,000 “native” inhabitants of Bombay to petition Parliament in January 1831 (*Minutes* 1831: 534–37). Not only was the number of signatories quite remarkable, the total population of Bombay was only an estimated 229,000 in 1830, but the wide range of communities represented included Hindus, Muslims, Christians, Parsis, and Jews (Chandavarkar 1994: 30). Of course, this was neither the first nor last mass petition to be delivered to London from India. Both Indian and British merchants had been petitioning both Parliament and the East India Company since at least the early eighteenth century. In fact, the 1831 petition drew heavily upon a previous one, much shorter in length and drafted two years earlier, but signed by only 95 Bombay inhabitants (*Minutes* 1831: 533–34).

Yet the petitions are notable for several reasons. First, they were addressed to the House of Commons and not to the King personally or the King-in-Council. Instead, the petitioners recognized the King-in-Parliament as the ultimate sovereign of India, but more directly acknowledged Parliament as the institution that had long sought to regulate and reform the East India Company (Mukherjee 2010: 48–49). Therefore, as the petitioners argued, the Commons was the most suitable recipient of appeals for

5. The Supreme Courts in Madras and Bombay were established in 1801 and 1824, respectively. However, Recorder's Courts had been established in both places in the late 1790s, the Presidents of which were English-trained barristers.

the redress of grievances lodged against it and thus altered the nature of the petition that customarily had been based on the personal ties between sovereign and subject (*Minutes* 1831).

However, it was the jurisdiction of the new Supreme Courts and, by extension, the application of English common law to India that commanded the attention of the petitioners. In this regard, the petitioners adopted the Lockean language of rights and liberty. “The experience of more than half a century at Calcutta,” they wrote, “and of more than a quarter of a century at Madras and Bombay, has proved that life, property, character, and personal liberty, can be protected by His Majesty’s Courts of Justice.” In particular, the petitioners desired that the writ of *habeas corpus* be extended throughout India, explaining, “Your Honourable House well understand the extensive range of human happiness that is protected by that writ.”

As Mukherjee has suggested, throughout the early nineteenth century, the law remained a significant site of contestation and claims to substantive justice and rights continued to mark many of the collective petitions of the early nineteenth century. For example, in 1853, a petition signed by 2,500 Bombay residents called for “an act of justice” to be done on the part of two judges recently recalled by the Company (*Opinions* 1853). The petitioners asserted their “liberty to protest” against what they considered to be an unjust and unfair dismissal of the judges and claimed, “their restoration would be hailed by all parties as an act of justice.” The petition concluded: “We humbly beg that you will see justice done to these two men.” The community of Bombay Parsis petitioned the Legislative Council of India to have their denominational laws and customs relating to marriage, divorce, and the descent of property “recognized as rights” (*Humble Petition* 1855). Finally, the community of so-called half-castes, the descendants of European fathers and Indian mothers, petitioned Parliament for “perfect equality of privileges and justice” to other British subjects (*Memorial* 1852–53).

Conclusion

It certainly would be unwise to generalize too broadly from what is admittedly a selection of petitions from Indians to their British colonizers. Of course, the particular rhetorical strategy employed in any petition depended in large part upon the audience being addressed. Moreover, although the historian can trace the development and application of several dominant discursive practices, it remains true nonetheless that most petitions interwove the various rhetorical tropes discussed here. Thus, while the personal language of submission and deference was common among the petitions of individuals in their effort to elicit the obligations entailed upon their personal ruler, as the authority of royal and Company courts became more entrenched, these same individual petitioners sought to adopt both the format and discourse of adjectival law and justice. That is, petitioners began to focus more decidedly upon the procedural aspects of their claims to the redress of their grievances, including assertions regarding the improper interference of officials, failure to submit proper legal

documents, and similar irregularities. Thus, while these claims remained embedded in a supplicatory rhetoric, they also attempted to mimic or adopt English legal language to meet the expectations of their new rulers.

Mass petitions, however, more often were expressed in the language of substantive law, that is, they were claims for relief based upon those statutory or common laws that define rights, obligations, crimes, punishments, and the like. Certainly, by mid-century, mass petitions revealed a more pronounced understanding of the complicated political structures that ruled over them both in India and in England. They also reveal a much more extensive familiarity with English legal culture, norms, and language. And yet, like the petitions from individuals, the discourse of mass petitions never wholly dispensed with a supplicatory and submissive rhetoric. Thus, most petitions remained “humble” and most petitioners “begged” for relief.

During the first half of the nineteenth century, therefore, the language of petitioning exhibited a variety of rhetorical tropes and discursive practices, none of which were entirely discrete. In part, this was due to the fact that the colonized were attempting to “learn the rules of the game” when dealing with their new masters. However, it also was due to the fact that older forms and practices were constantly being altered and adapted to meet the changing position of India within the empire.

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