

Execution of Maharaja Nandakumar: Punishment for Deeds or Planned Judicial Murder?

Partha Banerjee

Assistant Professor, Department of History, Asannagar Madan Mohan Tarkalankar College, Asannagar,
Nadia, W.B. India

Abstract:

The Maharaja Nandakumar Trial, which took place in 1775 in British-ruled India, is still a contentious and deeply troubling chapter in the history of the Indian legal system. This research article aims to supply an in-depth analysis of the trial, its historical context, and the circumstances surrounding it. Using primary and secondary sources, we explore the factors that contributed to what many believe was a judicial murder orchestrated by the British East India Company. Through a comprehensive review of the available evidence, we shed light on the injustices faced by Maharaja Nandakumar and the broader implications of this trial on India's struggle for justice and autonomy.

Keywords: Maharaja Nandakumar, Warren Hastings, Elijah Impey, Execution, Calcutta Council, Governor General of Bengal, Bribe, Dewan, Henry Beveridge, Reza Khan, Sitab Roy, Sir Philip Francis, Nawab Murshid Quli Khan, Robert Clive, British East India Company, Nawab Siraj-ud-Daulah, Mir Zafar Khan, Battle of Plassey, Court of Directors, Bolaqi Das, Khoja Petrus, Raja Nabakrishna Deb, British House of Commons

Introduction:

The execution of Maharaja Nandakumar in India during the first period of the rule of the East India Company is a particularly significant event. Contemporaneously and later, Nandakumar's execution on charges of fraud by the first chief justice of the newly established Supreme Court, Sir Elijah Impey, has been variously criticized. Before going deeper into this topic, a few important points need to be discussed first. On 1st March 1775, Nandakumar wrote a complaint to the members of Calcutta Council against the then Governor General of Bengal, Warren Hastings, and alleged him for bribery. When Nawab Mir Zafar's son Najim-ud-Daulah's minor son Mubarak-ud-Daulah, became Nawab, both his mother Bahu-Begum and Mani-Begum applied to Hastings to become his guardian. In the meantime, Mani-Begum bribed Hastings with two and a half lakhs rupees with the mediatorship of Nandakumar and got the guardianship. Apart from this, Nandakumar bought the post of Dewan for his son Gurudas from Hastings for a bribe of Rs 1 lakh. As soon as this accusation was made against him, Hastings became terribly angry and left the Calcutta Council meeting place with one of the council members, Sir Richard Burwell, adjourning the council session.

Those who supported Warren Hastings conduct argued that by this Hastings only contradicted Calcutta Council's method of investigation. Others argued he should have faced an investigation. Historians James Stephen, Forrest, Trotter termed Nandakumar's allegation as false, while Eliot and Beveridge both agreed with Nandakumar's allegation. Calcutta Council members, Sir Philip Francis also accused Hastings of wrongfully deposing Reza Khan and appointing a few people to high government posts in exchange for money. After that Hastings was asked to appear before a council meeting to defend him, but Hastings initially refused to answer and questioned whether the council had the right to judge him. Ultimately council members began investigating all allegations which was made against Hastings in his absence. In such a situation, Hastings started preparing for a counterattack to save himself.

Maharaja Nandakumar Early Life: -

It is pertinent to note the fact that Nandakumar himself was not the epitome of integrity as he brought the allegations of bribery. A detailed history of his rise and fall shows that he was born around 1705 AD, his father Padmanabha Roy was a tax collector (Amin) appointed under Nawab Murshid Quli Khan. Collaborating with his father, Nandakumar gotten exceptional skills in revenue work, Arabic and Persian languages, and had a considerable background. Later Nawab Alivardi Khan appointed Nandakumar as 'Amin' of Hijli and Mahishadal parganas. But he was deposed because an amount of eighty thousand rupees revenue he did not deposit in the treasury on time. After that, he tried hard to get the charge of 'Amin' of 27 Tika Parganas, but this did not meet his needs, so he gets a job of 'Dewan' of Omar Ullah, Faujdar of Hooghly. However, before this he also worked as 'Dewan' of Yarbeg Khan for some time. Since then, his popularity spread in the East India Company circles. The British also get connected Nandakumar for commercial reasons, and with his help the English captured French colony Chandannagar, which enraged the Nawab and he dismissed Nandakumar from his job. From this time Nandakumar became close to Robert Clive and after the Battle of Plassey Nandakumar was appointed Robert Clive's 'Dewan' as a reward for helping the British East India Company against Nawab Siraj-ud-Daulah.

In 1758, Nandakumar was charged with misappropriation of funds when the company entrusted him with collecting the revenue of Nadia and Burdwan. From then on, he fell under the evil eyes of Governor General Warren Hastings. In the meantime, when Nandakumar's relationship with Mir Zafar Khan deteriorated over some issues with Rai-Durlavh, Nandakumar quit his job. The later Nawab Mir Qasim Khan did not like Nandakumar and therefore did not give him any post. So, realizing the tough situation, Nandakumar established communication with Mughal Emperor Shah Alam through Mir Zafar. Shah Alam 1764 AD was conferred Nandakumar with the title of Raja, from then on, his name was Maharaja Nandakumar.

British did not satisfy with Maharaja Nandakumar's gradually empowerment, so after Mir Zafar's death, when Nazim-ud-Daulah requested Robert Clive to appoint Maharaja Nandakumar as Diwan, Clive did not agree to it, instead, after gaining Diwani, Clive appointed Reza Khan, Sitab Roy as 'Dewan' of Bengal. After this, at the time of famine in Bengal of 1770AD Maharaja Nandakumar took the opportunity to tell the story of Reza Khan's atrocities to the company's directors in Delhi, after which the company's foreign directors ordered Warren Hastings to investigate the matter. Maharaja Nandakumar, eager to get the post of 'Dewan' and gleefully collected evidence against Reza Khan and Sitab Roy,

which resulted in their demotion and then Warren Hastings dropped the post of 'Dewan'. As a result, Maharaja Nandakumar's hope of becoming the 'Dewan' of Bengal was dusty. In the meantime, Warren Hastings became the Governor-General of Bengal by the Regulating Act of 1773 AD and a four-member council consisting of Sir Richard Burwell, Sir John Clavering, Colonel George Monson, and Sir Philip Francis was appointed to assist him. Maharaja Nandakumar kept highlighting the injustice of Warren Hastings to them. In addition, the Supreme Court was set up in Calcutta and Sir Elijah Impey was appointed as its Chief Justice. Lawrence Sullivan, head of London's Court of Directors, wrote to Hastings "The Chief Justice Mr. Impey is your old acquaintance, and school fellow and my intimate friend. A better man does not live and for us it is a happy choice."

The Trial and Its Controversies: -

When Maharaja Nandakumar accused Warren Hastings of corruption, Hastings and Raja Nabakrishna Dev, Kanta Poddar and Ganga Gobinda Singh formed an anti-Nandakumar group. Because if the charges against Warren Hastings were investigated, many of his corruptions would have been exposed. At the beginning of the discussion the main charges alleged against him were mentioned, but there were many other charges besides these. However, a cold war had begun with Warren Hastings and the members of the council after the allegations, finally seeing the situation getting out of control, Warren Hastings and his entourage brought charges of fraud against Maharaja Nandakumar, on 5 May 1775 AD at Supreme Court. Maharaja Nandakumar was arrested and imprisoned. Maharaja Nandakumar's crime is that he embezzled money by forging the documents of a noble named Bolaqi Das. Bolaqi Das was a famous jeweller at that time, dealing with the English company. Justice S.C Laumeister and John Hyde signed Nandakumar's arrest warrant, which was sent to the sheriff of Calcutta, and as the fraud accusers against Nandakumar was Mohan Prasad and Kamaluddin Khan, not Governor General Warren Hastings himself. Mohan Prasad was the nephew of Bolaqi Das.

However, let us look at the document written in Persian based on which Mohan Prasad and Kamaluddin gang want to defame Maharaja Nandakumar. The translation of the document reads as – "I am Bolaqi Das. In the month of Asar 1165 of Bangali calendar (English 1758 AD), Maharaja Nandakumar Bahadur deposited, a pearl necklace, a 'kalka', a 'shirpanch' and two rubies, two diamond rings, for sale through Raghunath Roy at my house, Murshidabad. After the defeat of Nawab Mir Muhammad Qasim Khan, all the wealth of my house including that ornament was looted. When Maharaja Nandakumar came to Calcutta in 1172 of Bengali calendar (English 1765 AD), he asked me to return the ornaments. I could not return the ornaments to him. Because I couldn't afford to give back those things for my vulnerable financial condition. For this reason, I promise him in writing that after settling the accounts with the East India Company, I will settle the amount of forty-eight thousand twenty-one rupees as the exchange value of those ornaments, which has been duly paid, after receiving the sum of two lakh rupees which I have received from the company's treasury at Dhaka. If this amount is being paid, I will pay interest at four annas per rupee. For this purpose, I have written and signed this document. If necessary, the money can be recovered by showing this denial letter and filing a case. 7th Bengali month of Bhadra 1172 (August 20, 1765, AD) Witness - Bolaqi Das, Shilabat, Advocate for Bolaqi Das, Mr. Kamal Muhammad."

The Mohan Prasad and Kamaladdin gang alleged that the signature and seal of Bolaqi Das and Kamal Mohammad used in the document was fake. At first, they filed a complaint in the mayor's court, but they

could not prove Maharaja Nandakumar guilty, after which they filed a new case in the newly established Supreme Court on the initiative of Warren Hastings. It is necessary to remember that 1769 AD. Bolaqi Das died and Nandakumar received his dues and gave a receipt. It is good to say that the two main accusers Mohan Prasad and Kamaluddin Muhammad were not at all fair and honest as individuals. Professor Narendra Krishna Singh in his book "Economic History of Bengal" commented about Mohan Prasad "In the case of George Sparks vs the executors of Bolaqi Das, evidence was given that Mohan Prasad was in the habit of buying debt. Elijah Impey remarked in another case about this champerty business or buying of debts that it was "the most Jewish, the most rapacious practice". Again, Sir John Clavering described Kamaluddin Khan as a man of 'infamous character' as 'the son of a 'chobdar' or some such mean man'. He embezzled a lot of money of the British East India Company.

However, the case based on the testimony of two such men was initiated by Warren Hastings, at that time Warren Hastings resigned from the post of Governor-General on 27 March 1775AD, mainly to avoid investigation, but when Maharaja Nandakumar was accused of fraud, Warren Hastings wished to resume the post of Governor-General on 18th May 1775 AD. Having doubts about the integrity of Mohan Prasad and Kamaluddin, Justice Sir Elijah Impey, friend of Warren Hastings accepted their testimony and certified them as good men according to the statement of Khoja Petrus, although in returned Maharaja Nandakumar's lawyer Ferrer said that there was enmity between Maharaja Nandakumar and Khoja Petrus. Raja Nabakrishna Deb appeared before court as a handwriting expert and firstly he said that the document was fake because the signature of the person named Shilabat was not that of Shilabat, and later retracted his statement and said that he had some doubt that the signature is it a signature of Shilabat or someone else. But he identified another three papers contained signature of Shilabat accurately. Impey drew the attention of the juries to such a strange witness, saying that it is clear Nabakrishna Deb is intimately familiar with the handwriting of Shilabat. Nabakrishna's testimony decided Maharaja Nandakumar's fate, although Maharaja Nandakumar's lawyer spoke on that matter and the court did not accept it.

Meanwhile, the government counsel tried to prove that since Bolaqi Das had not signed the document, there was no question of giving the money to Nandakumar because the so-called document was fake and the signature on it was also fake. On the other hand, wants to prove that the matter is completely true because there were few eyewitnesses who saw the document being made. During the trial, we can see during the cross-examination of the government's witnesses by Maharaja Nandakumar's lawyer Ferrer, witnesses were giving conflicting and contradictory testimony. Seeing all this, when Durham's, government lawyer was in trouble, the judges came to their rescue and began to cross-examine the witnesses. However, in this case, Maharaja Nandakumar's witnesses were not cross-examined in the same way as the government's witnesses were harshly examined by the judges. There were various difficulties in the field of justice because few judges were ignorant of the native customs and languages which created problems in the judicial process. Moreover, the documents presented in court were written either in Persian and Hindi, which often had to be translated by the judges, and interpreters were needed for witnesses.

Execution: -

In such a complex situation, what kind of information was in the evidence? What did the translators and interpreters of the documents want to mean? How much did the judges understand their statement? Why did the judges begin to cross-examine witnesses instead of the government advocate when the government advocate gave up? All this drama is enough to confuse a healthy person. But the judges were not confused because they were aware of their intentions and goals from the very beginning and so they ordered the execution of Nandakumar on 16th June 1775 AD. Maharaja Nandakumar's lawyer tried to stay the verdict on the grounds of accused age but failed. With philosophical dispassion, Maharaja Nandakumar accepted the order and said - 'It is God's will that this has happened to me'. Maharaja Nandakumar was hanged on 5th August 1775 AD and a scandalous chapter in the farce name of justice ended, but some questions remained unanswered. The most important question is what happened to the evidence of crime gathered against Warren Hastings for which Maharaja Nandakumar was hanged? Historian Narendra Krishna Sinha gave this answer. "The credit of Maharaja Nandakumar's evidence against governor was not only invalidated, it was destroyed entirely by taking the witness not only out of the way but out of the world."

Conclusion: -

It is doubtful whether Maharaja Nandakumar would have been such a prominent figure in history if he had died a natural death, but his controversial hanging has given him a place in history. Because of this judicial trial of Maharaja Nandakumar, Hastings was strongly censured in the British House of Commons in 1788 AD, and even Elijah Impey was accused, impeached and criticized. Clavering wrote "Impey browbeat the witnesses and threatened and heaped particularly on Fowke the vilest and most outrageous reproaches" According to Narendra Krishna Sinha "James Fowke was the last link in the chain events that began with the accusation made by Nandakumar against the Governor-General Hastings in March 1775." McPherson from Madras wrote after Nandakumar's death "Clavering, Monson and Francis could not protect their informants and they would not be able to make any further discoveries.

The execution of Nandakumar was a capital stroke not only for Warren Hastings but for the whole 'Indian interest', 'native' and British." However, most of the historians was called Nandakumar's execution a cold-blooded murder. Henry Beveridge, who had long been associated with the civil service in Bengal, also accused Mr. Elijah Impey of his partiality in this trial. Justice Pramatha Nath Mitra wrote that a glance at the verdict of this trial shows that the name of justice has been played with. A house fly cannot be hanged today based on the facts on which Nandakumar was hanged. That is, Nandakumar's hanging was a legal murder or 'Judicial Murder'. Veteran Lawyer Prithish Bagchi shed a new light on this topic in his book 'Colonial Laws and the Road to Freedom'. According to him, Nandakumar was neither a martyr nor a privileged person, but the British predicament of enforcing Anglo-Saxon law in India was well captured through this case. Because then according to the law of King George III of England, the punishment for forgery was capital punishment. Colonial law naturally dealt with cases against Indian institutions or persons they disliked. Therefore, imprisoning or hanging Indians at the height of the law was 'lawful' to them. Among such cases, Bagchi specifically mentions Nandakumar's case and says, "What is the correct view is ultimately a matter of conscience" This conscience is satirically embodied in Rabindranath Tagore's poem 'Dui Bigha Zamin' --- 'Tumi Maharaj Sadhu Hale Aaj, Ami Aaj Chor Bote.'

(‘He acts the saint now, but I have to play the role of the thief!’ - Translated by Prof Fakrul Alam, Department of English, Dhaka University)

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