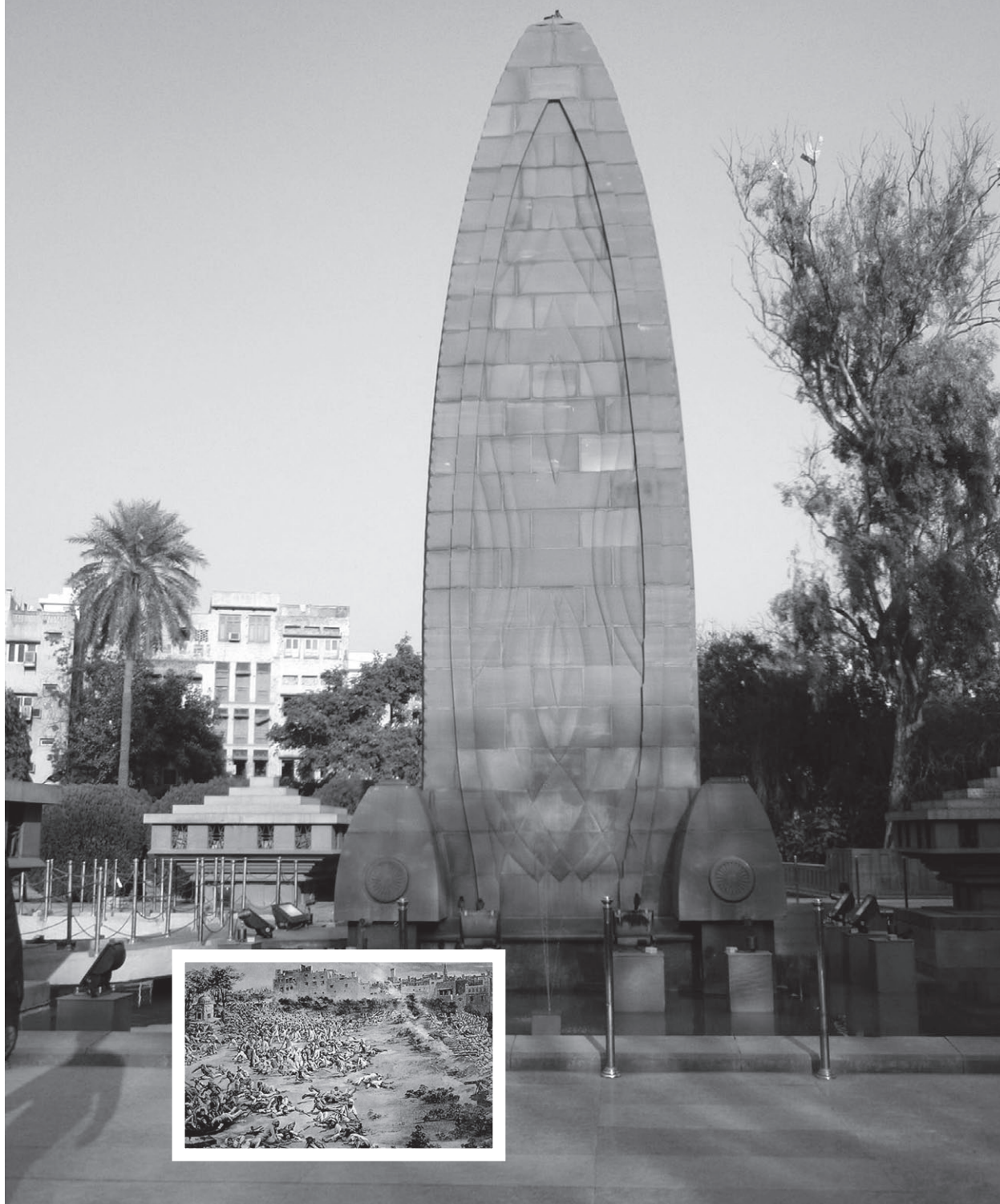


# Crime as punishment

In her book *State Violence and Punishment in India* Taylor Sherman explores the different coercive techniques that the Indian state used against the population, both in the late colonial era and in early independence, specifically from 1919 to 1956.

Annette van der Hoek



Next to formal imprisonment, a whole body of penal measures arose, many of which involved physical violence – though, as with imprisonment, the use of physical violence varied according to the recipient's class, caste and colour.

## Eight unrests

The well-known and infamous massacre at Jallianwala Bagh in 1919 is among the eight unrests and violent confrontations between state and population that Sherman treats. Gandhi returned from South Africa in 1915 and started touring India and talking about non-violent non-cooperation. The 1915 Defence of India Act provided the government with extra powers during the First World War to detain 'revolutionaries' without trial. After the war this act was extended into the Rowlatt Act that met with great opposition from Gandhi and other political leaders.

As, in these trying times, a large body of people gathered in an enclosed compound near the golden temple in Amritsar, General Dyer decided that this was a 'conspiracy against the government'. He ordered some fifty soldiers to fire at the crowd, without warning. The shooting continued for more than ten minutes and it is said that the firing was so precise and deliberate that almost as many people were killed as bullets were used: men, women and children. Understandably, it is precisely this atrocity that has become synonymous with British Rule in India to many minds. Was it indeed so emblematic, Sherman asks?

Sherman argues that though imprisonment and (collective) fines were possible means of punishment, the judiciary often decided against those and choose corporal punishments instead – the idea being that prison corrupts a man and fines are a burden on his family, so a public flogging might be in his best interest.

Though the central administration was divided over these measures, exemplary public punishments weren't rare. One might say that the old English public school tradition in which boys would be collectively punished for offences committed by one of them was transposed and expanded onto the larger canvas of Indian unrest. Indeed, measures such as firing into crowds to disperse them and public humiliations such as making Indian barristers work as coolies or force people to cross certain streets on all fours were applied before the Jallianwala Bagh massacre in 1919.

General Dyer's single-handed decision to fire at a crowd, as an exemplary arbitrary punishment without resorting to ordinary legal measures and without warning, was not all that extraordinary, Sherman concludes. What sets Dyer apart is the scale of his action, the number of deaths it caused and the fact that – precisely because of that scale and those numbers – he was subject to both official and unofficial criticism and condemnation.

## Conclusion

After also considering the non-cooperation movement (1920-1925), the civil disobedience movement (1930-1934), stances on communal violence (1929-1938), hunger strikes (1929-1939), the Second World War and India's coercive movement (1939-1946), India's partition and transition (1947-1948), police action in Hyderabad and the making of the postcolonial state (1947-1956), Sherman does indeed come to the conclusion that it is time we depart from the notion (should we have had such a notion) that 'some colonial penal tactics violated a legal order that was otherwise just'. Rather – Sherman quotes African theorist Achille Mbembe here – 'the colony is [...] a place where an experience of violence [...] is lived, where violence is built into structures and institutions'.

Sherman furthermore suggests that her study points towards new directions of research. Shouldn't this reassessment of India's coercive network open up renewed research into punishment and state violence across the colonial and postcolonial world at large? Speaking of which, isn't India's postcolonial coercive network heavily influenced by the example of the colonial era? And when policemen take sides in communal riots, or commit encounter-killings (extra-judicial killings where police shoot alleged gangsters and terrorists), isn't that strongly reminiscent of the autonomous, local level officers of the colonial era who resorted to violence while knowing full well that they had the implicit liberty to do so?

Though Sherman's suggestions may seem very broad and general, I do see immediate possibilities and practical applications for the latter suggestion. Because indeed, a country that – in spite of its colonial past – is becoming increasingly prosperous in many ways would also do well to ensure that its governing systems leave no citizens feeling that their own country is a place 'where violence is built into structures and institutions'.

Annette van der Hoek  
Samvaad & Rotterdam Business School,  
The Netherlands  
annette@samvaad.nl

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ACCORDING TO THE PREFACE of the book, most studies on punishment have focused on the practice of imprisonment whereas in fact large-scale unrest was tackled through a whole range of practices, imprisonment not being the most important amongst them. Sherman seeks to correct this one-sided view by researching the extent of coercive practices implemented in various situations. In eight chapters she describes eight well-known riots and disorders in Indian society and the cocktail of countermeasures implemented by the state: from firing on crowds, bombing them from the air, and demanding collective fines to corporal punishment and dismissal from work or study. Furthermore, Sherman investigates the ways in which these coercive practices reflected on the state itself. Instead of supposing that the state was a rather fixed entity that could use police, military and bureaucracy at will, Sherman's study attempts to show the 'return-effects' of the coercive practices on the state. Revolutionaries and nationalist activists used the law and its enforcement for negotiation and confrontation: everyday state in twentieth century India was a fluid and vulnerable affair.

The changes that the state underwent during this period (1919-1956) are grouped into several themes by Sherman.

The first theme is that of *diversity of penal tactics*. Next to formal imprisonment, a whole body of penal measures arose, many of which involved physical violence – though, as with imprisonment, the use of physical violence varied according to the recipient's class, caste and colour. And for those who were able to come out of the judiciary system unscathed and had somehow escaped conviction, detention without trial or banishment could still be inflicted as punishment.

A second theme Sherman distinguishes is that of the *use of violence*. Although officially the government subscribed to a minimum use of violence – whipping or firing on crowds being allowed only in certain circumstances – daily practice tended to become more and more violent when British rule started to have to give way to the rising popularity of the nationalist movement. Non-violent protesters were met with batons (or worse) rather than being taken to court; police-transgressions of the official stance on violence were tacitly permitted.

The third theme Sherman sees is that the varying forms of punishment and violence provide an *insight into the nature of the Indian state*. A unique system of ruling in which much of the power rested at local levels – with local government servants often autonomously deciding whether to implement central government rules or not – makes for interesting reading in local newspapers, vernacular literature and in banned and private papers of the time, which is exactly where Sherman has obtained a wealth of information for this present study.

Above:  
The memorial in Amritsar for the Jallianwala massacre.  
Photo by Rachel Hendrick.

Painting (inset):  
Scene of the Jallianwala massacre in 1919 in Amritsar, India.  
Artist unknown.