DESERTING GURKHAS: SOVEREIGN CLAIMS, EXTRADITION, AND MIGRATION BETWEEN INDIA AND NEPAL (1885–1925)

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Abstract

This article narrates a history of the diplomatic negotiations over the extradition of deserting Gurkha soldiers between Nepal and the British India. It reads the Nepali government's refusal to enter into an agreement for handing over Gurkha deserters to British India as a mechanism of retaining the subjecthood of a valuable labor force to the Nepali state. Locating desertion in the wider history of Nepali labor migration, this article challenges racialized conceptions of Gurkha "loyalty" and "bravery," and charts the multiple avenues of employment pursued by Nepali subjects in India. Exploring how discursive claims over Gurkhas formed an integral part of Nepal's negotiation over power with the British, this article contributes to the literature on Gurkhas as currency for Nepali sovereignty.

Keywords: Desertion, Gurkha, labor migration, extradition, Darjeeling, sovereignty

Introduction

The concerted efforts between Britain and Nepal for recruitment of Gurkha soldiers to the British Imperial Army created a host of political and economic negotiations between the two states. At the same time, the question of a soldier's loyalty created another set of concerns for both states. The discursive formulation of Gurkhas as essentially "loyal" was embedded in British anxiety over their own control over native subject populations recruited for the imperial British army (Streets-Salter 2004). The British marshalled racial ideas of Gurkhas as an essentially "brave and loyal" "fighting stock" throughout the late 19th century to lend scientific tenor to their selective recruitment strategies outside the communities involved in the revolt of

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1857 (Streets-Salter 2004: 8). In the period of paramountcy, recruiting from different social groups and from across regions made it possible for the British to apply different legal, cultural, and political logics to the variegated space of South Asia and maintain control over vast geographies and resources. The control of the mobility of military labor through colonial legal measures governing recruitment was a part of this larger attempt to render the South Asian labor market conducive to British interests.

In this larger story of the expansion of British control over military labor, colonial policies around deserters offers much to our understanding of early 20th century labor migration in South Asia that has not been fully considered in the historiography. Military historian Koushik Roy has explored how strategic concessions to soldiers and differential policy for regional and ethnic communities such as Punjabi Sikhs was key in allowing the British access to men from these communities for military recruitment (Roy 2013). Roy has also compared the policies around criminal prosecution for metropolitan and colonial soldiers to demonstrate how differential policies around desertion in the colonial army shaped retention of both white and brown soldiers (Roy 2006). Radhika Singha in her recent work on the history of coolie labor in the Great War, develops a more comprehensive history of labor migration across different categories of workers for the Great War and shows how management of desertion was tied to control of available laboring bodies (Singha 2019). However, policies on extradition of deserting Gurkhas have not been fully explored to understand their implications on labor migration and Indo-Nepal diplomatic contentions.

By the 1880s, the British had developed policies around extradition that gave them greater control over deserters across South Asia. Policies around extradition of deserters were framed to allow the British government access to native soldiers from protected states under British paramountcy while restricting the strength of military forces of these states. In 1855, the East India Company signed a treaty on the mutual surrender of criminals with Nepal, which continued to define extradition between Nepal and British India. The British efforts to forge an agreement outside of this treaty over deserting Gurkhas with Nepal did not materialize. Nepali rulers throughout the late 19th and early 20th century resorted to the 1855 extradition treaty language to argue against extradition in such cases by claiming that they were not required to extradite their own subjects. Between 1901 and 1920 Rana Prime Minister Chandra Shamsher made strategic decisions to concede

to British demands for extradition from Nepal at critical junctures as a favor to the British. The story of Nepal's retention of its treaty prerogative in the case of deserters is a tale of its attempt to retain a strong jurisdictional control over valuable labor. Further, the Nepali state negotiated to keep the value of Gurkha soldiers high, and its own distinction as the supplier of "authentic" Gurkha soldiers, by disallowing the employment of Gurkhas in alternative labor markets through strategic legal and cultural claims.

Exploring how extradition of deserters and concerns about recruitment formed an important element of Nepal's negotiation over power with the British, this article contributes to the literature on Gurkhas as currency for Nepali sovereignty (Des Chene 1991; Onta 1996). In this article, I argue that Nepal's distinction emerged from its ability to diplomatically negotiate the question of extradition of deserters while colonial policies extended into Princely States denied them of the same power. I further locate the policies around Gurkha deserters in the larger history of migration in South Asia, to argue that the Nepali state's legal and discursive claims over Gurkhas were tied to its efforts to control migration flows. Therefore, reading diplomatic correspondences closely to understand the activities of mobile Nepali subjects that created diplomatic concerns, this article is an attempt to use sources of diplomatic history to reconstruct histories of mobility in South Asia. By locating desertion in the social context of migration, that different states responded to, this article brings migration history into conversation with legal-diplomatic history.

The history of diplomatic negotiations between the British colonial government and Nepal over the recruitment and rehabilitation of Gurkha soldiers is a widely studied terrain. Diplomatic histories centered on state-level correspondence, particularly in the 1960s and 1970s explored in detail how negotiations over recruitment shaped much of the tenor of Anglo-Nepal relations in the Rana period. Historians like Hussain (1970) and Tyagi (1974) detailed the intricacies of state level negotiations between the Ranas and the British over Gurkhas. Between the mid-1980s and mid-1990s, a range of histories of Gurkha recruitment and mobilization emerged again. Uprety (1984) and Banskota (1994) dealt exclusively with political and diplomatic questions on Gurkha recruitment while Onta (1996) and Des Chene (1991) foregrounded important ways in how the deployment of Gurkha military labor and cultural claims around them became embedded in Nepal's national identity and its claims to being an independent sovereign country. More

recently, scholars have begun to explore the gender and caste relations that structured the lives of Nepali subjects as translational migrants (Warner 2014; Imy 2019; Pandey 2021; Sharma 2023). This article attempts to reanimate older histories of diplomatic negotiations around Gurkhas through dialogues with discursive histories of state power and management of social difference, and histories of migration.

While diplomatic history has been critiqued extensively for its focus on state-centered analysis and its fixation on inter-state contentions over political-economic questions as defining sovereignty, approaches in new diplomatic history (NDH) have sought to reimagine the field. NDH builds on political and international history after the cultural turn to explore more fully the discursive and literary qualities of diplomatic negotiations and treaties (Oliveira, Rice and Finney 2018). Further, NDH locates diplomatic players in a range of social and cultural networks and sees diplomatic negotiations as expressions of the cultural logics of governance (Finney 2018). I draw on the approaches of NDH in reading diplomatic exchanges between Nepal and the British colonial state to understand their discourses of governance. Similarly, I further arguments put forth by cultural historians and anthropologists that racialized notions of Gurkhas were deployed to make claims over the labor of Nepali subjects and to claim Nepali sovereignty. I will begin this article by demonstrating that while colonial policies replaced diplomatic treaties in managing extradition of deserters between native protected states, princely states and the British colonial territories, these non-reciprocal colonial policies did not apply to Nepal. In the second section, I will show how Chandra Shamsher retained the prerogatives of the extradition treaty of 1855 in refusing general agreement for handing over deserters. In the third section, I will explore "special cases" of extradition of deserters. Finally, in the last section, I will explore how Nepali subjects often slipped away from the Nepali state's discursive and legal claims over them. Through the history of the Nepali state's claims of sovereignty and jurisdiction over its subjects and the lives of subjects beyond the claims of the state, this article will show that Nepal's sovereignty, or any state's sovereignty, rather than a fixed essence is a matter of constant practice and negotiation.

British Applications of Paramountcy and Colonial Laws in Managing Desertion in South Asia and Nepal's Distinction

The fact that deserters from the British army had historically been employed by native states was a constant point of anxiety among British administrators and the colonial government developed policies to counter these concerns. Charles Tupper dealt with the question of extradition of deserters from native states in a chapter titled "The Subordinate Cooperation of Native States with the Paramount Power," in his four-volume administrative guidebook—*Indian Political Practice.* The guidebook, written to help administrators in the Indian Foreign and Political Department make decisions about administration in native protected states and princely states elaborates the policies around recruitment of army personnel, the location and management of cantonments within native states and desertion (Tupper 1895 Vol 1: 144–210). Tupper explains that "the case for the treatment of deserters … shows through a long course of years, the very gradual growth of a settled policy" (Tupper 1895 Vol 1: 172). At the heart of this settled policy was the idea that "limitations of sovereignty" of native states did not allow them to maintain their armies or recruit as they pleased and were bound as subordinate entities to the paramount power to co-operate in extradition of deserters (Tupper 1895 Vol 1: 165). In 1864 Gurkha deserters from the British army were demanded from Kashmir and the ruler of Kashmir was warned that shielding the deserters was inimical to friendly relations. The policy that subordinate native states were bound to deliver deserters while the British paramount power could use its discretion was further solidified through a circular issued to all residents and officials in protected states in 1886 (Tupper 1895 Vol 1: 172). By the early 20th century, the increased coordination with native states made it possible for the Government of India (GoI) to include the law that native states were required to hand over deserters from the Imperial Service Troops upon requisition through the Indian Extradition Act of 1903 or Act XV of 1903 (Indian Legislative Department 1914).

Policies around extradition of deserters that were developed gradually through the second half of the 19th century and consolidated British control over South Asian military labor, however, did not apply to Nepal. Even when the British would have preferred to deal with Nepal through the same policies, diplomatic and political questions circumscribed British attempts to forge an agreement with Nepal over extradition of deserters. The bureaucratic process of circulating the directive to demand deserters from the Imperial

army from native states which excluded Nepal is indicative of this. In April 1889, Tupper, as the Secretary to the Government of Punjab wrote to the Foreign Department asking for a copy of the more recent 1885 orders on extradition from native states.[1] The Foreign Office decided to send out a circular again to all Political Agents stipulating that they could ask for the extradition of deserters from the British army taking refuge in native states.[2] However, the office decided that the same communication could not be sent to Nepal. Henry Durrand, the Foreign Secretary opined that "at present we [the GoI] cannot apply the principle to Nepal, we should take up the point separately. I am not sure that the time has come to do it."[3] The junior under-secretary agreed that he did not think the GoI could "insist upon the Durbar surrendering Gurkha deserters contrary to the Treaty unless … prepared to take a stronger line with them all round than we have hitherto followed."[4] The decision was to file the issue away for a later date when British relations with the Nepal Darbar were "adjusted generally" and to be brought up with "proper footing when the time comes."[5]

Even when there were laws and agreements for handing over deserters with protected native states, the British could not always mete out severe punishments to deserters from native states in fear of thwarting recruitment (Lahiri 2017). The extradition of deserters between Nepal and British India was of a very different order because of the strong jurisdictional claims of the Nepali state to the Gurkhas. In April 1889 when the policy of demanding extradition of soldiers from native states was communicated to all political agents except the British resident in Nepal, Nepali suspicions of British

[1] K.W. No. 1. Demi official from C.L. Tupper, Esq. Secretary to the Government of Punjab to Secretary Foreign and Political Department, 20 April 1889 in Foreign Department, Internal A, Pros. July 1889, No. 26, National Archives of India, New Delhi (hereafter NAI).

[2] Note from GRI, Under-secretary Foreign and Political Department, 28 May 1889, in Foreign Department, Internal A, Pros. July 1889, No. 26, NAI.

[3] Note from H. Durrand, Secretary Foreign and Political Department, 5 June 1889, in Foreign Department, Internal A, Pros. July 1889, No. 26, NAI.

[4] Note from Junior Under-secretary GRI, 20 June 1889, in Foreign and Political Department, Internal A, Pros. July 1889, No. 26, NAI.

[5] K.W. No. 2, Demi Official from GRI, Under-secretary Foreign and Political Department to Major E.L. Durand, Resident at Nepal, 1 July 1889, in Foreign and Political Department, Internal A, Pros. July 1889, No. 26, NAI.

designs on the country existed. Bir Shamsher had barely agreed to allow recruitment on the Nepal border. Furthermore, earlier in the year, in March 1889, the Nepal Darbar had refused to surrender deserters from the 2-1st Gurkhas stationed at Dharmsala and Rhenok in Sikkim. In this case, on the request from the colonel of the regiment, the Resident forwarded details of the case and requested the Darbar to apprehend and deliver the men to British authorities. To build a stronger case for extradition, the theft of army clothing and petty items, was mentioned in the report to frame the crime as that of theft *and* desertion.[6] The Nepali government replied that to surrender the men would be contrary to treaty agreements but if they were found, and the charges proved against them, they could be punished according to Nepali law.[7] The Darbar's reply suggests that Nepal was keen to maintain its jurisdictional control over its own subjects. The men were never found, and the Darbar claimed that the property they stole was perishable and insignificant and not worth pursuing.

The attempt to retain control over Gurkhas is evident from the exchange and the British responded positively to the Rana regime's claims over jurisdiction over Gurkhas. Cooperation existed between the two states to render Gurkhas subject to Nepali laws both inside and outside Nepal. The historical literature on the extension of jurisdictional control over Gurkhas through the imbrication of Nepali caste laws in the legally plural landscape of colonial India bears testimony to this cooperation (Imy 2019; Pandey 2021). It is against this backdrop of attempts to retain the subjecthood of Gurkhas to the Nepali state that Nepal's claims to the jurisdiction over deserting Gurkhas, considered in the next section can be fully understood. The understanding of Gurkhas as subject to Nepali caste-based laws, the maintenance of which was crucial for their reintegration into Nepali society, led to the deputation of priests to issue documents stating that the Gurkhas had maintained their caste laws during World War I (Imy 2019). Similarly, scholars have also pointed out the fact that Gurkha soldiers often turned to the Nepali state for redress to social, political, and economic challenges outside Nepal (Singha 2020). By tying Gurkhas to the Nepali state as legal subjects of the regime, the Ranas were able to maintain internal and external sovereignty.

[6] No. 708, Extract from the Diary of the Resident in Nepal for the week ending 16 February 1889, in Foreign Department, Secret E, Pros. May 1889, Nos. 705–710, NAI.

[7] No. 710, Abstract Translation of a Yaddasht from Prime Minister of Nepal, dated 18 March 1889 in Foreign Department, Secret E, Pros. May 1889, Nos. 705–710, NAI.

By legalizing or prohibiting their mobilities in certain directions, the Ranas asserted their claims over Gurkhas. They also claimed control over Gurkhas by making exceptions and offering them up for extradition in "special" cases. This historical problem of not entering into a general agreement but using extradition in "special cases" was instrumental in the Nepali's state's attempts to mark their power against the British and control over Gurkhas through diplomatic negotiation. At the same time, as the next section will show, concerns about the social and political responses to recruitment within Nepal were also at the heart of Rana policies on the extradition of deserters.

Retaining Gurkhas as Subjects Through Diplomatic Negotiation and Desertion and Migration in the Eastern Hills of Nepal

In the 1908 defalcation and desertion case of Subedar Jung Persad Limbu, the British were aware that the surrender of the Subedar, was outside extradition treaty stipulations and required a more delicate diplomatic handling. In his report to the Secretary of the Government in India, the Officiating Resident in Nepal, mentioned that it was on his own accord that Chandra Shamsher offered up the absconder. He explained that even before he could ask for the arrest of the man, the Rana premier purposely made the offer to show that he was willing to do a favor to the British without being asked. Chandra Shamsher had already received notice through his functionaries in Ilam, who were contacted directly by police officials at Ghoom about the case. The Officiating Resident described the conversation over the arrest and surrender of the Subedar as such:

> We [Chandra Shamsher and the Resident] spoke of this case, but before I could ask for the surrender as a "special case" the Maharaja said: "I am very sorry indeed to hear of this case, for the Subedar has dishonored the name of Gurkha. I want the Gurkhas to serve faithfully and to behave honorably and like men. … I think that in the circumstances of this case it might have a good effect if the Subedar were handed over to the British authorities, and if Lord Kitchener wishes it, I am prepared to hand him over to the Darjeeling police, but only if His Excellency the Commander in Chief thinks that this

> would be in the interests of discipline and on the understanding that case is not to serve as a precedent.[8]

From the report of the Resident, it is evident that Chandra Shamsher wanted to present this extradition as favor to Lord Kitchener and made the offer on the understanding that the handing over was not to be considered a precedent. The extradition was a part of a range of "favors" exchanged between India and Nepal in the years between 1902 and 1909 that Lord Kitchener held the position of Commander in Chief of the Indian Army. These diplomatic exchanges have been detailed well in the historiography of Anglo-Nepal relations. Studies have suggested that these exchanges were shaped by Chandra Shamsher's diplomacy to get the British to recognize Nepal as an important ally and to mark his distinction among other South Asian princes and rulers of native states (Hussain 1970: 158–159).[9] The handing over of Subedar Jung Persad Limbu was one of the few cases where a Nepali subject was found and surrendered for trial in British courts, for a crime which was not an extraditable offense. It therefore held symbolic value in demonstrating an openness of the Nepali state towards the British recruitment in Nepal.

[8] No. 133, Letter from Lieutenant Colonel F. Macdonald Officiating Resident in Nepal to E.H.S. Clarke Esq, C.I.E. Deputy Secretary to the Government of India in the Foreign Department Shimla, 16–17 October 1908 in Prog. 8, Proceedings of the Foreign Dept. March 1908, Secret Internal, Nos. 8–9, NAI.

[9] On the other hand, Nepal's proximity to Tibet in a period where British interests in the region cannot be discounted as one of the reasons that the British sought Nepali allyship in the early years of the 20th century. Chandra Shamsher offered clear support to the British during their Younghusband mission in Tibet between 1903 and 1905. Invitation to hunting in Nepal increased diplomatic ties. In 1906, the Nepal Darbar invited Lord Kitchener and the then Prince of Wales for big game hunting in Nepal's Tarai. While the hunt was postponed due to cholera, the hunt fed into ideas of Nepali rulers as masculine, powerful and in possession of natural bounty that rendered their position unique in the South Asian political-environmental landscape. On the other hand, Chandra Shamsher had managed to gain several titles from the British including that of honorary Colonel of the 4th Gurkha Rifles when Lord Kitchener visited in 1906, and a GCB along with an honorary Doctor of Civil Law from the University of Oxford when Chandra visited England in 1908. In 1906, the two governments agreed on the extension of the Indian Army reserve system to the Gurkha regiments of the Indian Army.

However, even though Chandra Shamsher claimed that the surrender would deter other Gurkhas from committing crimes and deserting the army if the trial took place in India, the Resident thought otherwise. McDonald argued:

> As to the advantages that would result on the trial of this subedar in British India, I am inclined to think, and I fancy that the Maharaja also looks at the question from this view that the deterrent effect would be almost greater if the subedar were tried in Nepal. This would at least show the people that their own Government will not tolerate bad behaviour on the part of our Gurkha officers and that evil doers of the subedar's sort need not expect to find in their country or any in Asia to which they can flee confident in the hope that they are safe from arrest and punishment by the Nepal Government.[10]

The Officiating Resident thought that the trial and punishment of the Subedar in Nepal itself to demonstrate to Gurkhas that the Nepali state would not tolerate defalcation and desertion would have been a greater deterrent. He also imagined that Chandra Shamsher too understood this but chose to offer the deserter up for trial in British courts to please Lord Kitchener. Beyond McDonald's assumptions, there is not much that can be gleaned from the evidence around this case to understand Chandra Shamsher's exact imperatives in claiming that trial and punishment in British courts would deter Gurkhas from desertion. However, it is evident that he did not want to try the Subedar in Nepal and offered him to the British. In most desertion cases, such as the Rhenok case discussed previously, even when the Nepali government claimed that it would find and arrest Gurkhas and punish them within Nepal, they would subsequently claim that the deserters were not found or that they did not have sufficient grounds to punish them. Some of these cases will be discussed in the following section.

Based on archival sources, there is sufficient grounds, however, to suggest that recruitment was as much a delicate matter for internal politics of the

[10] No. 133, Letter from Lieutenant Colonel F. Macdonald Officiating Resident in Nepal to E.H.S. Clarke Esq, C.I.E. Deputy Secretary, to the Government of India in the Foreign Department Shimla, 16–17 October 1908 in Prog. 8, Proceedings of the Foreign Dept. March 1908, Secret Internal, Nos. 8–9, NAI.

Nepali state as it was a matter of external sovereignty and formed grounds for the non-punishment of deserters from the British army within Nepal. The discussion between Chandra Shamsher and the Resident in 1912, over the subject of a general agreement for the extradition of Gurkha deserters provides insights into the logics of the Nepali state for not punishing returning deserters from the British army. Marking a shift from 1885 when the decision was not to raise the subject with the Ranas, the British believed that they had sufficient grounds to get Chandra Shamsher on board with the policy of a general agreement for the extradition of deserters in 1912. However, the conversation recorded by Chandra Shamsher's office suggests that he was firmly against the idea. The conversation was recorded as follows:

> Shree 3: According to the Treaty [of 1855], when even for extraditable crimes, the government doesn't need to extradite its own subjects, then how is it possible in this case?
>
> Resident: When soldiers join an army, they take an oath therefore when they are in service of the army, they can be considered British subjects.
>
> Shree 3: How can that be? What are the punishments for the deserters?
>
> Resident: It is not necessary to go into details [about the punishment]. We don't execute deserters. This is a matter of principle that if desertion is punishable, there will be fewer deserters.
>
> Shree 3: If there are many deserters, then it makes more sense to stop them from deserting in the first place.
>
> Resident: There aren't many [deserters].
>
> Shree 3: If it is a question of few cases, then why pursue this issue? Without any familial matters or emergencies, nobody would leave their service. If some people leave, you can always replace them.
>
> Resident: According to our rules, soldiers are not allowed to leave their service in the first three years. Replacing them with other people would result in loss of the investment made on the initial recruit. I think it is better to have an agreement between two governments on this matter. If you feel that the agreement is one-sided, you can ask for some concessions.

> Shree 3: I don't see the need to have an agreement. If there are a few cases of desertion now and if in the future there are cases of grievous cases of desertion, it would be better to treat them as special cases for extradition. As you know, earlier too, there have been extraditions for crimes not included in the treaty.
>
> Resident: Why deal with them as special cases when there can be a general practice?
>
> Shree 3: If we treat them as special cases, we can retain our prerogative to do so, and we can present them as a special favour.
>
> Resident: In that case, let's leave this matter here.[11]

In Chandra's refusal to accept an agreement for the extradition of deserting soldiers, he also refused to accept that during their time of employment, Gurkhas could be considered British subjects and subject to British laws. Further, he refused to modify existing treaty agreements with the British. Section 4 of the 1855 Treaty on Mutual Surrender of Offenders allowed both states to use their discretion to carry out rendition on demands for non-extraditable crimes as "special cases." Chandra resorted to this section when directed by the Resident to consider a general practice in extraditing Gurkha deserters. He clearly articulated that to offer extradition in "special" cases, would be to retain this prerogative that the treaty provided the Nepali state over extradition matters. Therefore, Chandra's refusal to consider a general policy over extradition was a way for him to maintain jurisdiction over Gurkhas as legal subjects of the Nepali state and to retain the diplomatic leverage offered by section 4 of the treaty on extradition.

The resident broached the conversation on a general agreement by sharing a memorandum with Chandra Shamsher from the Commandant of 2/10th Gurkha rifles, G.H. Colomb about scouting out deserters from eastern Nepal. The memorandum sent to the Resident by the commandant in April explained that from a battalion recruited in February the same year, five recruits deserted owing to the proximity of at least six different routes from Darjeeling into Nepal. The commandant explained that he found it

[11] Author's translation of "San 1912 Aprilko 16 Tārikh Mutābīk Samvat 1969 Sāl Miti Baisākh Gate Roj 3 kā Dīn Resident Lt. Colonel J. Manners Smith Singha Darbar mā Āudā Kurā Kāhānī Bhayāko" in Foreign Ministry Documents, Register 2, S.N. 245, Pokā 2/18, National Archives of Nepal, Kathmandu (hereafter NAN).

"quite impossible to apprehend any man deserting from the lines," and felt that there was "absolutely nothing to prevent a man, who has become temporarily discontented or has received a punishment, from leaving at any time he thinks fit." He explained:

> The knowledge that this [leaving] is possible, and that apprehension need never be feared, I am sure you will agree, is an exceedingly bad thing for discipline, a man who has in any way misbehaved in any small manner is able to retort to the discipline brought to bear on him by at once deserting in safety.[12]

He went on to ask the resident to make an application to the Nepal Darbar to help in the matter by allowing Gurkha Regiments to send a party led by a non-commissioned officer into Nepal to formally identify deserters and with the Darbar's consent, bring the deserter back into custody of the battalion headquarters. He further asked that at posts on the roads into Nepal, the Government of Nepal scrutinize passes of all Gurkhas in military service with the British government, passing into Nepal from India and to detain such men who are unable to give a good account of themselves. In such cases, he requested that the Darbar communicate with the battalion to which they belonged, and the battalion would bear the cost of the communication and the handing over of the deserter, when necessary.[13] In effect, the commandant was asking for an agreement on the extradition of deserters, even though he didn't frame the request as a general agreement on extradition.

To the proposal that a party from the British side might enter Nepal with a view to identify and bring back the deserter in custody to the battalion headquarters, Chandra Shamsher responded that it would be "an extremely inadvisable step." He considered it "neither feasible … nor safe to contemplate … even touching more serious considerations."[14] Chandra Shamsher mainly

[12] No. 522 XA/S&M Letter from the Commandant 2/10th Gurkha rifles, to the Resident in Nepal, 8 April 1912 in Foreign Ministry Documents, Register 2, S.N. 245, Pokā 2/18, NAN.

[13] No. 522 XA/S&M Letter from the Commandant 2/10th Gurkha rifles, to the Resident in Nepal, 8 April 1912 in Foreign Ministry Documents, Register 2, S.N. 245, Pokā 2/18, NAN.

[14] Memo from Shree 3 to Resident J. Manners Smith on 16 April 1912) in Foreign Ministry Documents, Register 2, S.N. 245, Pokā 2/18, NAN.

framed his response along how such a pursuit of deserters would impact recruitment. He explained that it would imply "wide-spread house-searches requiring a large body of police force," leading to "disturbance to the peace and quiet of the villages to a considerable extent." Such actions would "rouse up local populations against such measures." Chandra Shamsher explained:

> that when they [local communities] will see that for no other fault than leaving a regiment a man is hunted from place to place, they cannot but rise in a body to oppose the party which will go for bringing back the deserter. They can easily frustrate the object, not to say putting the party to no end of trouble, the least they can do is render future recruitment the most difficult.[15]

In his response to the resident, he wrote that the people were bound to "offer a combined resistance to the party." Chandra Shamsher explained that the knowledge that deserters would be pursued into Nepal and into their homes would dissuade young men from enlisting. However, he also went to explain that the Rais and Limbus of eastern Nepal were "more turbulent than others" and "judging from their character, will never tolerate an interference with their native independence."[16] For British officers to enter Nepali territory and conduct wide house-searches would clearly have been overstepping of Rana jurisdiction. However, Chandra Shamsher did not frame the proposed measure as a case of a direct challenge against Nepali jurisdictional control over subjects and territory. He framed his opposition in the language of cultural difference of certain Nepali communities—particularly the Rais and Limbus from among whom soldiers were recruited. He described the Rais and Limbus as being more "turbulent than others," and intolerant of interference to their native independence. Such a description, racialized to some extent, came from the fact that the political power of the Nepali state over Rai and Limbu communities was tenuous—it was a form of imperial power that was wielded better through distance and non-interference.

[15] Memo from Shree 3 to Resident J. Manners Smith on 16 April 1912 in Foreign Ministry Documents, Register 2, S.N. 245, Pokā 2/18, NAN.

[16] Memo from Shree 3 to Resident J. Manners Smith on 16 April 1912 in Foreign Ministry Documents, Register 2, S.N. 245, Pokā 2/18, NAN.

The desertions among Gurkha recruits from the eastern hills of Nepal were historically higher than from elsewhere. Banskota provides much detail on how desertions from *Kirātī* communities among Gurkha recruits led the British to ask that recruits from the community not be sent for enlistment in the early years of open recruitment between 1885 to 1887 (Banskota 1994: 94–99). However, he uncritically reproduces some of the racialized ideas of *Kirātī* recruits as "unpliable" and "lacking discipline" from the colonial archives in explaining the desertions. The fact that many untraceable desertions from the British army occurred in the trijunction region between Darjeeling, Sikkim and Nepal calls for a closer and critical look at state-society relations in this region. Doing so unravels some of the colonial racial discourse about Gurkhas as inherently loyal that has rendered the history of Gurkha desertion invisible. The history of migration from Nepal, suggests that many were not driven by any kind of inherent fighting instinct, loyalty or bravery but driven by economic reasons to enlist in the British army. Desertion from the British army was like desertion from any other form of employment available to these men in the region and, as Warner (2014: 240) shows, such desertions were very common.

While historians have argued that land pressure in Nepal during the expansion of the Rana bureaucracy led to the push of Nepali migrants to Northeast India, a host of factors towards the end of the 19th century created conditions for migration in the region. Eastern Nepal encompassed regions that had become a part of the Gorkhali empire through negotiation of control over *kipaṭ* lands and tribal jurisdictional control by *Kirātī* communities in the region (Caplan 1970; Pradhan 1991; Sagant 1995). Some level of community-based control of land among *Kirātī* community members was being eroded by the late 19th century through the settlement of Hindu upper caste creditors who loaned money against land as collateral. The creditors could not possess these *kipaṭ* lands but held them under control until the *Kirātī* debtor could pay back their loans. Such emergent debt relation with upper caste lenders created some emigration from eastern Nepal to British India (Caplan 1970: 5). However, the pouring in of capital in the region for the construction of roads, plantation sites and coal mines created a market for work as coolies in Darjeeling tea plantations, Bengal and Assam along with the existing avenue for enlistment in the British army (Warner 2014: 204). Many recruits from this region were simply exploring their options

in this labor market and engaging in seasonal labor migration without long term plans for a career in the army (Caplan 1970: 5).

Even though British and the Nepali governments tried much to enforce labor segmentation along ethnic lines in the region, these broke down due to high labor demands. While soldiers from western Nepal were drawn from Gurung and Magar communities considered "authentic" fighters, Limbus and Rais were not initially considered as truly "martial" communities (Banskota 1994: 97). Yet to meet the demands for recruitment, Rai and Limbu men were heavily recruited especially leading up to World War I. Nepali and Sikkimese governments offered incentives for cultivation of lands under a tenure system, Assam and Darjeeling offered plantation and coolie work. The demand for labor across different states resulted in more easy flow of people in the region. Similarly, different rents on agricultural tenancies, caused people to move around in the region, exploring their options (Warner 2014: 204). In the 1886–1887 recruitment season, many in the eastern hills were induced to recruit in the army through false information about pay rates but deserted because they were earning more through jobs such as coolie work in the road construction in Darjeeling (Banskota 1994: 97). Governments did not collect much information or pay close attention to the migrants in the region but tried to create markets for labor based on incentives. Planters and plantation managers in India needed the workforce and did not offer up details of who or how they recruited. When faced with a barrage of requests for information from the Bengal government on Nepalis who were seeking employment in the army, police force or railways in eastern India, the resident claimed that to seek such character references for Nepali migrants was futile. He further explained that nine out of ten cases the men were untraceable—either they operated through aliases, or their families refused to identify them.[17]

Therefore, in 1912 when Chandra Shamsher refused to allow British officers to pursue deserters into eastern Nepal on the grounds that the community would become hostile, he articulated a kind of imperial idea of the Nepali state towards the eastern hills—that it was marked difference and distance. The communities there held some level of control over their own, the labor market in the region was unregulated and to disturb

[17] Report of the Deputy Commissioner of Bengal, Proceedings of the Government of Bengal in the General Department, Calcutta, June 1913. "Recruitment of Emigrants for Assam in the Darjeeling District." Nos. 1–2. File 1-R/1 7, India Office Records, The British Library, London.

it would be to go against conditions that were working in the favor of the Nepali government. Yet, Chandra Shamsher's explanation that leaving was a "legitimate privilege of military service" and that according to Nepali practice "all soldiers have practically the option to leave their regiments whenever they like," was slightly exaggerated.[18] Enlistment in the Nepali army was in the broadest sense voluntary, there was no draft and recruiters from the British army were warned against using any enticements. However, it wasn't the case that simply no punishments were meted out to deserters. The *Mulukī Ain* amendments from 1945 v.s. stipulated that if any army men left their post and did not return to it within 22 days of leaving or left for India, their standing crops would be seized. The punishment, therefore, entailed the loss of the soldier's *jāgir* or income based on agricultural yield (Khanal 2059 v.s.: 583). These laws against desertion in Nepal were rather lenient compared to the British colonial law on desertion which even entailed capital punishment in cases of deserting to enemy lines (Lahiri 2017). The Nepali state's approach to war time desertions and crossing of enemy lines historically were far from benevolent. When Nepali army men deserted in the Anglo-Gorkha war to the British side, they explained that they had chosen a route of no return as their properties in Nepal would be confiscated (Des Chene 1991: 50). However, Chandra Shamsher's claim to the British that soldiers could practically leave whenever they pleased suggests a posturing of benevolence of the Nepali state towards soldiers as subjects. This was a normative claim of benevolent governance over a subject population as well as an assertion of legal difference to mark a distance from British policies and refuse the agreement proposed by the British.

Deserters of the Great War and War Time Exceptions to Nepal's Non-Extradition Policy

While desertion was not uncommon before the war, war-time desertions were higher than usual and particularly challenging for the British and Nepali governments. In 1914, men recruited from western Nepal upon reaching Almora refused to move forward while many recruits in Darjeeling and Ghoom deserted soon after they reached the depot.[19] Against increased British

[18] Memo from Shree 3 to Resident J. Manners Smith on 16 April 1912 in Foreign Ministry Documents, Register 2, S.N. 245, Pokā 2/18, NAN.

[19] Letter from Chandra Shamsher to Resident J. Manners Smith, 27 October 1914, Foreign Ministry Documents, Register 2, S.N. 66, Pokā No. 2, NAN.

demands for Gurkha soldiers at the eve of WWI, the Rana regime resorted to gathering convict labor from Nepali jails to be dispatched to the British labor corps. The concessions and incentives that the Rana regime offered to local headmen who rounded up men from their villages suggests that Gurkha recruits were bound by bonds of servitude and indebtedness to their landlords or village heads (Husain 1970). Soldiers were constrained if not by direct force, by other constraints to enlist in the army, which is precisely why they deserted. The official number of Nepali recruits that deserted in 1916 was said to be 1,132; real figures were most likely higher.[20] In 1915, the British government had tried to implement the widely implemented Combatant Enlistment Form 1 in Nepal that asked the recruits a range of questions including whether the recruits belonged to His Majesty's forces, the reserve, or the Imperial Service Troops of any native state or the Nepal State army and if so, which state they served in and the cause of discharge. The attempt was to scout out deserters from among new recruits. The Nepali government protested the use of this form in Nepal on the grounds that it included questions as to whether the soldiers were willing to forego caste regulations around travel to war fronts. The fact that such forms were not filled by Gurkha recruits or that they falsified information in them, made it difficult for deserters to be monitored closely.

Soldiers found different avenues to evade being apprehended upon desertion. There is substantive evidence to suggest that many Gurkha soldiers entered non-military jobs under rich and powerful business owners and private persons after deserting. Tea plantations in Assam and Darjeeling that acutely felt labor drain and had pushed the British to scout out deserters from their estates at the start of the war would have easily taken in deserters from the army. Reports of "Nepalese deserters flocking in thousands in the household of the private individuals" in Calcutta, Banaras and Patna, give us a sense of how private employers benefited from deserters and possibly shielded them.[21] Imy's detailed account suggests that against the highly burdensome *pānī patiyā* or purification ritual imposed on Gurkhas and

[20] Private letter from H. Hudgson, Adjutant General India to Major General Baber Shamsher, 3 August 1917, Foreign Ministry Documents, Register 2, S.N. 66, Pokā No. 2, NAN.

[21] Conversation between Austa Man Singh and the British Resident J. Manners Smith, recorded in Nepali, 11 December 1915, Foreign Ministry Documents, Register 2, S.N. 66, Pokā No. 2, NAN.

negotiated as a condition for the enlistment of Gurkhas for overseas services, desertion was a common response. As the ritual took time, many soldiers got "lost in the crowd" in Dehradun where they were routed for the ritual. These men, who entered service under false names, found it easier to desert, re-enlist or find other forms of occupations rather than wait to be ritually purified and returned to Nepal (Imy 2019: 104).

Historians have explored how overdue absences and overstaying leaves, had become a matter of concern for both Nepali and British administrators in World War I (Uprety 1984; Singha 2020: 274). In September 1915, the British Resident requested Chandra Shamsher to persuade over a thousand men who had overstayed their leave to return to their regiments. Chandra Shamsher agreed to implement measures to push those in leave or those who had in effect deserted to return to service. However, he mentioned in his correspondence that the Nepali "government was exposing itself to criticism for breaching the convention that once the deserter reached Nepal, he was free from pursuit." Chandra explained that because of the difficult terrain in Nepal, a six-week leave was hardly enough to make a trip to a soldier's village and return in time to the barracks in India so more lenient leave policies were needed. At the same time, citing the exceptional situation of war, the question of pursuing deserters which was abandoned in 1912, was taken up by the Nepali government reluctantly in 1915. Chandra explained to the British:

> I should again mention here to avoid any possible misconception, that the steps as mentioned above which are being taken … are only special for the occasion and are not to be taken as a precedent. In many of these, I have to stretch my authority, sometimes overstepping prudent limits, not always a safe thing to do in this country.[22]

Chandra's response shows how the management of deserters straddled both the problem of internal governance and external diplomacy. In explaining that in "breaching the convention" that deserters were not pursued into Nepal was "stretching" of his authority, Chandra Shamsher articulated a conception of his own governance as based on certain ideas of the limits of

[22] A letter from Maharaja to the Resident 23 August 1918, Foreign Ministry Documents, Register 2, S.N. 66, Pokā No. 2, NAN.

his authority over Nepali subjects. At the same time, he warned the British that the measures to send back men who had overstayed and deserted should not be taken as a precedent. The Nepali government issued orders to the local officers to broadcast the news that reservists, those in leave, and deserters could return to their barracks as soon as possible and they would not be punished. Chandra Shamsher sent lists of names of Gurkha deserters from the British to the local officials to make house-searches and find the men and send them back.[23] However, it was physically not possible for the Government of Nepal to get hold of all the deserters, or all absentees as many had died, many had not returned and many as mentioned earlier provided false information. This author has not found historical data on how many such men returned.

During the Great War, the need to recruit soldiers and keep a continuous supply of fighting men largely created the exceptions to existing policies around deserters Chandra Shamsher's decision to send back deserters was one such policy. British officials also considered sending back deserters from the Nepal Army back to Nepal, to ensure good relations with Nepal.[24] The Foreign and Political Department consulted with Army Department about measures to apprehend deserters from the Nepal Army who had enlisted in the British army, however, these discussions did not translate into any concrete measures or policy. The army department explained that the British government could not legally arrest such deserters and hand them back to Nepal, but the men could be dismissed from British imperial service. At the height of the war, the British were, in fact, not stringent about scouting deserters. In the case of native states, Singha explains that the British had implemented policies to scout out deserters which were often overlooked in the interest of enlisting more imperial battalions and making sure there were enough fighting men (Singha 2020: 274). Symbolic concessions through promises to hand over deserters allowed the British to work in conjunction with labor-suppliers like Nepal to ensure the availability of recruits.

A special case of extradition to Nepal shows British willingness to make such concessions to Nepal. In August 1918, the Resident in Kathmandu sent a letter to the Secretary to the Foreign and Political Department in

[23] A letter from Maharaja to the Resident 23 August 1918, Foreign Ministry Documents, Register 2, S.N. 66, Pokā No. 2, NAN.

[24] Notes from R.E. Holland and J.B. Wood on 6 July 1915, in Foreign and Political Department Notes, Internal B, September 1915, NAI.

Shimla, explaining that Chandra Shamsher requested that seven Indian army recruiters (Nepali subjects) who moved to Darjeeling be extradited to Nepal on charges of robbery/dacoity and for assaulting a Nepali officer Chiranjivi Upadhyaya.[25] The Nepali side forwarded evidence to the Indian side explaining how the offense constituted "dacoity" an offence within the extradition treaties between the two states. The British-Indian side did not consider the actions of the recruiters an act of "dacoity"[26] but maintained that it did constitute assault. Eventually, the Resident explained to Shimla "such conduct on the part of Indian Army recruiters (being also Nepalese subjects) is particularly offensive to the Government of Nepal and is calculated to render Nepalese officials obstructive to recruiting operations." The obstruction to the recruitment in turn, to him was "a most undesirable contingency at the present time, when there is much urgent need of recruits." Therefore, he argued in favor of handing over the men to the Nepali side as a "warning to other recruiters" and that any "defects in the prima facie evidence" be overlooked.[27] The British honored the request and handed over the men to the Nepali government. To leave recruiters that attacked a Nepali official unpunished would be to create hostility towards recruiters among Nepali administrators. Therefore, the extradition of Chiranjivi Upadhyaya's attackers was both a gesture made towards the Nepali state to show allyship and to sustain a smooth system of recruitment by punishing anyone who would jeopardize it.

War-time special agreements and concessions around extradition and pushing back Gurkha deserters into British battalions, did not extend to the period after the war. The Nepali state pardoned members of its own contingent who deserted during the war and continued to consider the extradition of Gurkha deserters to the British on a case-by-case manner.[28] In a peculiar case in 1921 when No. 4474 Rifleman Gorakhman Rai and No.

[25] Letter from Resident in Kathmandu to the Secretary to the Foreign and Political Department in Shimla Foreign Department, I.B., August 1918, Nos. 216–217, NAI.

[26] Letter from Chandra Shamsher to Resident, I.B., August 1918, Nos. 216–217, NAI.

[27] Letter to the British Envoy at the Court of Nepal No. 3/422–21/5 dated 7 March (Received 11 March 1922 by Foreign Department) in 1921, Internal, 1922, File No. 403, NAI.

[28] Letter from the British Envoy at the Court of Nepal, No. 2999. I.B. dated 14 November 1921, Internal, 1922, File No. 403, NAI.

5028 Rifleman Mitraraj Gurung from the 1/10 Gurkha Rifles deserted after assaulting Captain B.H.G. Tucker, the surrender of the men was offered as a "special case" by the Nepali state but the men were never located. The report of the victim of the assault detailed strange violent behavior on the part of the men. Tucker reported that the two deserters bit his thighs, tried to gouge out his eyes and even tried to bite off his "private parts," when he tried to stop them from deserting. Following the British request for their extradition, Chandra Shamsher's office sent a reply that though the offense of which the said sepoys have been accused "does not come under treaty offenses, yet in view of the unprovoked and dastardly nature of the assault," urgent orders were sent to the Hakim of Dhankuta to arrest the men. Later, the Nepali government replied that the officer could not locate the men in Dhankuta, where they had been recruited. Indraman Rai, listed as the father of Gorakhman Rai claimed that he had no son called Gorakhman Rai, that he had a son by the name of Balman Rai who went to British India about 12 to 13 years earlier and had not since returned. Likewise, no one by the name of Mitraraj Gurung could be traced in the region.[29] Whether the Nepali government officials in Dhankuta in earnest couldn't find the men because they had absconded elsewhere, or whether they in fact returned to Nepal and were let off the hook by the Nepali government or shielded by community against being arrested, are questions the historical archives do not provide answer to.

What is evident from historical sources is that Nepali subjects continued to weigh their options in the South Asian labor market, after the war. They also joined armies in native states and deserted from them. Two cases speak particularly to the fact that the Nepali state continued to hold discretion over its extradition of deserters. In a 1923 case the Mewar government wanted to approach the Nepali government for the surrender of Pitamber Singh, a sepoy of the Mewar state forces who had deserted. Similarly, in 1924, when the Dhrangadhara Darbar asked for Narsingh, Balsingh and Dilbahadur (deserters of Dhrangadhara army) to be extradited back to them, the British replied that the Government of India only had a special war-time agreement over extradition of deserters with Nepal and after the war could no longer ask

[29] Letter from the British Envoy at the Court of Nepal, No. 2999. I.B. dated 14 November 1921, Internal, 1922, File No. 403, NAI.

for extradition in such cases.[30] In the Mewar case, the British did not allow Mewar to directly communicate with Nepal or form any kind of "reciprocal" relationship when the feudatory state asked the British government if such an arrangement was possible. The Deputy Foreign Secretary to the Government of India wrote to the Agent of the Governor General of Rajputana that:

> Special arrangements to deal with deserters from Gurkha units of the Indian Army were agreed to by the Nepalese Government during the war, but in ordinary circumstances the Government of India do not ask for or expect such extradition and they would accordingly have no justification for asking for it on behalf of the Mewar state. Moreover, in the order of things there can be no scope for reciprocity in such a matter between Udaipur and Nepal.[31]

The Nepali state had successfully managed to claim its jurisdiction over subjects who participated in the military labor in India and consequently was able to and present itself as an important ally to the British. Against this backdrop, the British refused requests from Udaipur and Mewar to ask for the extradition of Nepali soldiers that deserted from their armies and continued to refer to the 1855 treaty in matters of extradition. The continued usage of treaty language in matters of extradition of deserters into the 1920s suggests that the Nepali state successfully continued to operate on treaty terms on matters of extradition. This marked its legal difference in South Asia and its distinction as an independent state. However, Nepalis continued to participate in the South Asian labor market in ways that undermined the Nepali state's claims of over a subject population comprised of an elite soldiering force. Legal, diplomatic, and discursive efforts often failed to restrict subjects of the Nepali state from taking on a range of jobs in India.

[30] From Lt. Col. W.M.P. Wood, C.I.E., Agent to the Governor, Kathiawar to The Secretary to Government Political Department Bombay Kathiawar Political Agency, Rajkot, 25 July 1924, Foreign and Political Department, I.B., 1924, File No. 29, NAI.

[31] From Deputy Foreign Secretary to the Government of India to the Agent of the Governor General of Rajputana, Foreign and Political Department, No. 291-I, 18 August 1924, I.B., 1924, File No. 291, NAI.

Gurkhas Beyond the Military and Deserting Slaves: Fluid Markets, Mobile Subjects

In 1906 when Chandra Shamsher heard about British proposals of a post service settlement scheme in India, he understood that to retain Gurkhas and deploy them as currency, retention of their subjecthood to the Nepali state was crucial and therefore protested the scheme as an attempt to "induce" Gurkha settlement in India. Deploying the idea that "true" Gurkhas flourished in Nepal and that returning soldiers would ensure the reproduction of a new generation of such soldiers, he opposed the British support efforts to help retired Gurkhas settle in India. A point that Chandra raised in his response against this Gurkha settlement scheme was how returning soldiers engaged in cultivation and social activities and used their pensions and savings in Nepal. He argued that the pensions offered "object lesson for others to enlist freely."[32] Chandra's response reflected the ruler's concerns about the effects of Gurkha mobility and settlement outside Nepal on the political-social landscape in Nepal. However, the British argued that rather than a scheme to induce Gurkhas to settle and find alternative jobs in India, their effort was simply to help those interested in other jobs, find "safe and respectable employers." These men, they claimed, "of their own accord" would not return to Nepal and seek jobs in the military police in Burma and Assam.

By the early 1900s, nationalist and reformist movements against British rule were on the rise in India and migrants from mid-hills of Nepal were not impervious to them. The Rana rulers acutely felt the threat of politicization of Nepali subjects against their rule (Onta 1996). The idea of the "true Gurkha" with land holdings in Nepal constituted the ideal recruit and Gurkhas settled in India were unfit for recruitment masked concerns about the politicization of Gurkhas outside Nepal. The conversations between Nepal and the British over the activities of an ex-army man, Prithimon Thapa, demonstrate the Ranas delegitimizing subjects engaged in reformist politics in India. Thapa had addressed a meeting of 200 people in Calcutta, advocating for a reformist newspaper for Gurkhas. When his case was brought to the attention of the Nepali Darbar as a potential threat to Gurkha loyalty, Chandra Shamsher pointed out that for the man to engage in such activity would be to go against his own "landed interest in Nepal." He explained that the man was perhaps

[32] Chandra Shamsher to Resident J. Manners Smith, 30 July 1906, in Foreign Department Notes, Secret E, September 1908, Nos. 484–497, NAI.

a "line boy"—someone brought up in the Tea Plantations of Darjeeling and therefore not of a true fighting stock of pure Gurkhas.[33]

The distinction between "true" Gurkhas and "line-boys" was constantly broken down by the fact that the same migrants from the mid-hills of Nepal filled demands for plantation labor and recruits of the British army. Lain Singh Bangdel's central protagonist, Rane, in the social realistic novel, *Muluk Bāhira,* is emblematic of this breaking down of clear categories of "true Gurkha of fighting stock," and "line boy" (Bangdel 2017). As Warner argues, a seasonal migrant laborer in the lumbering business on the banks of the Teesta, turned soldier turned Darjeeling-resident, Rane's trajectory was perhaps a very common one among many migrants from the mid-hills of Nepal. Furthermore, she argues that both governments were aware that segmentation of labor along ethnic lines did not play out in anticipated ways. Deploying different ethnic and caste identity allowed different people to find jobs in different avenues created by the expansion of markets and capital in the region and employers often overlooked personal backgrounds of laborers when hiring them (Warner 2014: 243). The Nepali government's concerted efforts to limit employment of "Gurkhas" exclusively to military labor was thwarted by populations calling themselves Gurkhas and Nepalis entering a range of different jobs in India (Warner 2014: 241).

The migration of Nepali subjects to India and the enlistment Nepalis as laborers in plantations and mines in Northeast India posed as concerns to the Nepali government in the 1920s. While migration created loss of labor, association of Nepalis with coolie and plantation work threatened to depreciate the value of Nepali labor more broadly. The construction of Gurkhas as a distinct category of Nepali workers was crucial for the Nepali state to continue using them as a currency of diplomatic negotiation with the British in the post Great War context. In his appeal for the emancipation of slaves in 1924 Chandra Shamsher articulated this complex economic and cultural anxiety over Nepali labor migration. He explained that while the people of Nepal were recruited "to serve in the British Army there," from 1872 S.E., dishonest men, "in disguise," handed over, "slaves or freemen to the tender mercies of labor recruiters" (Rana 1994[1924]: 18). He maintained that while freemen felt a bond to their country and felt that they

[33] Copy of a letter dated 13 June 1907 from Chandra Shamsher to Maj. Manners Smith Resident in Nepal, in Foreign Department, External B, September 1907, Nos. 101–109, NAI.

could endure hardships in their own country and return if they experienced hardship elsewhere, the slave snared by the tout was more prone to leave and not return. He explained the Nepali government had sufficient evidence that gullible slaves fleeing bondage were lured to work in the bondage-like conditions of mines and plantations in India and refused to return in fear of their masters (Rana 1994[1924]: 17).

It is unlikely that it was exclusively Nepali slaves that enlisted in coolie and plantation labor work in India and did not return. Yet, Chandra Shamsher claimed a distinction between free Gurkhas recruited in the military and slaves recruited for coolie work in his speech to suggest that Nepalis without freedom sought such jobs and did not return. The attempt was to demarcate the "authentic" Gurkha recruit from slaves. On the other hand, the construction of a gullible slave as the primary Nepali subject in flight from Nepal, formed a part of the narrative of a benevolent Nepali state liberating slaves to protect its vulnerable population from exploitation and economic despair. In framing the emancipation of slaves as an incentive for return to the country, Chandra claimed freedom from slavery would create stronger bonds between Nepali subjects and their country. He explained that "desertion of slaves" alone was "enough to compel any progressive Government to take immediate action to maintain its position in the estimation of other nations in this age of civilization" (Rana 1994[1924]: 20). The appeal, therefore, also articulated a conception of the Nepali nation-state as accountable to the protection of migrant subjects. Abolition of slavery was a way of claiming the nation safe for laboring bodies and in effect, assigning greater value to Nepali labor. The re-making of the nation as a safe space for vulnerable labor was juxtaposed with the idea of coal mines and plantations as exploitative. That is not to say that mines and plantations in the Indian Northeast were not exploitative but marking such places as exploitative allowed Chandra Shamsher to make a moral claim for the nation as a site of protection of Nepali subjects. Therefore, the English version of the speech made available by Chandra Shamsher to the British envoy was, to an extent, directed at claiming moral and economic jurisdiction over a wide range of Nepali subjects that engaged in coolie and plantation work in India.

A similar logic was at play when Chandra Shamsher requested the British government to restrict the employment of Nepali subjects in private jobs in India in 1925. He informed the British of the implementation of a new law penalizing "cunning labor agents" recruiting Nepalis for jobs other than in

the British army. He further asked that the British support the measure by issuing certificates to military recruiters so that they may more easily be identified. He requested the British to prohibit the establishment of labor depots close to the military recruitment centers in the Indo-Nepal border and asked that a Gurkha officer of the Nepali government be allowed to follow an Indian government official on inspections of the coal mines in Assam. He argued that if a Gurkha officer who could understand the language and culture of the Nepali subjects in the mine were deployed, the workers there would be more forthright about their experiences and could be rescued if needed. He claimed that if the Nepali government was forced to take more stringent efforts than these to stop its subjects from emigrating, it would also potentially dissuade recruiters and therefore, it would require help from the British to ensure that the "right" type of person (the Gurkha soldier) and not others were emigrating.[34]

Following deliberations with the Foreign and Political Department, the envoy informed Chandra Shamsher that new certificates were issued for military recruiters, that there was only one labor depot at Gorakhpur that would be monitored closely but the request for the deployment of a Nepali inspector to the coal mines of Assam not found to be "practicable."[35] Government of India would be happy to inquire about any specific grievances but a Nepali official could not inspect Assam's coal mines. Chandra Shamsher's request for deployment of an inspector was based on a claim to jurisdiction over Nepali subjects in the coal mines. The British response was about the extent to which they could accommodate Nepal's exercise of jurisdiction over Nepali subjects in British controlled territory. The Nepali government was not able to deploy an inspector to the mines but made clear claims to Nepali laboring bodies in those spaces through its request. Further, it threatened more stringent measures if the British did not cooperate that would potentially lead to loss of recruitment. As Denys Bray, the Secretary of the Foreign and Political Department remarked, "I am

[34] Copy of a letter from His Highness Maharaja Chandra Shamsher, Prime Minister and Marshall of Nepal to W.H.J. Wilkinson, British Envoy at the Court of Nepal, 21 May 1925, in Foreign and Political Department, Pros. File No. 523(2)-X of 1926, NAI.

[35] Letter No. 683(2)-X to the British Envoy at the Court of Nepal from the Foreign Secretary of India, 5 May 1926, in Foreign and Political Department, Pros. File No. 523(2)-X of 1926, NAI.

inclined to think we have unnecessarily complicated this case by lumping together questions regarding the Government recruitment of Gurkhas and the very different question of private recruitment of Gurkhas."[36] However, Bray's remark makes one thing clear—the category of "Gurkhas" had come to signify Nepali subjects more broadly and Chandra Shamsher was seeking to disentangle this very conflation by asking to limit the employment of Nepali subjects to military jobs.

Despite references to certain ethnic groups as "fighting classes" Chandra Shamsher well realized that distinctions between Nepali subjects as a whole and Gurkhas was being eroded. Nepali subjects referred to as "Gurkhas" were working in jobs that rendered the term "Gurkha" less elite. This threatened to undo the discursive value of "Gurkhas" and Chandra Shamsher's ability negotiate Nepali sovereignty. Yet historical evidence bear witness to the polyvalence of the term "Gurkhas" and Nepali subjects themselves deployed it in multiple ways. A news report from 1925 tells us that in Hasan Abdal in present day Pakistan near the Afghanistan border, private citizens of considerable wealth employed Gurkhas as *caukidār*s because as frontier people they could not rely on the easy access to police forces to ensure security. Following a dacoity at the house of one Seth Ram Gopal in which the raiders were successfully fended off, the Foreign Department asked the Punjab government to inquire into who exactly these Gurkhas employed by the Seth were. They asked that if these Gurkhas were employed by the Punjab armed forces, to ensure a limit to the intake of Gurkha in the state police and armed forces.[37] To this, the Punjab government responded explaining that these men were employed by private citizens and in any case, it was difficult to say whether they were Nepali or British subjects.[38] The Hasan Abdal case tells us that by the mid-1920s, "Gurkhas" who were possibly domiciled in India were employed as private security guards. Whether these were of the "fighting stock" and from "true Gurkhas" from Nepal was up to question but

[36] Note from Denys Bray, 17 April 1926, in Foreign and Political Department, Pros. File No. 523(2)-X of 1926, p. 3, NAI.

[37] Extract from C. and M. Gazette dated 14 March 1926 "The Hasan Abdal Dacoity," in Foreign and Political Department, Pros. File No. 523(2)-X of 1926, NAI.

[38] Demi Official Letter from B.H. Dobson, Home Secretary to the Government of the Punjab to T.C.S. Jayaratnam, Undersecretary to the Government of India, Home Department on 5 August 1926, in Foreign and Political Department, Pros. File No. 523(2)-X of 1926, NAI.

they clearly leveraged the category of "Gurkha" to be employed in a specific market as security providers—an association that has continued till today.

Conclusion

This article has tried to weave the story of Gurkha deserters and policies around extradition of deserters, a topic that has not been extensively studied in Nepali historiography, in building a story of the Nepali state's legal and jurisdictional claims over its laboring subjects who migrated to India. Further, by locating the history of Gurkha deserters in the history of labor migration, this article has shown how diplomatic policies around them were tied to attempts at managing the mobility of subjects. The diplomatic agreements, discursive claims and policies designed to shape migration flows did not always function in ways that the British and Nepali states would have preferred. The entwined histories of diplomatic negotiations and labor migration are reminders that Nepali historiography can benefit from cross fertilization between fields of social, legal, cultural, and diplomatic histories. While non-extradition of desertion allowed the Nepali state to claim treaty prerogatives, it allowed subjects of the Rana regime to move around and pursue different kinds of jobs. Alternate forms of employment outside the military were not wholly supported by the Nepali state. However, in a context where the border with India was largely open, and the mechanisms to control them were very limited, and keeping the flow of migrants was important for the Nepali labor market itself, there was only so much the Ranas could do to control the out-migration of Nepalis. Tracing the lives of Nepali subjects as laboring migrants in these different spaces, demonstrates how mobile bodies often slipped from the discursive and jurisdictional claims of different states. In the interstitial spaces created by legal and jurisdictional difference and gaps, many Nepalis pursued livelihoods, and employments that did not align with the interests of those who claimed legal jurisdiction over them. As the Nepali state's articulations of its sovereign claims over mobile subjects in the early 20th century were continually ruptured by the activities of the migrants themselves, this article has shown that sovereignty is better understood not as an essential fixed quality of states but rather a moving target. This article is a contribution to the history of sovereignty as a dynamic historical practice emerging out of complex society-state and interstate relations.

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