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SOME INFLUENCES THAT MADE THE BRITISH ADMINISTRATIVE SYSTEM IN INDIA

BY

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at the University of Madras.

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Dedicated
to the memory of the men, known and unknown,
that have built up the fabric of Indian Administration,
especially, to that of the *clarum et venerabile nomen,*
of William Stevenson Meyer
who, after a life of distinguished service,
remembered India in his last will and testament
and bequeathed to the University of Madras,
the Endowment under which the lectures were delivered
of which this work
is the ripened harvest.

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1. The Making of the State
2. The Political Theory of the Government of India
3. The Political Philosophy of Mr. Gandhi

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PREFACE

This work is the expanded and finished product of the lectures delivered under the Sir William Meyer Endowment at the University of Madras in November—December 1937. The lectures have been allowed to grow out of the infantine nudity in which they were first delivered into a large and lusty size. Quotations from the dispatches, minutes, and letters of the rulers of India have been used in the body of the book, not merely referred to in footnotes, to give a realistic and human touch to otherwise dull and drab narrative of the events and facts of administration. The actors in the great drama of British rule in India, the players in " the great game " of Indian policy were, many of them, worthy of their parts. And their sayings and writings deserve to be brought out from the dim and dusty records, in which they are hidden, into the daylight of historical narrative. Sayings, anecdotes, short biographies of typical careers, though they have lengthened out the work and may be deemed to impair the dignity of history, have, the author hopes, made the book interesting. And as the field of work represented here was almost untrodden, there have been long winding paths, unnecessary parallel tracks, cross-country running, and repeated comings and goings. Readers, not used to Indian administrative circumstances, may resent the detail of certain descriptions and narratives. But it is time that outside knowledge of Indian administration should go below the layer represented by the District Collector. The time has come for that knowledge to go down to the work of the Huzur Sheristadar and of the village Karnam. For, powerful as the Collector still is, the administrative pressure of these subaltern officials is more immediate and persistent. And lastly, there is the frank but flagitious excuse for the size of the work—that it is much easier to write a big than a small book. If an explanation were needed for the unequal length of the several chapters, it is to be found in the unequal importance

of the several influences. Land Revenue, which occupies nearly double the space of any of the others, is generally recognised as the most important influence in Indian administration.

It remains for me to thank those that have made this book possible—the Syndicate of the University of Madras who invited me to deliver the best endowed lectures of the University, the Government of Madras who permitted me to accept the invitation, the Government of India who granted me permission to consult and use the manuscript records in the Imperial Records Department, the Librarians of the Imperial Records, of the Imperial Library, at Calcutta, of the Secretariat Library at Delhi and at Simla, the Curator of the Madras Records, who were all helpful and tolerant to one who was but an amateur in research.

No one is more conscious than the author of the deficiencies of his work. More time, access to all the records available in India and in England—these latter have not been touched at all—better historical equipment might have made the work more worthy of its theme. *Qui s'excuse, s'accuse.* The author is not afraid of that. But what he hopes is that this effort of his will irritate others into more solid work in this fruitful field of Indian administrative history. Each one of the subjects dealt with here would easily suffer expansion into a book of its own. That this may not be the least of the results of his work is the wish of

Madras,
21st April, 1939.

THE AUTHOR.

CHAPTER I

THE COMMERCIAL ORIGINS

"I found that our prosperity and dignity arose principally, if not solely, from two sources—our constitution and our commerce."

EDMUND BURKE.

The Commercial Motive.

Sir Thomas Roe who was sent by the East India Company " to bee Resident in Agra with the Kinge " to obtain confirmation of trading privileges on behalf of English commerce, in a letter that he wrote to his employers dated 24th Nov. 1616 suggested this maxim for the guidance of the policy of the Company in India: " Let this be received as a rule that if you will profitt, seeke it at Sea, and in quiet Trade; for without controvercy it is an error to affect Garrisons and land wars in India." [1] He called upon the English to learn a lesson from the failure of the Portuguese and the Dutch " who seeke Plantation heere by the sword ". Commercial had been the origin of the E. I. Company for it owed its existence to a charter granted by Queen Elizabeth on the last day of the year 1600 to about 220 gentlemen and merchants enabling them " as one body corporate and politic by the name of the Governor and company of the Merchants of London trading to the East Indies " with a capital of £30,135-6-8 divided into 101 shares, to carry on a business of separate risk and profit for each shareholder till 1613, and thereafter on a joint stock basis. This Company called the London Company continued to operate till 1698 when a new Company called the English Company was allowed to be formed in spite of a petition to the House of

1. Letter to E. I. Co. in the Embassy of Sir Thomas Roe to India, Vol. II, p. 312, Ed. by W. Foster 1899.

Commons presented by its predecessor. The two Companies could not compete with each other and at the insistence of King William III they agreed in 1708 to unite into one society called " the United Company of Merchants of England trading to the East Indies " the dead stock of the two Companies being the three Presidencies of Bombay, Madras and Calcutta with their forts, factories, stores and ammunition together with the rents and customs arising therefrom and the *Firman* by right of which they were enjoyed. In 1713, the Company against considerable opposition acquired the right of exclusive trade for a period of another 20 years till 1733 which right was renewed every 20 years till 1773 when the Regulating Act began the era of parliamentary control over the affairs of the Company. Its trading privileges were continued by such periodical renewals of the Charter till 1833 when the Charter of that year deprived the Company of its monopoly of Indian trade.

To the commercial policy of Sir Thomas Roe the East India Company was wholly true in the early years of its history. Its first settlements were commercial, containing nothing more than factories and warehouses and residences for the local representatives of the Company, and the majority of them were on or near the sea—Surat, Ahmedabad, Calicut, Madras, Armagon, Masulipatam, Balasore, Ganjam, Calcutta, Cassimbazaar and Patna. Only Bombay owes its origin to a political act, coming into Charles II's hands as part of the dowry of the Infanta Catherine of the House of Braganza of Portugal, and transferred by the king in 1681 to the Company " to be held of the king in free and common socage as of the Manor of East Greenwich on the payment of the annual rent of ten pounds in gold ". The commercial character of the early activities of the Company comes out to a convincing degree in its early records. Alike in the Minutes of the Court of Directors as in the Calendars and Consultations and Letters and Dispatches from the Indian end the bulk of the references are to business of a commercial kind—the arrival and dispatch of ships, the purchase and export of

longcloth, and broadcloth, salempore, dimittys, ginghams and romals, tutenague and izzaries, patcharisi, arrack, and diamonds and coral and treasure.[2] Chests of opium and bags of rice caused concern to the Council at Fort William even as late as Warren Hastings' time.[3] The preoccupation of the Presidents and Councils at the Presidencies is with investments and accounts, with advances made and payments received, with monopolies and land customs. The natives of the country they first had dealings with were Gomastahs, and Shroffs, and Dubashes.

East India Company and the American Colonies.

The East India Company thus differed from the Companies that were founded at about the same time in North America by the instrument of royal charters. While the E. I. Company was mainly for purposes of trade, the American companies were for the settlement of persons. The E. I. Company formed commercial colonies. The colonies of North America were established in territories void of inhabitants or if peopled, in the possession of primitive tribes. "I like a plantation in a pure soil" Bacon had said "that is, where peoples are not displanted to the end to plant in others". The commercial settlements of the E. I. Company in India were planted in the midst of peoples already possessed of a civilization and a culture of their own. The North American colonies were established for all the purposes of political existence. Being composed of English settlers only, they developed into self-governing establishments with a Governor appointed by the Home authorities but with a Council chosen by him from among the colonists and a legislature composed of representatives of the colonists. In the settlements in India on the other hand not only the Governor but the members of his Council were appointed by the Home authorities and Governor and Council possessed and exercised all legislative

2. See Madras Records, Ed. by Dodwell, and Madras despatches (1744-1758) Ed. Dodwell.

3. Public Proceedings—Feb. 1783, Imp. Records Deptt.

and judicial as well as executive power. Different in origin, the two kinds of colonies were different also in their destiny. And the view of the historian[4] of the constitution of British India that from the same germs were developed the independent republics of the West and the dependent empire of the East is hardly justified by the facts of their diverse origin and development.

Commerce Leads to Empire.

Not for long, however, did the E. I. Company preserve unmodified its commercial character. Force of circumstances soon placed territorial ambitions before it. But these circumstances were not only or always political as is often alleged by historians. It was not only the political circumstances of the country around its settlements that drove the Company into territorial expansion. The early expansionist activities of the Company were due to its own commercial motives. The difficulties in which the commerce of the Company found itself in a strange land led often to war and consequent territorial advance. Even towards the end of the 17th century the raising of customs duty from 2 to 3½ per cent gave excuse to Sir John Child to raise the Company's head against Moghul rule.[5] The establishment of the Factory of Fort William in 1696 when Hooghly, Balasore, Cassimbazaar were available is said to have led to public extravagance, the only obvious means of meeting which was to be found in increased territorial revenues attainable only by war.[6] Early in his Indian career, in 1760, Clive felt "it became immediately necessary to secure to the Company such an income as will keep them clear of charges and bring in besides a supply for the emergencies of other settlements and for providing cargoes for loading ships home." Therefore the Nawab of Murshidabad must be asked to assign a larger

4. Ilbert in his Government of India—Historical Introduction.
5. Thompson and Garrat—Rise and Fulfilment of British Rule in India.
6. Mills—India ir 1858.

revenue from lands beside the sole right of trading in certain districts.[7] As if the profits and dividends expected of the Company were not enough incentive to empire, the Company was forced in 1767 by an Act of Parliament for which Townsend was responsible to buy the privilege of retaining its territorial acquisitions by an annual payment to the Exchequer of £400,000.[8]

In 1768 the Directors wrote to Bengal that "as they look with a favourable eye on every attempt for the extension of commerce" they do not disapprove of even the expedition to Nepal and are only sorry it failed of success.[9] In 1770 in connection with the Carnatic wars they wrote to the Council of Fort St. George asking them no doubt to preserve "a studied and uniform neutrality, in the interests of their commerce but only till such time as our own dignity and interest call upon us to interfere and then a favourable moment should be seized".[10] Neutrality at any price was never the policy of the Court of Directors. If they jib at territorial expansion it is only because they do not want to enter into any engagements which may be productive of enormous expense and which are seldom calculated to provide the Company's essential interests. From at least the middle of the 18th century the profits of the Company were derived as well from the territorial acquisitions as from their commerce.[11] The close relation between Territory and Commerce in the early days is revealed in the confusion of the

7. First Report of Committee of Secrecy, 1772, p. 228, 229.

8. Mervyn Davies—Warren Hastings, p. 58.

9. Quoted in Auber—Rise of the British power in the East, Vol. I, p. 185.

10. Quoted in Auber—Rise of the British power in the East, Vol. I, p. 300-301, also quoted in Governor's minute 21st April 1773 in Selections from State Papers. Ed. by G. W. Forrest.

11. Third and Fourth Reports from the Committee of Secrecy of Feb, 1773.

Territorial with the Commercial Accounts of which the Commissioners appointed in 1773 into the state of the Company's affairs set the fashion of complaining.[12]

The foreign wars undertaken by the Company in the 18th century were also due to the commercial motive. The wars for the conquest of Java, the Straits Settlements, Malacca, the Spice Islands, Ceylon, the war against China had the extension of East India commerce for its driving cause.

Trade and Policy.

And as time went on, what Burke[13] called " the first of the principles of connexion between India and England, the East India Company's Trade " had a powerful influence over the general policy and the particular measures of the Company's government. Till about the year 1765 the balance of trade between India and England was made by the exportation of silver from England to India. Afterwards, bullion for some reason or other ceased to be exported or came to be exported in diminishing quantities to India. To make up for this deficiency the practice came to be introduced of a certain portion of the revenues of the Company to be set apart for the purchase of goods for exportation to England. This was the Investment which played a celebrated part in the history of the East India Company. It greatly influenced the course of the development of its policy and administration.

The Investment.

From the time the Investment was resorted to it gave an artificial fillip to the exports from India to England and produced a false mirage of the wealth of the country. " Numerous fleets of large ships " to borrow the graphic language of Burke[14] " loaded with the most valuable com-

12. Third Report of Committee of Secrecy, 1773, p. 72.

13. Ninth Report from the Select Committee (of the House of Commons) etc. Burke's Works, Bohn's Edition, Vol. IV, p. 31.

14. Op. cit. 31-32.

modities of the East, annually arriving in England in a constant and increasing succession imposed upon the public eye and naturally gave rise to an opinion of the happy condition and growing opulence of a country whose surplus productions occupied so vast a space in the commercial world". This Investment raised the natural desire of East India shareholders to have their dividends increased. An immediate consequence of the Investment in Bengal was that £200,000 were added to the annual dividends of the Proprietors of the Company. This added to the old dividends brought a constant charge upon the mixt interest of Indian trade and revenue of £800,000 a year which was to be provided for at all events. To provide for the increasing appetite for dividends the Investment had to be increased. The amount of the first investment from Bengal amounted to about £500,000; in the year 1767-1768 it arose to £700,000.

It was to provide for this Investment from Bengal, Madras, and other centres of East India trade that the external and internal policy of the Company was directed. It was the Investment that was largely responsible for that "endless chain of wars" into which the Company in violence to its original instincts, was plunged. The relations with France in the south were governed by the state of the funds available for the Investment—they were peaceful if there was enough money, there was danger of a rupture when there was a deficiency.[15] Territorial losses led to diminution of the Investment and territorial gains led to a welcome increase. The capture of Madras in 1746 brought down the average of the Investment by about one-third.[16] The disturbances of the years 1748-'53 disturbed the Investment in all parts of the Presidency of Madras the long troubles having driven many

15. Burke op. cit., p. 33

16. Calendar of the Madras Dispatches 1744-55, Ed. by Dodwell, Introduction p. XVI.

weavers into other occupations.[17] The Investment had to be increased in 1754 " to compensate the vast sums most unhappily spent in military operations." [18] An improvement in the Investment took place soon after the victories in 1756-1757 of Clive.[19] With the loss of the " northern settlements " a reduction in the Investment followed and the Company directed that as the northern settlements were important every effort must be made to recover them.[20] The Investment being clogged by the practice with which Governor Pigot[20a] (1755-63) and his Council at Madras followed of levying 5% on goods purchased by the Company, the increased cost of administration could be met only by increased funds got otherwise than by trade, that is by territorial acquisition. The poligars of the Carnatic would have to be reduced and more country obtained. " Perhaps one motive " acknowledged Warren Hastings " for seeking the possession of the Northern Circars was to command the means of collecting a larger Investment ". And as a matter of fact the Investment increased as a result of the acquisition. [21] Not only Warren Hastings' acquisitiveness but the wars of the Marquess of Wellesley, of Lord Hastings were due, partly at least to the necessities of the Investment.[22, 23] Instead of revenue arising out of commerce the system of the Investment, as Burke pointed out, reversed this natural process and produced commerce out of the revenue.

The Investment influenced not only the external policy of the Company but its domestic policy and administration. The

17. Calendar of the Madras Dispatches 1744-1755, Ed. by Dodwell, p. 83.

18. Calendar of the Madras Dispatches 1754-1765, Ed. Dodwell, p. 13.

19. Calendar of the Madras Dispatches 1754-1765, Ed. Dodwell,

20. *Ibid.*, 1744-55, p. 223.

20a. *Ibid.*, p. 189-190.

21. Letter of Warren Hastings to Lord Macartney in Life of Lord Macartney Barrow, Vol. I, p. 215.

22. Wellesley's Dispatches Ed. Martin, Vol. III, passim.

23. Private Journal of the Marquess of Hastings.

greatness of the Investment, was the standard by which the administration of the country was measured.[24] To find money for the Investment the country and the people had to yield as much revenue as possible. The land revenue of the newly acquired territories was farmed out to contractors and the land rents raised at every successive bid. The cost of civil administration had to be kept down and the servants of the Company insufficiently paid in the interests of the Investment. Lucrative offices in the civil and military services of Bengal were kept in the hands of the few Englishmen available. As an incentive to these officials private trade was allowed to the detriment of the Company's trade and administration. And the spectacle made familiar to us by historians of the Company of magistrates appearing as traders and monopolizing every article of trade, foreign and domestic, was frequent. The view of Burke[25] that the greatness of the Investment had been the standard by which the merit of the Company's principal servants has been generally entrusted is supported by the facts of the career of its representative administrators from Warren Hastings onwards. Nor did the commerce of the Company benefit from the system. The mainspring of the commercial machine, to use the expressive language of Burke, the principle of profit and loss, was weakened. Private capital and competitive commerce were hardly encouraged by this system. [26] The idea of remitting tribute in goods naturally produced an indifference to their price and quality. Nor did the general welfare of the people of the country escape suffering at the hands of the Investment. By that vast demand on the territorial fund, said Burke,[27] the correctives and qualifications which might have been gradually applied to the

24. Ninth Report of Select Committee of House of Commons, Burke's Works, Bohn's Edition, Vol. IV.

25. Burke, op. cit.

26. Substance of a Speech delivered by Lord Grenville in House of Lords—9th April 1813.

27. Ninth Report from the Select Committee of House of Commons in Burke's Works, Vol. IV, Bohn's Edition,

abuses in Indian commerce and government were rendered extremely difficult. Oppressions were frequent in the provision of the Investment. For a while the Company's servants kept up the Investment not by improving commerce and manufactures but by forcibly raising the land rents.[28] Loans soon became the regular source for retrieving the investment. In April 1781, certificates for Government bonds at 10% interest were issued for about £650,000, the Investment being fixed at £900,000.[29] Not only the vehemence of Burke but the staid judgment of an official letter pointed out that under the system " no injunctions on the part of Government against unjust dealings and the oppressive exercise of authority can be expected to avail while the numerous Europeans and native officers and agents employed in the provision of the Investment will possess the power of departing from the principles of justice and will derive any private advantage from such a deviation."[30] This oppression began to be prevented by the vigilance of Government in the administration of Lord Cornwallis.[31] The necessity of remitting home in goods £3,200,000 as late as the middle of the 19th century made the government of India under the Company mercantile till almost its last days. The government of India could not in the circumstances be carried on without the help of Monopoly.[32]

The commercial *motif* influenced the course of English policy and administration from the beginning till almost the end. Although the Company was attracted to empire by the needs of their commerce, they did not take to territorial ambitions without much searching of a commercial heart. The Diwani of Bengal was not assumed immediately after the

28. Burke, op. cit.

29. Burke, op. cit.

30. Bengal Government to Madras Government, 19th July 1804 in Selection of papers from Records of East India House, Judicial, Vol IV.

31. Minute of Lord Cornwallis, 11th Sept. 1793.

32. Lord Ellenborough's Diary Ed. by Colchester, Vol. II p. 72

victory of Plassey because the number of civil servants was scarcely adequate to the necessary accumulation of the Company's business much less to the various departments of State.[33] Even after the Diwani was assumed in 1765 the Company was advised not to take up the power of supervising the administration of the provinces " as three times the number of civil servants then available would be insufficient for the purpose "; if the management were left to the officials of the Moghul government the Company need not be at the expense of an additional servant; if the Company's officers were to be the collectors of the revenue foreign nations would immediately take umbrage and complaints preferred to the English government.[34] Nor did the commercial preoccupation cease to govern the conduct of the Company and its government even after it began to take on a more political character.[35] When Lord Cornwallis arrived in India he found the Company's paper was at a discount that could, he thought, be reduced only by a strict adherence to their engagements to the public and by as early a discharge of old obligations as possible.[36] Fresh issues of paper, the Investment, the conversion of the Contract into the Agency system for the supply of goods required for the Investment became the concern of the first political Governor-General of British India.[37] Earl Mornington, as he then was, impressed from the beginning with the importance of keeping up the means of the large Investment from India, " not only on account of the encouragement it afforded to the navigation and shipping of the kingdom, the addition it made annually to the capital and wealth of the country, it being a fruitful source of revenue but on account of its connection with the prosperity

33. Verelst—A View of the Rise, Progress and Present State of the English Government in Bengal, ch. I.

34. Clive's Letter to the Directors 30th Sept. 1765.

35. Shore—Notes on Indian Affairs, Vol. I, No. XIII.

36. Auber—Rise and Progress of British Power, Vol. II, p. 46.

37. Auber—Rise and Progress of British Power, Vol. II, p. 51.

of Indian provinces due to the increased exports from India to Europe."[38] And in England, Dundas[39] and Grenville[40] were equally concerned about the application of surplus revenues to the purchase of the Investment. Even as late as 1800 as the chief representative of the Company in their commercial capacity the Governor-General-in-Council had the immediate superintendence of their commercial concerns in Bengal and exercised a general control over the provision of the Investment at the other Presidencies including a considerable degree of attention to their affairs in China.[41] The importance of the Investment towards the closing years of the 18th century may be realised from the fact that the sources appropriated in India to the purposes of Investment and commercial charges in 1796-97 and 1797-98 amounted to 4,96,15,165 current rupees[42] exceeding the amount of bills drawn upon the Court of Directors from India within the same period by 3,83,39,263. The Debt of the E. I. Company which it bequeathed to the Crown was to some extent increased for the purpose of the Investment.[43]

Commerce and Territory.

Not only the early doubts and hesitations but the later determined trend towards territorial expansion and the coming and going between these extremes are to be explained by the persistence of the commercial motive. Part if not the

38. Earl Mornington to Court of Directors, Aug. 1799 in Marquess of Wellesley's Dispatches. Ed. Martin Vol. II.

39. Letter from the Right Hon. Henry Dundas, July 1801, Debrett, (London).

40. Substance of a Speech by Lord Grenville in House of Lords 1st April 1813.

41. Governor-General in Council to Court of Directors, July 1800 n Marquess of Wellesley's Dispatches, Ed. Martin, Vol. II.

42. 1800, *ibid.*, Vol. V.

43. Letter of Henry Dundas to Court of Directors, July 1801 Debrett, (London).

whole, for part must be attributed to ambition for Company and Country, of Warren Hastings' desperate and impeachable attempts at acquisition of money and territory must be laid at the door of his intention when he was Governor and Governor-General to relieve the distresses of the Company and pay off their heavy debts. [44] His policy in regard to the Rohillas was precipitated by the Company's urgent demand for remittances to relieve its own financial embarrassments.[45] And the judgment of a great contemporary official that he was not an economist either for himself or for the public was justified. [46] Hastings was not the only Governor that incurred the wrath of Ministry and Parliament for getting the Company the revenues it needed for paying their shareholders their profits and dividends. Sir Thomas Rumbold at Madras (1778-1780) and Hornby (1771-1784) at Bombay were only lesser lights that did not attract the attention the other did. And it must be noted that Hastings always received the support of the Court of Proprietors.[47] The external policy of the Company was sometimes determined by its influence on the price of E. I. stock. The Court of Directors severely reproved the Government of Madras for its treaty with Hyder Ali in 1769 for it made E. I. stock drop 60%. Lord Cornwallis was persuaded that empire was as necessary to the commerce of the Company and that it was too late in the day to divorce the one from the other.[48] The Marquess of Wellesley political ruler as he was fretted against the commercial policy of his masters and complained that in his time " India was ruled not from a palace but a counting house; not with the ideas of a prince, but with those of a retail dealer in muslin

44. Warren Hastings by Mervyn Davies, p. 85.

45. Warren Hastings by Mervyn Davies, p. 124.

46. Memoirs of Life and Correspondence of Lord Teignmouth, Vol. I, p. 71.

47. Mill—History of British India, Vol. IV, p. 378.

48. Earl Cornwallis to Dundas, 1790, Cornwallis' Correspondence edited by Ross, Vol. II.

and indigo ".[49] He interpreted the terms of the Act of 1793 which forbade the pursuit of schemes of conquest and extension of dominion in India " so as not to preclude the extension of the British territories in India by just and legitimate means unconnected with schemes of conquest and irregular ambition ". And the fact that the Court of Directors did not denounce the extensions of territory that took place after 1793 seems to lend justification to that interpretation.[50] But as late as 1832 a distinguished servant of the Company mindful of the streams of wealth which had passed from India to England felt it was impossible for the Company to conduct the political government of India without the assistance derived from the trade with China.[51]

Influence on Administration.

More than the policy, the administration of the East India Company was governed by its commercial origins and character. The constitution and organization of the administration, the devices and instruments of government adopted, the methods of work it favoured were influenced by the nature of the first and for long the predominant work of the Company. The recruitment of its officials, their nomenclature, their employment and service, their emoluments were governed by rules and practices appropriate to commercial business. The administrative system even after the Company became a conquering and governing power bore traces of its commercial history. The early methods of raising revenue and disbursing expenditure smelt of the counting house. The impact of this administrative system upon the people that were brought into relations close or remote with

49. Wellesley's Despatches and Letters Ed. Martin date 1802.

50. 1803. Despatches, etc. of Marquess of Wellesley, edited by Martin, Vol. III. Also letter of Wellesley to Lord Castlereagh, December 1803 ibid, Vol. III.

51. Report of a Meeting of the Court of Proprietors—P. Allen & Co. (London) 1833.

it was derived from the commercial influence which coloured the history of the Company.

Commercial Origins of the Civil Service.

The administrative service that the Company built up in India was in its origin that of a commercial concern. The very nomenclature of the first officials of the Company bear this description out. The young servant of the Company came out to one of the Presidency towns as a Writer; he rose to be a Factor, then Junior Merchant and finally in the normal course of advancement Senior Merchant. Clive and Warren Hastings began their famous careers as Writers of the Company. This classification lasted till almost the last days of the Company's rule.[52] Writer's Buildings at Calcutta and Bombay still stand reminiscent of the mercantile origins of the Indian Civil Service. The head of the Company's government at their settlements was known first as Agent and then President. It was under the Charter of 1661, that the Agent at Madras was commuted into a Governor,[53] mainly with a view to enabling him to perform the judicial duties allotted to him by the Charter.

Recruitment.

The recruitment of the servants of the Company was in the commercial way. Personal knowledge of the candidate led to appointment by the Directors. Recommendations by the Proprietors to the Directors was another avenue of appointment in India. As in any commercial office, the recruits were young men taken as apprentices. A public school education supplemented by a knowledge of accounts was deemed sufficient. " Sent from school to school and gaining very little learning " on the way, Clive was given a writership and shipped off to Madras. Warren Hastings was taken

52. Sir Charles Trevelyan's Evidence, 21st Feb. 1873, before Select Committee on E. I. Finance 1873.

53. Love Vestiges of old Madras, Vol. I, p. 273.

from Westminster School and put through a course of book-keeping before he was sent out. Like Clive and Warren Hastings hundreds of young men, the sons and nephews of Proprietors or Directors of the Company found their way into its service in India. Thus was built up that great system of Patronage which was to play a notable part in the history of government not only in British India but in England.

Patronage.

The patronage of the Directors was at first a profitable privilege, till the Charter Act of 1793 required the Directors to take an oath that they would not accept pecuniary consideration for nominations or appointments. Advertisements used to appear in the newspapers offering appointments to India for valuable consideration. Directors used to receive letters offering money for appointments.[54] But even without pecuniary profit this patronage was a valuable privilege for it provided appointments for the political supporters, friends and relatives of the authorities of the Company. It was so valuable that after the affairs of the Company came within the cognizance of Parliament in 1773, Crown and Parliament vied with each other to get it. The battle over the East India patronage raged in the debates round Fox's and Pitt's East India Bills, the former intending to vest the valuable and powerful Indian patronage in the hands of Parliament, the latter in the hands of the Crown. Then and afterwards the question whether the Crown should take over altogether the political government of India leaving only commercial transactions to the Company or should share with the Company in the political and commercial management of India turned partly on the question of patronage—that is which of them should appoint to the civil and military services of the Company.[55] It was feared that an increase of patronage in

54. For a specimen see Life of Sir Charles Grant by Morris, Ch. XIII.

55. Cornwallis' Correspondence, Ed. by Ross—Letter of Cornwallis, (4th April, 1790) to Dundas.

the hands of the Crown could not be justified on the soundest constitutional principles.[56] East India patronage played a decisive part in the building of the English political system in general of the 18th century and of the Party system in particular. Henry Dundas as President of the Board of Control kept his party together in Parliament by the extensive use of the patronage that lay in his hands and which he shared with the Directors. The small band of electors that existed before the Reform Act of 1832 was easily manipulated by a party leader of the resources of Dundas.[57] Pitt complained that a dangerous element in the Parliament were the members of Arcot and Tanjore. The reactionary government of England in the years of the French Revolution and after till 1830 was maintained by the votes of the members of Parliament that had sons and nephews and cousins in the Presidencies of India.

As the law stood after Pitt's India Act of 1784 all the military, the marine, and the ecclesiastical patronage of India was left in the hands of the Court of Directors, the civil and medical patronage was vested partly in the Crown, partly in the Directors, and partly in the Governor-General and Council and Governors and Councils of the several Presidencies. The Board of Control as such had legally no share but the President of the Board by an arrangement with the Court of Directors had a share equal to that of one of the Chairs of the Court or double that of a Director.[58] No public responsibility attached to the exercise of patronage by the Directors. Public opinion exercised little or no influence on the use of this patronage. While the Governor-General and Governors of the Presidencies were appointed by the Crown i.e., the Secretary of State who was President of the Board of Control, the members of the Councils of the Governor-General and of

56. Cornwallis, op. cit.
57. Macaulay's Life by Trevelyan.
58. Report of Select Committee on Affairs of E. I. Co., 1832.

the Governors were appointed by the Court of Directors. The amount of patronage in regard to the services in India was great, although it fluctuated from year to year being regulated by the demand for civil servants in India. On the eve of the victory of Competition over Patronage in 1853 the number of civil servants in the three Presidencies was said to be 1100 to 1200.[59] While patronage lasted it was valuable. The low salaries of the Directors £300-500 was justified on the ground that part of their reward was in patronage. [60] And when they were to lose it, a pecuniary compensation was suggested. [61] All this patronage, except for the civil services which had been thrown open to competition, passed into the hands of the Ministry of the day when the Crown assumed the government of the country.

Jobbery.

Patronage in England led to jobbery in India. Clive and Warren Hastings fought this evil of jobbing the relatives of highly placed men in England into offices in India. Hastings was said to have incurred the enmity of Burke by his refusal to give his cousin William Burke a job—and if it was not the cause, it may have been the occasion for the institution of those enquiries that led to the Impeachment. To provide for as many as possible of the relatives of the Directors was, according to a distinguished servant of the Company, among the fundamental principles that guided the rule of the Company.[62] Forty large vessels, complained Lord Cornwallis, could not carry half the people that wanted to get jobs in India in his time.[63] Notes of recommendations given by the Prince of Wales and the King and Queen found their way to India. [64]

59. Report of Select Committee on E. I. Territories, 1853.
60. India under a Bureaucracy by John Dickinson, 1853.
61. Report of Select Committee on E. I. Territories, 1853
62. Shore—Notes on Indian Affairs. Vol. I, No. XIII.
63. Cornwallis to Sir John Kennaway January 13, 1809—Correspondence Ed. by Ross, Vol. III.
64. Cornwallis' Correspondence, Vol. II.

Lord Cornwallis was greatly distressed by Lord Aylesbury sending out a Mr. Risto recommended by the Queen herself but he had too much at stake to do a job " even for sacred majesty ". [65] Proper supervision of Collectors and other subordinate officials was prevented because there were among them so many sons, cousins, or eléves of Directors and intimates of the members of Council.[66] Cornwallis who had suffered greatly from the importunities of patronage succeeded in reducing it to a large extent and members of Government " relieved from the torture of private solicitation had more time to attend to their public duties.[67] Wellesley[68] put the drag on Dundas' attempt at what Lord Roseberry called the Scotticisation of India. The patronage in India amounted to a very large proportion of the whole. The distribution of it was recorded in the Proceedings sent home and was liable to be vigilantly scrutinized by the Court and by the Board. [69]

The patronage of appointments in India lasted till 1853. Macaulay had tried in 1833 to insert the thin wedge of competition by certain clauses which he tried to introduce in the Bill which became the Act of 1833. But the Directors had then been too strong for him; they were not going to resign without a struggle the most valuable patronage which had existed in the world since the Roman Senate sent proconsuls and proprietors to Syria, Sicily and Egypt. [70] Macaulay had better luck in 1853 on Sir Charles Wood's Bill, when, in spite of the powerful opposition of Lord Ellenborough speaking out of Indian experience, with one of the most telling of his speeches he helped the Bill to be carried in the House of Commons. The Act of 1853 killed the Patronage

65. Cornwallis' Correspondence, Vol. I, IX, Ed. by Ross.

66. Gleig—Life of Warren Hastings, Vol. I, p. 269.

67. Letter of Sir John Shore to Warren Hastings in Memoirs of Life etc. of Lord Teignmouth, Vol. I, p. 136.

68. Marquess of Wellesley. By Hutton, Chapter VII—Rulers of India Series.

69. Report of Select Committee on E. I. Territories, 1853.

70. Life and Letters of Lord Macaulay by Trevelyan.

that had played a long and influential part in the government of India by the Company.

Patronage and Promotion.

Not only to initial recruitment but to subsequent promotion was Patronage applied. Promotion of the servants of the Company lay in the hands of the Governor-General, the Governors and the Commander-in-chief. Till 1834 the Governor-General had the patronage of the Lower Provinces of Bengal. Before the Act of 1784 the patronage of the powers in England was not excluded. Civil servants and military officers were found who took a trip to England and used their influence there with Directors finding this process easier than waiting for the recognition of merit in India.[71] The Marquess of Wellesley feared that the reliance of servants of the Company on the favour of the Court of Directors or the Board of Control must extinguish all local subordination in India.[72] He resented the Court of Directors' objection to the appointment of his nominee to the office of Secretary in the Military Department.[73] Dundas tried to cure this evil by falling into another. Acts passed in 1786 and 1793 determined the course of promotion by a rule that was to influence the character of the Indian services for ever afterwards—the rule of seniority. Playing for safety, he played into the hands of mediocrity. The rule of promotion by seniority lasted till 1861 when it was abolished.[74] But although it has not been a hard and fast rule, it has been the convention and heads of departments and other superiors playing for safety have old precedent to support them. Another Act of 1786 and the Charter Act of 1793 by insisting on service in India and in the presidency to which the post belonged and on certain terms of service for appointments

71. Cambridge History of India, Vol. V, p. 318.

72. Marquess of Wellesley to Addington, 10th January 1802 in Despatches, Vol. III.

73. Ibid.

74. O' Malley: The Indian Civil Service.

above £500 a year put heart of grace into the servants of the Company.[75] By still another act of Parliament, Directors with the approbation of the Board of Commissioners could from time to time make regulations for the division and distribution of the patronage and of the power of nomination to the offices, commands and employments in India among the Governor-General in Council, Governor-General, Commander-in-chief and other Commanding officers appointed or to be appointed under the Act.[76]

Patronage and Government.

Patronage in regard to recruitment and promotion thus legalized came to be a powerful instrument of government. Not only the supreme but the subordinate heads of government in India came to believe that, unless they could confer favour, their authority would wear a stern and ungracious aspect. " The rights of patronage," ran the argument of a supporter, " were not to be disjoined from the duty of superintendence; otherwise it would degenerate from a public trust into private property ".[77] And a distinguished civil servant who rose to be Governor-General of India required that patronage should be extensively employed and exercised by the Governor-General even in regard to the subordinate and provincial posts of District Judges and Collectors as " influence over the public establishments would wait chiefly on patronage ".[78]

Monopoly in Service.

If Patronage was the method of recruitment and promotion in the services of the Company, Monopoly was its principle. Monopoly which had been from the beginning the

75. Cambridge History of India, Vol. V., p. 318.

76. 3 & 4 William, IV, C. 85, Sec. 78—Laws relating to India and E. I. Co., Fourth Ed. 1842.

77. Mr. Hill's Minute dated 16th June 1830—in Report of Civil Finance Committee 1830, Imp. Records, Calcutta.

78. Minute By Sir Charles Metcalfe, 18th Oct. 1830, Secret Deptt. Report of Civil Finance Committee, Imp. Records, Calcutta.

principle of its commercial life became and continued to be the principle of its administrative service long after it ceased to operate in the sphere of commerce. Burke attributed the monopoly of office enjoyed by the servants of the Company to the Investment. To the highest as to all but the lowest offices, only men who had entered the service of the Company could be appointed. The Governors of the Presidencies and the first Governor-General of Bengal were Company servants. But the experience of Warren Hastings made the appointment of Governors-General from the Company's service exceptional. On the other hand Lord Cornwallis' success as Governor-General and his own pronounced views which influenced the opinion of men in authority in England, against the employment of servants of the Company in the high offices of Governor-General and Governor closed these supreme promotions except in rare instances to the ambitions of the Company's servants. But apart from these high offices, the service of the Company like the trade of the Company was barred to the interloper. Not till after the government of India had lost its commercial character altogether was the entrance to the civil services in India free and open. And an instrument of monopoly kept the higher grades of the services closed to all but those to which the Company had contracted itself. That instrument was the Covenant.

The Covenant.

It was under a covenant, that is, a contract between the Company and the persons they employed, the one party to the contract covenanting to keep them in their service for a certain period of years and the other party to the contract covenanting to serve their employers for that period that the first servants of the Company came out to serve in India. From the beginning the apprentices that were sent out till 1694, and the writers afterwards signed covenants or indentures defining their duties and the privileges of private trade accorded to them.[79] These indentures after reciting

79. Monckton Jones—Warren Hastings in Bengal, p. 57.

that "upon the special request and entreaty of A. B. the Company have received him, into their service as their writer, factor or otherwise for a certain period and in any place within the limits of their jurisdiction," state that the Company "engage him to pay him a specified wage per annum and require from him that he will serve them honestly and diligently; observe and fulfil all orders of the Company or their representatives in India, will not do or suffer to be done anything to the Company's prejudice". In return, the Company allowed him beside his wage the right of private trade from port to port in India only subject to the condition that he shall not ill-treat the natives and black merchants, shall not resort to extortion, the sanction against such offences being complaints to the Court of Directors to whom it shall be lawful to award satisfaction and reparation for the same to be made by the said A. B.[80] Writers generally had to serve a first period, a "covenanted" term of five years. The Company also exacted substantial security for the good behaviour of their servants, writers being required, on attaining the age of 21 years to give bonds to the amount of £1000 to be increased to £2000 on their reaching the rank of Factor.[81] As the Company's service grew in age as well as in power new conditions were added in these covenants. In May 1764 "new covenants" were drafted to embody a prohibition to take *nuzzerana* and presents and all servants of all ranks were called upon to sign them in addition to the old indentures.[82] Burke refers to these covenants especially the covenants against the taking of unlawful emoluments in 1788 in one of his Impeachment speeches and compares them to confirmation in Church. A promise not to take part in private trade had already been embodied in the covenants in 1756. Still another form of writers' covenant forbade on

80. From the Indenture in Bolt's Consideration on Indian Affairs reproduced by R. Muir in the Making of British India.

81. Love Vestiges of Old Madras, Vol. I, p. 433.

82. Monckton Jones—Warren Hastings in Bengal, p. 37.

pain of dismissal, writers being concerned in buying war material for country powers or corresponding with them or arranging loans for them.[83] In 1771 new clauses were added to prevent intrigues with country powers[84] or like the 6th article of the current covenant which forbids the servant to accept presents or to make corrupt bargains. Many of these old prohibitions have persisted in the later covenants like the 7th article of the covenant by which the modern civil servant binds himself not to engage, carry or be concerned in any trade dealings or transactions whatever."[85] After family pensions were introduced a clause was introduced into the covenant obliging the civil servant to contribute to those pensions,[86] to the Indian Civil Service Provident Fund and for pension to his wife and children[87] of £300 a year which has led to the description of the civil servant in the marriage market as worth £300 a year dead or alive. Even at the present day successful candidates enter into these covenants with the Secretary of State in Council but certain clauses save the powers of the Secretary of State to preserve the prerogative of the Crown in regard to the services in India as in England.[88]

Uncovenanted Service.

The Covenant system not only guaranteed the Company's servants security of service but also a monopoly of the higher services in the Company's administration. Only for subordinate posts was the device of monthly writers, employed for temporary periods and recruited from the persons available in the country, adopted from the beginning and encouraged by the Court of Directors in 1786 with

83. Monckton Jones—Warren Hastings in Bengal, p. 74-75.
84. Ibid, p. 135.
85. In Keith's Speeches on Documents on Indian Policy, Vol. I.
86. India Office List—Particulars regarding Admission to the I. C. S. 1938.
87. See Current Covenant.
88. Blunt—The I.C.S., Chapter II.

a view to reducing the cost of establishments.[89] The monopoly of service was legalized by an Act of 1793[90] by which convenanted servants alone were to be appointed to civil posts in India. As the British occupation continued, the civil servants sent out on covenants were found inadequate in number, and other servants not recruited on a covenant were employed. These came from a new class, the class of Uncovenanted Servants. But it was not without a struggle especially against the Home authorities that the citadel of Covenant was breached. In 1809, the Court of Directors renewed their directions that covenanted servants should be employed more generally in the public offices. The local heads of administration had to point out to them that the duty of transacting the public correspondence and proceedings could not be executed well by young men who had had little practice in writing, that apart from the expensiveness of employing highly paid servants in subordinate offices, these independent young men who were notorious for their inapplication at Fort William College could not be expected to attend office from 8 a.m. to 7 p.m. and be regular in the execution of business entrusted to them ; that finally the public business could not be executed with greater accuracy, with greater regularity, with greater neatness, correctness and dispatch by employing generally the covenanted servants of the Company.[91] But it was held by high authority as late as 1836 that the course indicated by Acts of Parliament was that " the ordinary civil administration should be conducted by the covenanted servants wherever they found Codes of Regulation enacted by the Indian Government to be in force " and the expectation was given expression to that such servants would doubtless for a long time to come as has been

89. Auber's Rise and Progress of British. Vol. II, p. 19.

90. 33 Geo. III, c. 52—Ilbert Government of India Ch. II.

91. Letter of a Secretary to Government to Vice-President of Council Public—Imp. Record Deptt, Calcutta. 10th Nov. 1809.

the case herebefore have the monopoly of employment."[92] It was in the so-called Non-Regulation provinces added since 1793, the provinces where the Act of 1793 was held not to apply, that uncovenanted servants were allowed to enter the service of the Company, that is, in the Punjab, Oudh, the Central Provinces. But the exigencies of administration allowed even in Regulation provinces the recruitment and the employment of uncovenanted servants. But the Madras Government was informed in 1839[93] by the Governor-General-in-Council that the appointment of a Principal Sudder Ameen not being a civil servant of the Company to act as the Register of a Zillah Court was inadmissible. And in connection with the appointment of an uncovenanted person to a judgeship at Dinajpur in 1854, the Lieut. Governor of Bengal was told that it was in violation of the clear and express direction of the statute."[94] Curious expedients were adopted to get round the Act of 1793. The title of Assistant Collector was towards the end of Company rule changed into that of Deputy Collector and uncovenanted servants were freely employed to that new category. But in the whole of India in 1852 there were only 1850 in the higher grades of the Uncovenanted Civil Service consisting of Principal Sudder Ameens, Munsiffs, Deputy Collectors and Magistrates, Tahsildars, and Superintendents of Salt, Customs, Opium.[95] An official reporter on the Civil Services of India recommended in 1858 that recruitment to the Accounts, Customs, Salt and Opium departments should not be restricted to the Covenanted Civil Service.[96] But it was the East India Civil Service Act of

92. Minute by the Governor-General, dated 1st June 1836 in Home Deptt. Public Proc. Jan. to June 1836—Imp. Record Deptt., Calcutta.

93. Minute by the Hon'ble J. P. Grant, 10th April 1855. Minutes and Papers relating to the appointment of Mr. Reilly—London Parliamentary Papers, 1861.

94. Minute by Hon'ble B. Peacock, 30th April 1855. Ibid.

95. Modern India by Sir George Campbell.

96. Mr. Rickett's Report on Civil Establishments and Salaries 1858 pp. 66-67.

1861,[97] that not only validated the irregular appointments to Deputy Collectorships and other posts, but by means of a schedule reserved to members of the covenanted service all the important civil posts under the rank of member of council in the Regulation provinces. The schedule of reserved posts implied that the unreserved posts were open to uncovenanted candidates. And the highest posts in the Non-Regulation provinces continued to be filled by uncovenanted men till they also became Regulation.

Covenant and Indianization.

The monopoly of office enjoyed by servants of the Company afforded little scope for the employment of the natives of the country. The exclusion of natives from the public services of the Company in its early years was a matter of course. With very few exceptions they were only employed as servants and agents to Europeans or in the inferior departments of collection when it was absolutely impossible to proceed a step without their assistance.[98] Later when the Company became farmers of revenue they had to employ native officers. The commercial motive of sending money to England led the Company to discard the employment of natives of responsibility to whom it would be necessary to give a liberal salary.[99] But the history of the careers of native servants in high employ, of Mohmud Reza Khan, and Rajah Shitab Roy and Nundkumar and Rajah Gurudas and Canto Babo, Gunga Govind Singh, whose names Burke has preserved in the pages of history and literature, together with the commercial policy and character of the Company hardly encouraged a wide employment of natives except on the lowest rungs of the administrative ladder. They were completely excluded from all share in the administration

97. 24 & 25 Vict. C. 54, Ilbert Government of India and Hansard, 1861.

98. Burke in Ninth Report from Select Committee of House of Commons in Burke's works, Bohn's Edition, Vol. IV.

99. Shore—Notes on Indian Affairs.

of the country.[100] They were employed more extensively in the commercial part of the business of the Company—as Bakshis and Gumashtas and Dubashes. The commercial desire to keep as much money as possible in English hands and to send as much money as possible to England was responsible for this policy.[101] The Marquess of Wellesley believed that the duty and policy of the British government in India required the system of confiding the immediate exercise of every branch and department of government to Europeans, educated in its own service and subject to its own direct control, and diffused as widely as possible with a view to the stability of the interests of the Government as to the happiness and welfare of its subjects.[102] It was in those departments of administration in which native agency was absolutely indispensable that it was first utilized. Land revenue and judicial administration required the large employment of Indians. But even here it was not till the Company lost its commercial character altogether that the wisdom and expediency of a wider employment of Indians was recognized. The protests of statesmen like Munro, Malcolm and Bentinck did not help to check this barrage against native employment.[103] In 1824 in Bengal official complaint was made that both the number and powers of Munsiffs and Sudder Ameens were still inadequate.[104] It was the breakdown of the system of exclusion, as illustrated by the enormous arrears of business especially of judicial business, that led Lord William Bentinck into his policy of admission of Indians into the

100. Shore—Notes on Indian Affairs.

101. Sir Richard Temple—Story of my life.

102. Marquess of Wellesley—Dispatches, Ed. Martin, Vol. II, p. 326.

103. Lord William Bentinck in Evidence before Committee of the House of Commons in 1837 quoted in a pamphlet "Evidence relating to Efficiency of Native agency" published by British India Society, Calcutta, 1883.

104. Judical letter to Bengal, 23rd July 1824 in Bengal Judicial Selections, Selection of India Papers, Vol. IV.

services.[105] The Charter Act of 1833 gave statutory effect to this policy. But much of the slow indianization of the services even afterwards may, with justice, be attributed to the commercial traditions of British rule.

Benefit of Covenant.

The Covenant system although it worked harshly against those outside the magic circle conferred this great benefit on Indian administration that it endowed it with the service of men selected and bound by contract to their duties and obligations. That flagrant evil of contemporary English administration, the evil of sinecures was excluded from it.[106] Pluralities, the use of deputies for performance of duties, fees, perquisites except in the earliest years were unknown to the Indian system. The Covenant made of Indian service a contract and not a property or vested interest as it was in the England of the 18th century.[107]

Salaries.

The emoluments of the first servants of the Company were on a low scale as the Company had to make profits and bring attractive dividends to its shareholders. The President of the Council at Madras received a salary of £200 per annum, while Writers in 1744 received £5 a year, Factors £13, Junior Merchants £30, the Chief of Factory £40 a year. To make up for their low salaries the right of private trade was from the beginning allowed to servants of the Company. The woes of Bengal in Warren Hastings' time burnt into our memories by the lurid periods of Burke's speeches on India were the results of the rapacity of these officials bent on making up by private trade for the deficiencies of their official salaries and allowances. From the traditions of the Moghuls, the

105. Evidence of Sir C. E. Treveyan, 25th February 1873—Minutes of Evidence before Select Committee on East Indian Finance, Vol. III.

106. Campbell, Modern India.

107. Halevy—A History of the English People in 1815, Book I, Penguin Edition.

commercial instincts and habits of the Company and its servants received with open arms the Dustuck, the Nuzzerana, the Rishavat and the Dustur. The commercial custom of paying a commission in addition to salary for good work done started early and lasted long. Thus Mr. Vansitart[108] President of the Council at Fort William was allowed a consulage or commission of 2½ per cent as a compensation and "to excite his most zealous endeavours in the cause of the Company." The presents that Warren Hastings took were allowed by the administrative morality of his time and would have continued but for Burke's denunciation. But it was not till the time of Lord William Bentinck that the receipt of presents by servants of the Company was forbidden by express orders.[108a] The first collectors of land revenue used to be paid a commission on their collections. The *Moyen zabitha* were the established allowances given to revenue officials. Even in Lord Cornwallis' time Collectors were paid a commission of rather short of one per cent on their collections the largest possible amount received by a collector in Bengal being Rs. 27,000 per annum.[109] In 1787 the Secretary of the Secret Department used to be given fees upon the grant of commissions to officers, and the Secretary to the Public Department received fees from the Revenue Department for Dewanny sunnads and from the Public Department on papers for ships. Even Lord Cornwallis recognized this practice and passed orders proposing more equitable distribution of these fees to the Assistant Secretaries of these Departments.[110] In Madras till 1802 the salaries of Collectors of revenue, that had been divested of their judicial powers in consideration of their diminished duties and responsibilities as well as with

108. General Letter from the Court of Directors, 13th November 1761 Fifth Report from the Committee of Secrecy.

108a. Life of Lord W. Bentinck in Rulers of India Series.

109. Governor-General in Council to Court of Directors, July 31, 1787 —Cornwallis' Correspondence, Ed. Ross, Vol. I.

110. Minute of Governor-General Pub. Proc. 2696-1705, O.C. 27th July 1787, No. 1, Mss. Imp. Rec., Calcutta.

a view to meeting in part the cost of establishing courts of justice, was reduced from pagodas 3,500 and 1½ per cent commission to Pagodas 4,000 without any commission.[111] In 1809 the Collector of Customs of Bengal was receiving commissions on customs collected.[112]

High Salaries to prevent Corruption.

To prevent the plundering propensities and the corruption of those in authority it was that the Regulating Act of 1773 placed the salary of the highest officials of the Company at heights which have appeared too great to be tolerated by purer generations—the Governor-General's salary at £25,000 a year, and that of members of his Council at £10,000 a year. Lord Cornwallis' reform in raising the salaries of civil servants was dictated by his own experience one of which was a sub-treasurer[113] playing with the deposits of 3 or 4 lakhs in his custody. The inadequate salaries of civil servants was deplored by the Marquess of Wellesley in 1800 when he found able officers like Mr. Harrington of Madras deserting official for commercial business as his salary did not afford him the hope of providing a competent maintenance of his family at the expiration of his service.[114] Later Acts of Parliament fixed the salaries of these and Governors of the Presidencies and Members of their Councils on similarly generous scales.[115] But if one remembers that before the Regulating Act, between 1757-1766, the leading servants of the Company in Bengal had received in presents £2,169,655,[116] that

111. Report of Board of Revenue, 18th December 1815 in Madras Judicial Selections from Selections of Records of East India House, Vol. II, 1820.

112. Minute of Governor-General 27th March 1809, Home Department, Mss. Imp. Rec. No. 18.

113. Correspondence of Cornwallis, Ed. Ross, 1787.

114. Earl of Mornington to Dundas, March 5, 1800, in Despatches, Ed. by Martin, Vol. II.

115. Ilbert, Government of of India Digest of Statutory Enactment Part III.

116. Garrat and Thompson—Rise and Fulfilment of British Rule.

George Vansitart was supposed to have taken £150,000 home with him in 1776 and that Barwell retired with a fortune of £40,000[117] not to speak of the fortunes of Clive and the other Nabobs, one may be astonished at the moderation of the proposed salaries, as Clive was by his own moderation in making money in India. The practice of "supplies" also dates from a time when salaries were low and the district officers were expected to live on the country like their Moghul predecessors. The practice flourished in the 18th century and Sir John Malcolm had to remind his contemporaries of the Persian saying "if the king takes an egg, there will not be a fowl left in the country".[118]

Pensions.

Beside salaries and commissions the Company did not provide other supports and amenities of service such as are known to modern administrations. A regular Pension system was unknown in the early days of the Company's history. Even as late as the beginning of the 18th century, however long and faithfully a man might have served and whatever might be the cause of his inability to serve any longer, from the moment that he was not useful he had nothing more to expect from Government and in the event of his death his family were obliged to leave the country and return home at their own expense.[119] Pensions were granted occasionally to individuals for special reasons, and to those that were real objects of charity and in need of assistance. Any attempt at granting pensions as a matter of course was met with censure from the Court of Directors as in 1756, when they called for an annual submission of statements containing names, amounts and reasons for grant of pensions, civil and military.[120] Mili-

117. O'Malley—The Indian Civil Service ch. II.

118. The Political History of India by Sir John Malcolm.

119. Shore—Notes on Indian Affairs.

120. Public General Letters from the Court of Directors to the President and Council of Fort William in Public General Letters 1755 pp. 75, 125, Mss. Imperial Records, Calcutta.

tary pensions preceded pensions granted to civil servants.[121] One of the more notable of the military officers to be granted a pension was Stringer Lawrence who got £500.[122] A sum of 5 lakhs supposed to have been given to Clive by Mir Jafar on his death-bed was allowed by the Company to be formed into the famous Lord Clive's fund, vested in trustees and administered for the benefit of disabled and retired officers of the Company's army. Owing to the want of due promotion in the Company's army the Court of Directors granted pensions to officers of long service.[123] Special pensions or annuities were voted by the Court of Directors from time to time to distinguished servants like Warren Hastings, Lord Macartney, Lord Cornwallis, Lord Hobart, the Marquess of Wellesley, Sir David Ochterlony, the Marquess of Hastings, and Sir John Malcolm.[124] Invalid pensions were sometimes granted on the recommendation of the Commander-in-Chief. The Marquess of Wellesley was the first Governor-General to think of a scheme of superannuation and pension for those that were found too feeble to render efficient service to the Company.[125] He would extend the benefits of pensionary allowances already payable to civil servants resident in India to those that would return to England.[126] Made anxious by the number of claims to pensions the Government ordered in 1812 a revision of the pensions and commissioners were appointed to look into the matter.[127] The first pensions provided for by statute were in 1797 for the Judges of the

121. Love Vestiges of Old Madras, Vol. II. 157, Vol. III. p. 244, 242 (note).

122. Love Vestiges of Old Madras, Vol. II, 588.

123. Major Hough—India what it ought to be 1853.

124. See Votes of these Grants in Auber's Analysis of Govt. of E. I. Co., 1826 Appendix.

125. Letter of Mornington to Dundas, March 5, 1800 in Despatches, Ed. by Martin, Vol. II.

126. Ibid.

127. Home Deptt. 1812—Pensions, *Mss.* Imp. Records, Calcutta.

Supreme Court at Calcutta.[128] The next legislative provision for pension was made in 1813 when the King was empowered by his Royal Sign Manual to grant pensions to the bishops and archdeacons who had served in India. In 1793, an Act had been passed by which any new pension or increase of pension beyond £200 per annum was not made available unless approved and confirmed by the Board of Commissioners for the Affairs of India.[129] Lord Moira in Council in 1814 came to the help of the uncovenanted subordinates and recorded the frequent necessity there was of recommending the grant of a small pension to those persons for maintenance after retirement as their salaries with the prices obtaining would not permit much saving.[130] Previous to the year 1825 Funds of a more or less private character existed at Bombay and Madras for the grant of annuities to covenanted civil servants of the Company.[131] A Civil Service Annuity Fund was established in Bengal also in 1825. These annuities were paid out of half and half contributions made by the civil servant and the Company. According to Regulations in force in 1826 military and other officers retiring from the Company's service were allowed to retire with the pay of the rank to which they had attained within 12 months of their arrival in Europe.[132] The right to grant compensations, superannuation allowances to servants of the Company was conferred by an Act of William IV's reign.[133] The rate of pension was at first ⅔ of the salary of the superannuated, later the Court of Directors brought it down

128. 30 Geo. III, quoted in Auber-Analysis of the Constitutions of the E. I. Co.

129. Ibid.

130. Lord Moira's Minutes—Imp. Rec., Calcutta.

131. Appendix to Report of Select Committee on East Indian Finance, 1872, Vol. II.

132. Auber—Analysis of Government of E. I. Co., 1826.

133. Act 3 and 4 Will 4-c-85.

to half. By an Act of George III[134] the rate was fixed at ⅓ of the salary for service of 10 years, at ½ for service above 10 and less than 20 and not exceeding ⅔ for service of more than 20 years. Provision was also made for superannuation allowances for officers more than 60 years of age. In 1862, the Secretary of State ordered that £600 should be paid to a civil servant after 25 years of service by the Government and £400 from the contribution of the civil servant. This was later consolidated into £1000. The maximum pension of members of the I.C.S. has been fixed at £1000 per annum after 25 years of service of which 22 (later 21) must have been spent on active service. To this pension all members of the service except members of Council were required to contribute 4 per cent of their pay until 1919 when it was abolished and Government assumed the charge of the full pension of £1000 per annum.[135]

Leave and Furlough.

Nor was Leave during service granted as in a modern administration. Leave to be spent in Europe in the early days could be got only by resigning the service. Evidently there had been breaches of this practice before 1787, for in that year servants of the Company were reminded that it was " a fixt resolution of Government that no civil servant holding any office be permitted to return to Europe without resigning the service ".[136] In Cornwallis' time no military officer even if compelled from bad health to solicit a short furlough could return to Europe without resigning his commission.[137] Furlough which later came to play an important and pleasant

134. Act 53 Geo. 3 c. 155.

135. Report of the Royal Commission on the Superior Civil Services in India, 1924.

136. Letter to the Secretary to the Secret Deptt. 28 Feb. 1787—Home, Pub., Proc.—Feb. 1787, Mss. Imp. Rec.

137. Marquess Cornwallis to Dundas, 7th November 1794 in Correspondence, Ed. by Ross, Vol. II.

role in the life of Indian civil servants was at first a military term, applicable to soldiers' leave and the furlough system of India began among army officers. In January 1796 the Court of Directors allowed a certain proportion of officers in their army to be on furlough. According to Regulations in force in 1826 officers of whatever rank must have spent 10 years in India before they could be entitled to be absent on furlough for 3 years which meant leave on pay for not more than 2½ years.[138] Even as late as 1830 leave was not to be granted to civil servants as a matter of course. Writing on the case of a writer, just out of College who wanted to go home on leave to get married Lord W. Bentinck pointed out that while the application of military officers for leave of absence to England on urgent private affairs was granted with great difficulty, in the civil service of late a different rule had prevailed, and the Governor-General calls practice back to the strait path of former days.[139] Military officers got pay during their absence on leave while civil servants did not. According to the Regulations that were in force in 1823 civil servants after an actual residence of 10 years in India were entitled to go once to Europe on leave for 3 years and to receive for that period an allowance of £500 per annum. Only 19 servants from Bengal, 9 from Madras, and 6 from Bombay could go in a year to Europe under this Regulation nor at any time could more than 51 from Bengal, 21 from Madras, and 15 from Bombay be absent in Europe. Preference was to be given to those producing a medical certificate on oath that a visit to Europe was indispensably necessary and then to servants according to seniority of rank. Civil servants compelled by illness to be certified medically on oath previous to their completion of the prescribed period of residence would be entitled to a leave allowance of £250 for a period not ex-

138. Auber—Analysis of the Constitution of the E. I. Co., 1826.

139. Note by Lord W. Bentinck—Home Deptt. 1830 A. Pub. Mss. Imp. Rec.

ceeding 3 years. Rules were found to be in force in 1844 regulating the deductions from allowances of civil servants absent on medical certificate within the limits of their respective presidencies. In the same year Lord Hardinge's Government recommended that when officers were obliged by sickness to apply for leave for a period exceeding 6 months they may be allowed the option of going to Europe on relinquishing their appointments during absence not exceeding 2 years, or to receive such modest allowances as with reference to their length of service the Court of Directors may decide.[140] Leave to go to the Cape (which was the holiday resort of Europeans in India before the opening of the Suez Canal), Australia, and the sanitoria on the Hills in India was more easily obtained than leave to be spent in Europe and involved grant of one-third of his pay, as well as a lien on his appointment and counted for his service.[141] But that also entailed a sacrifice of portion of the officer's salary. Even leave to be spent in the Cape was deplored as an obstacle to efficiency and an inconvenience to the officers left behind who had to act for those that had gone on leave.[142] Grant of leave to some officers meant transfers and temporary appointments of others. It was probably as a reaction against the comparative lack of leave and pension facilities that the Crown when a proper superannuation system was introduced made the generous provision of leave and pension of later times.

Transfers.

It was not the Leave rules in practice that accounted for the frequent transfers of officials, and the consequent temporary appointments to posts, which was a frequent episode in the lives of the servants of the Company from

140. Proc. of Governor-General in Council 17 Aug. 1844—Home Public. Proc. July-Sept. 1844, Mss. Imp. Rec., Calcutta.

141. Blunt—The I. C. S.

142. St. George Tucker—Memorials of Indian Government, pp. 87, 88.

the beginning. Commercial business did not differ from one station to another and the opportunities for private profit open to servants of the Company made the Government of the Company in the Presidencies distribute these opportunities evenly so that none might profit extravagantly. Too often for efficiency were officials shifted from one district to another, from one post to another.[143] As early as the beginning of the 19th century it had become a common practice to give civil servants acting appointments with deputation allowances so that large proportions of officers were employed in stations to which they did not belong. Thus about 1845 in Bengal 5 different moves were made when even one was not required. B was appointed to act for A, C for B, D for C and E for D when by the appointment of A's assistant, a very competent man, the whole game of general post might have been avoided. The later practice of transfer and temporary appointment was due to the rule that attached certain salaries to certain posts so that a civil servant entitled to promotion had to be removed to some new office before he could draw higher allowances from the Company's Treasury.[144] This system was known in Anglo-Indian phraseology as the Ek-Tung or one legged system and its effects have not yet exhausted themselves.

Training.

The equipment or training of the servants of the Company was determined by the commercial test that there is nothing like business for training in business. The young writer was taken from school, put through some training in accounts and book-keeping and thrown into the dust and noise of the export business at the warehouses at Surat, or Madras, or Balasore. He was expected to pick up useful knowledge as he went along. No knowledge of native langu-

143. Sir John Shore—Notes on Indian Affairs.

144. St. George Tucker—Memorials of Indian Government, p. 423.

ages, of the laws and customs of the country, of the economic life of the people was expected of one who had only to sell and buy goods. For as much of these as was needed he depended on the interpreters and go-betweens, the Dubashes of the south and the Banians of the north as the young assistants of commercial firms do in the Madras or Bombay or Calcutta of to-day. Even when the Company took upon itself political duties like the collecting and administration of land revenue the commercial indifference to a knowledge of native languages prevailed. Even as late as the end of the 18th century Collectors in Bengal appear to have left the minutiae of revenue matters to their native Dewans and Dubashes as had been the practice of the earlier and more commercial provincial councils and chiefs, for the acquirement of the native languages was still a pursuit to which but few of the Company's servants had applied themselves.[145] In 1791 a monthly allowance for the employment of a Moonshee was granted to junior servants " who might be disposed to learn the Persian, Mahratta, Gentoo, Telingana or Malabar languages" and they were told that all promotion in the Revenue and other lines of the public service would be made with particular regard to such attainments and qualifications. Even this incentive did not improve matters for it was found that but few who received the language money were able to transact business without the aid of a native interpreter.

A reward of 1000 pagodas was then promised to servants who could pass an examination in the vernacular before a Committee at the Presidency. And in 1794 a rule was passed that on the expiration of 2 years from the 1st Jan. 1796 no Company's servant should be considered eligible for the office of Collector unless he showed proficiency in one or other of the native languages. And in 1797 the Directors ordered recourse to the army if competent persons were not

145. Fifth Report of the Select Committee of House of Commons 1812, Ed. Firminger, Vol. I. p. 185.

available from any of the civil servants of the Company. The results did not improve for in 1799 a circular notification was sent to Collectors of Districts asking them to make quarterly reports of each of their assistants and of the progress made by them in the country languages.[146] In 1814 a few only of the magistrates of Bengal understood the Bengali language. In the Peninsula where the dialects were more numerous the deficiencies in the knowledge of the native languages learnt by district officials were not less prominent.[147] Even in 1829 this ignorance of the vernaculars in servants of the Company was deplored. The story was related about that year of a jaghir and a garden being adjudicated wrongly to a person on the strength of a wrong translation of the Persian deed which spoke of the garden in the Jaghir of X whereas the English translation spoke of the garden and the Jaghir of X the mistake curiously enough being detected only in England in the office of the Court of Directors by a former civilian who had been Persian Secretary at Calcutta.[148] Not only in languages was the early civilian deficient. Finance he learnt by rule of thumb, principles of government he had not studied, local and practical knowledge he had not time to get on account of the burden of official forms and the constant pressure of daily business.[149]

It was only as the Company became predominantly political that the need was felt for some preliminary training of the civil servant. And Warren Hastings and Sir William Jones' enthusiastic advocacy of the study of native laws and customs found institutional expression in Colleges at Fort William and Fort St. George. The Marquess of Wellesley

146. Fifth Report of Select Committee of H. of C. 1812, Ed. Firminger, Vol. II, pp. 186, 187.

147. Judicial letter to Fort St. George 29th April 1814 in Papers relating to Police, etc., in Bengal, etc., Parliamentary papers, 1817.

148. St. George Tucker—Memorials of Indian Government, p. 38.

149. Sir J. Shore—Notes on Indian Affairs; Governor-General's speech of Feb. 1805 in Wellesley's Dispatches, Ed. Martin, Vol. IV.

realizing that the young men appointed to the civil service had their education in England interrupted by their appointment in their early years and wishing to provide them with the necessary general and special instruction in useful studies and with the training in individual and social character possible in an institution built on the model of the English public school[150] founded his famous College at Fort William, framed Regulations and syllabuses for it, and endowed it with grants from Government.[151] Instruction in law and the vernacular was provided. The knowledge of the vernaculars of the country and of Persian of civil servants was certainly better after the foundation of this College than before.[152] Haileybury College in England founded in 1806 by the Company especially for the education of those that secured nomination to the civil service of India provided much more and better general education than that with which Clive and Warren Hastings fared forth to govern India. Subjects of general culture like the classical languages, literature, history, political economy, beside oriental languages formed the courses of study. Senior Wranglers were to be found on its teaching staff. Mackintosh taught Law, and Malthus history and political economy.[153] The whole training was according to the traditional English way—scholarship acquired in corporate social life. And all the candidates for the civil service being brought together in one institution they developed an *esprit de corps* which they could not under later systems when they came from different universities or colleges. An Act of Parliament in 1813[154] made attendance for a term at the East India College

150. See Preamble to Regulation of the College of Fort William in Harrington's Analysis of the Laws etc., by the Govt. of Fort William, Vol. III ; also letter of Earl of Mornington to Jonathan Duncan, April 1799 in Dispatches of Wellesley, Ed. Martin.

151. Wellesley's Dispatches—Ed. Martin, Vol. IV.

152. Speech by Mr. Edmondstone reported in Harrington's Analysis

153. Martineau's Life of Bartle Frere, Vol. I.

154. 53 Geo. III C. 46 quoted in Judicial Letter to Bengal, 23rd July 1814 in Bengal Judicial Selections, E. India Papers, Judicial, Vol. IV.

compulsory for all those that would enter the civil service of India. The introduction in 1853 of competition as the only way of recruitment to the services once more introduced the old idea of the Company that the learning of the languages and laws and usages of India had best be acquired in the actual course of administrative business in India, although the final part of the examination for the civil service of India has helped to lay the foundations of that knowledge.

Government by Council.

Not only the men, but the machine they had to work for the Company was commercial in its origin. The system of government which prevailed in the early settlements of the Company was commercial in character. It was government by council. The council at the three Presidencies was like a Board of Directors of a commercial concern. Its number was that of a Board of Directors and not of an administrative council suited to the territory, population and purposes of those times. It was six in Madras in the time of Streynshan Master (1676-1681) ten in 1686 in the time of Lord Pigot.[155] In Calcutta in 1715 it was as many as sixteen.[156] Only later after the Regulating Act of 1773 was the number reduced to five at Calcutta and three at Madras. The Company's Indian Councils were deliberative as well as executive bodies—their deliberative capacity being strictly guarded by the obligation of recording their consultations."[157] They enjoyed legislative as well as executive powers after the Regulating Act of 1773. And, as Burke pointed out, where legislative and executive powers are lodged in the same hand the legislative which is the larger and the more ready for all occasions was continually used.

155. Auber—Rise of British Power in India, Vol. II, p. 106.

156. Monckton Jones—Warren Hastings in Bengal.

157. Burke—Speech on 30th May 1794 in Speeches on the Impeachment, Vol. II, Bohn's Edition.

The despotism of the Company's government, its independence of the Court of Directors, its frequent insubordination to the Home authorities were attributed by him to this union.[158] All the members of the Council had equal powers, the President had only a casting vote in the case of an equality of votes at meetings of the Council where questions were decided by a majority of votes. Only by extraordinary means as those resorted to by Aaron Baker[159] at Madras in 1654 who imprisoned three of his fellow-members that the will of the President could prevail. Madras also presented the sorry spectacle in 1776 of a Governor being arrested and put in prison by an order of a majority of his Council.[160] Everything—dissolution and summoning of the Council, suspension of members, all orders and instructions issuing in the name of the Council—was decided by a majority of the members present.[161] As the executory authority the President or Governor would have to carry out the decision of the majority however much he might dissent from it, unless he could get the Court of Directors to override the majority in Council. However suited to the simple and straight issues of commercial transaction, the rule by majority in council became inconvenient as the government of the Company began to become political. One of the points of difference between Lord Pigot and his Council at Madras rose out of the question of certain instructions to be issued to Colonel Stuart who was proposed for the Tanjore command. A majority approved the instructions but the Governor refused to sign them. And when the majority minuted that the Governor's conduct was

158. Ninth Report from Select Committee of House of Commons in Burke's Works, Bohn's Edition, Vol. IV.

159. Love Vestiges of Old Madras, Vol. I, p. 133.

160. Regulations laid down for guidance of Madras Council quoted in Auber—Rise of British Power in India, Vol. I, p. 532.

161. Regulations proposed for Standing Orders in Council, 1772, in Monckton Jones' Hastings in Bengal.

unconstitutional, Pigot held that no resolution of the majority could be held without his concurrence and that the power of veto was vested in himself and charged the majority with unconstitutional conduct when they ordered the Secretary of the Council to issue the instructions to the general. The struggle between Pigot and his Council ended with his arrest and with the quashing of the proceedings of the Council by the Directors and the imposition of a fine of £1000 each on the recalcitrant Council.[162] The experience of Lord Pigot and his Council did not persuade Parliament to alter the procedure when it passed the Regulating Act of 1773. It was the facts of the troubles of Warren Hastings with his Council—although curiously enough Warren Hastings,[163] had supported the Council against the Governor in the Madras controversy—that reduced the absolutism of rule by majority of Council. However justified may be one's denunciation of Warren Hastings' methods of government one must sympathize with his complaint that as Governor-General he was not clothed with the requisite executive authority. The cruel farce of his Council taking evidence against him from complainants like Nundkumar could have happened only in a council with the commercial traditions of the Council of Fort William. Although he was breaking the law as it then stood he was asserting one of the first principles of executive administration when he refused to allow Nundkumar to appear before the Council as his accuser knowing " what belongs to the dignity and character of the first member of the Administration."

The sufferings of Warren Hastings paved the way for the assumption by the Governor-General of the superior authority necessary for supreme executive rule. Lord Cornwallis the first Governor-General that was not of the Company's service refused to come out unless he was given the adequate

162. Love Vestiges of Old Madras, Vol. III, ch. VI & VIII.

163. Letter of Fort William to Fort St. George quoted in Love Vestiges of Old Madras, Vol. III, p. 102.

authority of the head of a political administration to override the opinion of the majority of his Council in certain circumstances. And an Act of Parliament was passed in 1786[164] "which empowered the Governor-General in special cases" i.e., when the safety, tranquillity or interests of British India, or of any part thereof are or may be in the judgment of the Governor-General essentially affected", the Governor-General to override the majority of his Council and act on his own responsibility. But the members of the Councils were given a right of protest and of recording minutes of dissent against the action of the Governor-General. By the Charter Act of 1793 this overriding power was extended to the Governors of Fort St. George and Bombay. The still further strengthening of the change from the commercial to the political character of the Company's government in the regime of the Marquess of Wellesley was shown by the Governor-General's cavalier-like treatment of his Council. He was frequently absent from its meetings and issued governmental orders in his own name. His brother Arthur Wellesley had to remind him that he was Governor-General in Council.[165] Lord Ellenborough kept the conduct of the Afghan War entirely in his hands.[166] Lord Dalhousie's view in regard to the settlement of the affairs of Sikkim was made to prevail against the judgment of the members of his council.[167]

The transfer of the government of India from the Company to the Crown in 1858 effected no statutory change in the relations between the Governor-General and his Council. The government still continued to be normally government by Governor-General or Governor-in-Council. The Government of India Act of 1858[167a] left all the Acts and Charters

164. Ilbert—Government of India Ch. III. Digest of Statutory Enactments.

165. Curzon—British Government in India, Vol. II.

166. Lord Ellenborough's Diary, Ed. by Colchester, Vol. II, p. 208.

167. Lee Warner's Life of the Marquess of Dalhousie, Vol. I.

167a. 22 and 23 Vict.

connected with the government of India in India intact. The Portfolio system introduced by Lord Canning in practice and accepted by the Home authorities detracted to no extent from the authority and responsibility of the Governor-General and his Council. Letters and dispatches sent from the Government of India to the Secretary of State were signed by all the members present when they were dispatched and were understood to convey the collective views of the Indian government even though the subjects may not have been brought before the Council at a formal meeting.[168] The Government of India Act of 1870-1871[169] continued the provisions of the Act of 1793 with reference to the Government of India. It was under the Act of 1870 that Lord Lytton is said to have exempted in March 1879 imported cotton goods from customs duty. Down to the end of the 19th century and in the first decade of the 20th the Government of India continued to be based upon the common responsibility for principles and for all important executive action of the Governor-General and his colleagues in Council." The consolidated Government of India Act of 1915-1916 did nothing to interfere with the course of government by Council.

But although the Statutes left Government by Council intact the practice of Governors-General had made breaches in the walls of Council government. The masterful Lord Salisbury began to carry on the government of India by means of private correspondence with the Viceroy, at first Lord Northbrook and later Lord Lytton.[170] In Lord Northbrook's time it was noticed that the Council was weak, the Secretariat no longer strong.[171] Lord Northbrook's

168. Sec. of State's Dispatch 5th Aug. 1904, Public No. 112 in Selections from Despatches of Sec. of State.

169. Ilbert—Government of India, Ch. III, 33 and 34 Vict. c. 3 Sect. 5.

170. Life of Lord Northbrook by Mallet, Ch. II, and Lady Betty Balfour's Indian Administration of Lord Lytton.

171. Opinion of an official quoted in Mallet's Life of Lord Northbrook.

resignation was due to his view of Lord Salisbury's interference on the question of excise duties on cotton. Lord Curzon's disbelief in government by Council was shown in his opposition to the powers of the Madras and Bombay governments and his opposition to the endowment of the Lieut. Governor of Bengal with a Council.[172] In the time of Lord Curzon the real business of the Government of India was transacted in the private letters that passed between the Governor-General and the Secretary of State, the official dispatches being only the record of decisions already made.[173] The regime of Lord Morley as Secretary of State for India and of Lord Minto as Governor-General saw many instances of decisions being undertaken by the Secretary of State and the Governor-General without consultation of their Councils.[174] India was ruled by telegraph by the Secretary of State. Lord Morley and Lord Minto found this way of settling Indian policy convenient and Lord Minto enunciated the startling principle that Indian policy should generally depend upon an exchange of views between the Secretary of State and the Viceroy.[175] This complaisant view of the Governor-General made easy Lord Morley and Mr. Montagu's enunciation of their theory [176] that the Government of India was the mere agent of the Home Government, for a Governor-General unsupported by a Council could not withstand the superior position and weight of a Secretary of State. The conduct of the campaign in Mesopotamia by means of telegrams exchanged between the Secretary of State for India and Governor-General as revealed by the enquiries of a parliamentary commission[177] showed the extent to which Council

172. Walter Lawrence—The India that we served.
173. Life of Lord Curzon by Lord Ronaldsby, Ch. XXV, XXXI.
174. Lord Morley's Recollections and Buchan's Life of Lord Minto.
175. Buchan's Life of Lord Minto.
176. Lord Morley's Recollections, Vol. II. General Sir O'Moore Creagh in his Autobiography.
177. Report of the Mesopotamia Commission, Part XI. e.

Government has been watered down in recent practice. But it was not till the Government of India Act of 1935 was passed that an end was made of the historic government by Council, the counsellors of the Governor-General under the new constitution being mere individual advisers of the Governor-General with no corporate standing, power, or responsibility.[178]

Government by Boards.

The collegial system of administration, as illustrated in government by Council, was popular also in the lower grades of governmental organization. Boards for the administration of different departments were to be found at Calcutta and Madras from the very beginning. Select Committees of the Council of Fort St. George were in charge of military and political affairs and lasted on and off till 1778.[179] Later in Madras in 1785 there were to be found a Board of Trade, a Military Board, a Hospital or Medical Board, a Marine Board, a Board of Revenue, composed of this or that member of Council and other suitable officials of the Company and charged with the detailed administration of different departments of government. About the same time in 1785 the Court of Directors ordered that the government of the Company should be carried on by the Governor-General in Council through the instrumentality of four Boards, the Board of the Council itself, the Military Board, the Board of Trade, and the Board of Revenue.[180] These Boards continued to subsist till almost the last days of Company rule. Other Boards also came into existence. A Board of Ordnance, an offshoot of the Military Board was established in 1775.[181] In 1819 a

178. Government of India Act, 1935.

179. Dodwell—Report on Madras Records—Introduction.

180. Handbook to Records of Government of India—Imp. Rec. Deptt., Calcutta.

181. Press List of Records of Government of India Vol. X, 1783, Imp. Rec. Deptt. Calcutta.

Board of Customs was created, the administration of Salt and Opium being transferred to it from the Board of Trade and Customs from the Board of Revenue.[182] In 1766 there had been created a Board of Inspection for enquiring into the state of the several departments and to establish effectual regulation for their future conduct and to retrench superfluous and unnecessary expenses which appeared to be greatly increased. This in 1786 was changed into the Secret Department of Reform and known as Board of Inspection or Secret Department of Inspection. In 1787 it was merged into the Secret Department.[183] All these Boards acted on behalf of the Governor-General in Council. The old orders of the Board ran thus—The Governor-General and Council in the Board of Trade, in the Board of Inspection, in the Civil and Military Department ordered this or that. The Governor-General in Council itself was a Board.

The Board of Trade.

Of all these Boards, as was natural, it was the Board of Trade that in the beginning held pride of place. The enlarged sphere of duty and the reduced number of the Council in 1773 led to the establishment of a new office called the Board of Trade at Calcutta for the subordinate management of commercial concerns and 11 of the senior servants of the Company were appointed to fill the commission.[184] Like other Boards it consisted of a Member of Council who presided over it and normally of three or four of the senior civilians.[185] Its officials were a Secretary, a sub or Assistant Secretary, a Bakshi, an Accountant and Deputy Accountant.[186] Its

182. Handbook to Indian Records—Imp. Rec. Deptt.

183. Ibid.

184. Burke—Ninth Report from the Select Committee of the House of Commons, etc., in Burke's Works, Bohn's edition, Vol. IV.

185. Cambridge History of India, Vol. IV, Ch. XVIII and Love Vestiges of Old Madras, Vol. III, p. 320.

186. Index to Press List of Public Deptt.—Records 1748-1800, Imp. Rec. Deptt.

business was the administration of the Investment, "a ponderous machine to keep in proper motion," according to one who had been Secretary and Member of the Board,[187] as well as the actual factory work of the Company at the Presidencies at Calcutta, Madras and at the various *aurungs* scattered up and down the country and the conduct of all commercial concerns on account of the Company from port to port in India together with the control of the several offices concerned with them.[188] In 1800 in Madras the control of the waterworks of the city passed from the Chief Engineer to the Board of Trade and Lord Clive also at about the same time put it in charge of the civil buildings[189] in Madras. Its rules of business and procedure[190] showed how it transacted business. The Board had to be convened at least once every week by order of the president or as often as business may require, not fewer than three could constitute a Board, it had to keep regular minutes of its proceedings and report to the Governor-General in Council all its decisions on all subjects of importance; in the case of the absence of the president, the senior member present presided; in the case of difference of opinion the decision of the major part present was decisive, and when they were equally divided, the president was to have a casting vote, the dissenting members having the right of recording their dissent in writing; in the intervals of meetings the president was to have executive authority of superintendence and control over the office. Monthly reports of receipts of investment, of goods shipped, an account of their important sales, a connected summary of their consultations as well as an annual report of their business

187. Letter of Charles Grant to Thomas Becher in Life of Sir Charles Grant by Morris, Ch. VIII.

188. General Regulation of the New Board of Trade in Pub. Proc. 1562-1575, O.C., 12 Jan. 1786, No. 30, Imp. Rec. Mss.

189. Love Vestiges of Old Madras, Vol. III, p. 495, 523.

190. General Regulations of the New Board of Trade in Pub. Proc., 1562-1575 O.C., 12 Jan., 1786, Mss. Imp. Rec.

were to be submitted to the Governor-General in Council.[191] It was to the Board of Trade that the Commercial Agents of the Company were responsible. Till the abolition of the Company's monopoly of trade in 1813, the Board of Trade formed one of the most important parts of the Company's machinery of administration. It came to an end only in 1835.[192]

The Military Board.

After the Board of Trade the most important Board at the three Presidencies in the early days of the Company was the Military Board. It existed at Madras as early as the other Boards. It consisted of the Commander-in-Chief, the senior military officers at the Presidency, the senior officer of Artillery, the Chief Engineer, the Adjutant-General, the Quarter-Master General and the Commissary-General.[193] Not only the conduct of military affairs, but the administration of the public civil works of the Presidency were entrusted to it.[194] Thus for instance, in Madras the repairs of the Black Town wall in 1790, the control of the city's conservancy about the same year were given to it. At Calcutta the Military Board was constituted in 1776[195] and consisted of the Governor-General and the other members of the Council. They were to assemble in the Public Department on the first Wednesdays of each month—oftener if occasion should arise for the management and direction of military affairs. All general orders to the army were to be issued to the Board, all returns from the army were to be laid before it, as well as plans for the defence of the Company's territories and for the distribution of troops. The regulation

191. General Regulations of the New Board of Trade in Pub. Proc. 1562-1575, O.C., 12 Jan. 1786, Imp. Rec. Mss.

192. Cambridge History of India, Vol. II, p. 458.

193. Love Vestiges of Old Madras, Vol. III, p. 320.

194. Love Vestiges of Old Madras, Vol. III, p. 434-5, 454.

195. Minute of the Governor-General in Council, 30th Dec. 1776.

of expense and alterations in the establishments of corps and applications for promotions from officers were to be made to it. Its office consisted of a Secretary and writers who with contingent expenses did not cost in the days of its early history, more than Rs. 600 a month. In 1785 the constitution of the Board was changed by orders from the Court of Directors and it was to be constituted henceforth of seven military officers with the Commander-in-Chief at its head and a Chief Engineer and Auditor-General to help it along. Its duties became those of a modern Supply Department the larger questions of discipline, distribution of troops and other matters of military policy lying with the Governor-General in Council and the Commander-in-Chief. The Military Board entrusted with largely executive functions could not live up to its duties. Its abolition was more than once advocated. In 1830 a full dress debate on its reform or abolition took place among the members of the Governor-General's Council; its reform being recommended by the Governor-General Lord William Bentinck, its abolition urged by Sir Charles Metcalfe and Lord Dalhousie, the Commander-in-Chief (1829-1833) father of the famous Marquis. The frequent absence of the president, the Commander-in-Chief, from Calcutta owing to his belief that it was not consistent with his command to sit with his Staff Officers and deliberate with them on military policy or administrate in the absence of the heads of the Adjutant-General and Quarter-Master General's Departments from the Board contributed to the inefficiency of the Board.[196] Its unsatisfactory working was due to the fact that its members were officers with extensive executive duties to perform, like the commanding officers of the Artillery and the Engineers who had their own regimental duties, and the Commissary-General who had "very vast duties".[197]

196. Minute by Lord Dalhousie, 23 Oct. 1830 in Minutes of Members of Council, 1830-1832, Imp. Rec. Deptt.

197. Evidence of Viscount Gough, 14 Nov. 1852, Minutes of Evidence before Select Committee on E. I. Territories, 1853.

It was an executive body which had not only to judge of the plans and estimates for all buildings, for instance, but to give orders for their execution. It was at one and the same time a Secretary of War, a Military Secretary to Government, and Auditor-General of the Army.[198] It did not require the irony of Sir Charles Napier who called it "the curse of the Indian army"[199] and would trace whatever may be injurious to the army in India directly or indirectly to the Military Board nor Lord Dalhousie's argument[200] that business requiring action abhors a Board as the cause to give it in 1854 the quietus which the story of its performance had demanded.

Board of Revenue.

Of all the Boards used by the Company it was the Board of Revenue that had the longest history and the most distinguished record of work. A Board of Revenue had already existed at Murshidabad which though composed of the junior servants of the Company had made itself superior to the Governor and Council of the Presidency and was by Warren Hastings transferred in 1772 to Calcutta and made the Supreme Board of Revenue. It was at first the whole Council of the Governor sitting as a Board of Revenue. It met twice and passed the accounts.[201] About 1785 a Board of Revenue was constituted at Madras with other Boards.[202] In Bengal in 1830 it was composed of 3 members, in Madras of 4 members. In 1854 there were 2 members at Agra increased to 3 in 1902 and 3 at Calcutta and Madras. It had about 1790 the usual panoply of assistants, an Accountant, a Deputy Accountant, a Secre-

198. Viscount Hardinge in Evidence before Select Committee on E. I. Territories, 1853.

199. Sir Charles Napier in Defects of the Indian Government.

200. Quoted in Lee Warner's Life of the Marquess of Dalhousie, Vol. II.

201. M. Jones—Warren Hastings in Bengal, Ch. IX.

202. Love Vestiges of Old Madras, Vol. III, p. 320.

tary, Sub-Secretary, Assistant Secretary.[203] In 1830 the Bengal and Madras Boards had 4 Secretaries and Assistant Secretaries each, in more recent times one or two.

In the beginning these Boards of Revenue were charged with the administration of land revenue. Gradually other kinds of revenue were brought into their charge. In 1809 the administration of Customs was transferred to the Bengal Board of Revenue from the Board of Trade.[204] By the end of the rule of the Company the Board of Revenue had come to be in charge of the administration of the whole revenue of the province. In 1858 in Madras, Bengal and the N. W. Provinces it had control of the entire Customs, Excise, and Land Revenue.[205] In Bengal the Board was in charge of Salt and Opium in addition. Lord Dalhousie[206] had in 1850 urged the amalgamation of the Land Revenue and the Customs, Salt and Opium Boards on the ground that the management of the large revenues of Bengal would be more simple, more economical, productive of much less correspondence and record if there were one single Board of Revenue. In Madras Moturpha, Stamps, Licenses, Forests were added to its jurisdiction. In the ryotwari provinces its land revenue administration was more onerous than in Zemindari provinces like Bengal. The periodical revision of assessments, the minute registration of proprietary and cultivating and occupancy rights gave the Board of Revenue in Madras and in the N. W. Provinces greater prestige and power than the one at Calcutta possessed.

The Board of Revenue was not merely the supreme collector of revenue. It was the head of the admi-

203. Resolution of Governor-General in Council, 27th Mar. 1809, No. 18, Home Deptt. Imp. Rec. Mss.

204. Index to Press Lists, Pub. Deptt. 1760-1800.

205. Rickett's Report on Civil Establishments and Salaries, 1861.

206. Minute by Governor-General, dated Fort William. 19th Oct. 1850 in Home Pub. Proceedings, 13 April-25th June 1850, Imp. Rec. Mss.

nistration of revenue. In the superintendence of the different branches of revenue the Madras Board "had the right of initiating, for the consideration of Government such propositions as are calculated to augment them either by increasing the receipts or diminishing the costs of management, or to improve their administration by a better system of account and control." It conducted defence of suits brought against the Government in the civil courts, heard appeals or cases under revenue Regulations, decided on disputed claims of succession to hereditary offices, superintended *yeomiah,* inams, and charitable trusts, and acted as a Court of Wards. It was responsible for the efficient performance by revenue servants of their duties.[207] When even as early as 1858 the Board of Revenue of Bengal supervised the work of 12 Commissioners, 54 Collectors and independent Deputy Collectors, 4 Survey Superintendents, 112 uncovenanted Deputy Collectors as well as Customs Collectors, Superintendents of Stamps and Salt Agents, and its average correspondence was about 11,000 letters received and 8,300 sent, one realizes the large place filled in the administrative system of the country by these Boards of Revenue. They had the right not of initiating but of being consulted by Government on matters of revenue policy. In 1860 in regard to the proposal of the Madras Government that as a general rule no remissions should be made at the annual settlements for lands comprised in the ryots' puttahs but which for some reason or other could not be cultivated, and also in regard to the substitution of one mode of settlement, the *mota faisal* for another, and the ooloongoo rental system in the case of certain Mirasidars of Tanjore the Government of Madras were told by higher authority that the Government should in such

207. Letters of Board of Revenue to Government, dated 23 Aug. 1855 quoted in Rickett's—Report on Civil Establishments and Salaries Pages 165, 166 (1858).

matters always consult the authority specially charged with the administration of land revenue.[208]

The collegial system of work was used at the beginning. It was provided that no member of the Board except the President was to exercise any separate act of authority unless in cases in which for the dispatch of business the Board may think it proper to commit the charge of any special duty to any member separately [209] But individual action by members was provided whenever circumstances may in the judgment of the Governor-General in Council or the Board of Revenue itself render it advisable that the performance of any of the public duties entrusted by the general regulations to the superintendence of the Board shall be superintended by a member of the Board in person and on the spot.[210] Minute rules were laid down for the conduct of business of the Bengal Board of Revenue—it was to meet on two fixed days of the week or as oftener as urgency of business may require, two members were enough to form a Board, in some circumstances the power of the Board could be exercised by a single member, extraordinary meetings could be held on requisition of the president or even of an ordinary member, the Board was to keep regular minutes of its proceedings which were determined, after the relevant papers had been read, by a resolution submitted by the president on question asked, the opinion of members beginning with the junior member, and decisions were arrived at by a majority vote.[211] The president of the Board had special powers to issue

208. Letter from Sec. of State 22nd Mar. 1860 to Governor in Council of Fort St. George in Letters from Sec. of State to Bombay and Madras, 1859-'60 in Imp. Rec. Mss.

209. See 35 of Regulation 2 of 1793 quoted in Harrington's Analysis of the Laws and Regulations passed by the Governor-General in Council, Vol. II.

210. See 2 of Regulations, 2 of 1793 quoted in Harrington, Analysis of the Laws and Regulations, etc., Vol. II.

211. Harrington's Analysis, Vol. II.

necessary orders during the intervals of meetings of the Board, to require officials to furnish the Board with proper information and the presidential powers of summoning and adjourning the meetings of the Board.

The Punjab Board.

The system of administration by Boards received great prestige when in 1849 for the newly conquered territories of the Punjab a Board of Administration was constituted. By a proclamation of the Governor-General this Board was to consist of a president and two members. The Board was entrusted with plenary authority to control and supervise all departments of administration. They were to wield all executive, judicial and fiscal powers—"all the powers recently confirmed on the Sudder Court of Judicature and the Sudder Board of Revenue at the Presidencies."[212] The great work performed by the Board in the establishment of peace and order in the new territory, in the introduction of a simple and easily available administration of justice, in the equitable settlement of land revenue, in the laying out of public works like the Bari Doab Canal and its branches and the building of a great net-work of roads, in the production of a surplus revenue of 50 lacs per annum hung a halo of glory over this form of administration applied to the government of a province.[213] And the members of the Punjab Board of administration, Henry Lawrence, John Lawrence, Maunsel and Montgomery have been classed in the first rank of the British rulers of India.

The Railway Board.

Apart from the Board of Revenue in the provinces and the Central Board of Inland Revenue of the Government of

212. Report on the Administration of the Punjab for the year 1849-50 to 1850-51.

213. Letter from the Court of Directors to the Governor-General, 26 Oct. 1853, quoted in Arnold's Indian Administration of Lord Dalhousie and Ramsay Muir—Making of British India.

India the only present instance on the grand scale of administration by Boards is that of the Railway Board of the Government of India. It was created in 1908 for the better administration of the State Railways and the State guaranteed railways of India.[214] Two distinct classes of duties were thrown upon the Railway Board. The first was deliberative and included the preparation of the railway programme and the greater questions of railway policy and economy. The Board was to be subject in regard to this part of its duties to the ultimate and supreme control of the Governor-General in Council for which indeed the cases would be thoroughly prepared by the deliberations of the Railway Board. The second class of duties lay in the direction of administration and those that were responsible for the creation of the Railway Board felt that it would be to the greatest advantage of the railways if their administration was confided to an authority separate from the Secretariat of the Government of India. The construction of new lines by the State, the carrying out of new works on open lines, the improvement of railway management with regard to economy and public convenience, the arrangements for through traffic, the settlement of disputes between lines, the control and promotion of railway staff, and the other duties of a technical character would be performed better by a body to whom power and direct responsibility for the administration were entrusted than if it were left in a section of the Secretariat. The Railway Board was to consist of a chairman and 2 members, the chairman having the power to overrule the other members who in such cases were at liberty to represent their views to Government in minutes of dissent.[215] The Board was to be independent and distinct from the Commerce and Industries Secretariat of the Government of India.

214. Secretary of State's Despatch 19 Aug. 1904—Railway No. 65, in Selections from the Sec. of State's Despatches—Eyre and Spottiswoode.

215. Sec. of State's Despatch 22 May 1908—Railway No. 47 ibid.—Report of the Indian Retrenchment Committee 1922-23 Part II, Railway.

Communications by the Railway Board to the local Governments and the public were to be direct. The chairman was to have direct access to the Governor-General and the Member in charge of Commerce and Industry in the Viceroy's Council. Latterly it would seem the Railway Board does not seem to have contented itself with its controlling and supervising functions but to have gone on to detailed control of the Agents of Railways, leaving them little initiative and responsibility and involving a great amount of correspondence and delay.[216] Excessive centralization is no part of the attributes of government by Boards and is accounted for not by any inherent defect of this system but by the general tendency to which a strong government in India is subject. The new Federal Railway Authority to be created by the Government of India Act of 1935 possesses even greater autonomy and responsibility than any other Board has so far enjoyed in India.

The Board System.

The experience of government by Boards in the history of British rule in India from its commercial origins down to modern times shows where the strength and the weakness of this system lie, where and when it can be used as an efficient instrument of administration. For direct executive administration the history of the Military Board has shown that Board administration is useless. For the execution of public works a Board is about the worst instrument.[217] The slow rate at which public works in India were extended before 1858 was due not a little to the inertia and dilatory methods of the Military Boards in the different provinces. Military authorities did not like the Military Board as it delayed business and it had

216. Report of Indian Retrenchment Committee, 1922-23, Part II, Railways.

217. Evidence of Lt. Col. J. P. Kennedy, 14 July 1753 in Minutes of Evidence before Select Committee on the Govt. of East India Territories 1853.

been better for the Commissariat if it were under a single Commissary-General than under it. An amusing instance was given by a military officer in 1853. When he was at Peshawar he went to visit the hospitals and found some of the men living outside the tents. On enquiry he found that the officer commanding had indented for more tents, but he could not get them, as the Board had replied that the number of tents for a company had been fixed by rules and though the number of a company had been raised from 80 to 100 the men had anyhow to get into the tents or stay outside.[218] As Lord William Bentinck put it in the great debate in Council that took place in 1830 on the question of administration by Boards "where the duties are principally executive like those belonging to commissioners of revenue and circuit, much benefit is obviously to be derived from the dispatch, vigour and unity of purpose which a single hand can best achieve."[219] Lord Dalhousie resorted to government by a Board for the Punjab on account of the accident that Sir Henry Lawrence was already there and he could not be provided for elsewhere and he was thought to lack some of the qualifications needed at the head of affairs in the Punjab "however fit he was to direct the military and political arrangements of the Punjab".[220] But when the administration of a department requires deliberation, consultation and maturing thought the administration by a Board may be justified. A Revenue Board would seem to be necessary when not only the collection of revenue is one of its duties, but the administration of lands on behalf of a government which has taken upon itself the duties of a landlord is a collateral obligation. A government which not only collects revenue but which settles the

218. Evidence of Sir G. Pollock 28th Feb. 1853 in Minutes of Evidence on First Report from Select Committee on Indian Territories, 1853.

219. Minute by Lord W. Bentinck in Report of Civil Finance Committee of General Appendix to Report of Select Committee on Affairs of E. I. Co. 1832.

220. Dalhousie's view quoted in Lee-Warner's Life of Marquess of Dalhousie, Vol. I.

land revenue assessment, provides amenities and facilities like the landlord of an improving estate in the shape of tanks and wells and irrigation works, makes advances of money for the expenses of cultivation, when it acts as a judge between itself and its tenants, and as a court of appeal and a court of wards, the intervention of a Board seems to be necessary and useful.

To quote Lord William Bentinck again, when counsel, deliberation, the careful revision of a great system with its details are required, where, moreover, functions are to be delegated partaking partly of a judicial character, and partly of a legislative character, when investigating charges of default against a large body of servants, when suggesting the regulations by which the rights in the soil are to be determined, " there can be no doubt of the superiority of a collective body to an individual superintendent ".[221] Members of a Board correct each other, supplement each other, a Board never dies, and therefore ensures the observance of tradition, uniformity of system and of action. A Board would have the authority and strength to advise and restrain a Government while an individual Commissioner of Revenue might not.[222] The opinion of the protagonists of the anti-Board view among whom were to be found Sir Charles Metcalfe and Lord Dalhousie the Governor-General was based on their view of purely executive action. But even in the sphere of purely executive action if a Board were properly constituted and its duties properly distributed the advantages of administration by a Board and by a single individual could at the same time be gained. A Board with individuals each having distinct and separate duties for which he would be held responsible works efficiently. The military

221. Lord W. Bentinck. op. cit.

222. Minute by Mr. David Hill, 8 March, 1830 in Report of Select Committee on Affairs of E. I. Co., 1832, Vol. I. Appendix and opinion of Madras Government in Mr. Rickett's Report on Civil Establishments and Salaries 1858.

experience with which the honoured name of the Duke of Wellington is associated showed how a Board could be made to work satisfactorily even in the sphere of executive administration. The Ordnance department under the Duke of Wellington as Master-General was according to competent military opinion, [223] one of the best departments of military administration in the early years of the 19th century. Every officer of the department had a separate branch of duty to perform for which he was held strictly responsible and if he did not attend to it he was liable on the days when the Ordnance Board met to have his conduct noticed and the deficiency discussed. Provision had already been made in the very beginning of the history of the Board of Revenue in Bengal for separate action by individual members of the Board.[224]

The later constitution and working of Boards of Revenue in India combined the advantages of the deliberation of a Board and of the executive action of an individual officer. The duties of the Boards are divided among its members, and its executive functions are performed by this or that member according to the scheme of distribution of functions. The modern constitution and system of working of the Madras Board of Revenue shows[225] the Board consisting of three departments—(1) Land Revenue, (2) Separate Revenue (Salt, Abkari etc.) and (3) Settlement, Survey, Land Records etc.—the departments being (one or two) in the charge of one member and though the Board is thus divided as the Members have separate portfolios, important subjects in any of the three departments are dealt with by the full Board. In the case of a subject pertaining to the full

223. Evidence of Viscount Hardinge in 8 Mar. 1855, in Minutes of Evidence before Select Committee in 1853.

224. Minutes of Evidence in Madras, Vol. II, 1908, Royal Commission on Decentralization. Evidence of Hon'ble Mr. J. N. Atkinson, 29th November 1907.

225. See Minutes of Evidence in Madras, Vol. .II, 1908, Royal Commission on Decentralization. Evidence of Hon'ble Mr. J. N. Atkinson, 29th November 1907.

Board, the opinion of the first member if supported by a single other member prevails even when there are four members as 20 years ago. All but the most important subjects are dealt with and disposed of by individual members. The members of the Board beside disposing of the correspondence on the subjects under their charge tour through the districts, meet the Collectors, inspect the District offices and administration. More important questions are dealt with by two members or the collective Board. The experience of the Madras Board of Revenue would seem to suggest that routine matters and executive administration might be left to single members and questions of policy and principle, conduct and action should be left to the Board as a whole.

The Secretariat and the Secretary.

Beside the Council and the Board another institution of Indian government owes its origins to the Company. This is the Secretariat. As the Governor-in-Council is descended from the factory Council so the Secretariat is descended from the office of the factory writers.[226] The Indian Secretariat started with humble beginnings. At Madras, Calcutta and elsewhere there was at first one Secretary to the Council.[227] Five or six junior servants were to assist the Secretary in his office. The increase of the military activities of the Company led to the appointment of another Secretary in the middle of the 18th century. The Secretary's office at Calcutta was reorganized in July 1787 there being henceforth one Secretary-General with three Assistants in the place of two Joint-Secretaries. In 1797 Lord Hobart created in Madras a principal Secretary with two sub-secretaries. In 1800 Lord Clive appointed a chief Secretary, a second and a third Secretary. In 1859 the separate Secretaryship for commercial matters was abolished.

226. Dodwell—Report on Madras Records, Introduction.

227. Dodwell—op. cit. and Monckton Jones—Warren Hastings in Bengal, p. 37.

The peculiar position of the Secretary in Indian governments was due to his commercial origins. The secretary in a commercial company is secretary to the directorate of the Company. The Secretaries at the Presidencies became Secretaries to the Governor-in-Council and not to the Member of Council in charge of their departments. They were Secretaries to Government and not Secretaries of Government. They acquired great powers and prestige when the Governors and Governors-General obtained their overriding powers in Lord Cornwallis' regime. They were given the right of direct access to the Governor-General or the Governor. Most of the business of each department was dispatched by the Secretary himself. And for the important matters that were brought before the Council the members were in dependence on the Secretary. The amusing description by Lord Minto of the procedure in the Governor-General's Council at the beginning of the 19th century reveals the importance of the work of the Secretary. "The Secretaries attend at Council" we are told, "each department in turn, with his mountainous bundles of files; the Secretary reads on, and on and on, and after he has finished states shortly the substance of each paper and the order is given on the spot."[228] By reason of their knowledge and experience they became the confidential advisers of the Government. Although in theory they were merely ministerial officers they assumed as early as 1829 a deliberative voice in councils.[229] The Secretaries reduced the orders of the Governor-General in Council or the Governor-in-Council into minutes of council, letters, and instructions. The power of the Secretaries in the Government of India about 1860 and after may be realized from the fact that it was the common impression in the junior presidencies that it was no use to send such and such a proposal to the Supreme Council because Mr. Secretary So and So was opposed to it.[230] Before the

228. "Minto in India" by his daughter.

229. St. George Tucker in Memorials of Indian Government, p. 16.

230. Sir Charles Wood in Hansard, Vol. CLVI, in 1860 in Debate on Finances of India.

Portfolio system was introduced in 1861 the Council did all its work together with the aid of its Secretaries. All the papers connected with any matter of administration went to every member of the Council and vast as the business was of a centralized government like the Government of India between 1833 and 1861 in the endeavour of the Council to discharge their duties fully and efficiently, the inordinate delay for which that government was notorious is easily explained.[231] When the Portfolio system was introduced by Lord Canning authorized thereto by a section of the India Councils Act of 1861, the contacts of the Secretaries with the Council became fewer. But their right of access to the Governor-General or the Governor remained. Nor have subsequent constitutional changes affected the position and powers of the Secretary to Government in India.

Official Secrecy.

The administration of political affairs by a Council working on commercial lines was responsible for certain peculiarities in the transaction of business that persisted long after the administration had shed most of its commercial character. Commercial men with no political or governmental traditions called upon to govern could not observe the rule of secrecy which is so necessary in the preliminary stages of administrative deliberation. Soon therefore in the different Presidencies a Select Committee was formed for the conduct of military or political business. Indiscreet persons had been found betraying plans however well concerted and complaints that such things had happened were frequently made in the early days of the Company at Madras.[232] Later a Select Committee and a Secret Department were formed in the Councils of the Governor-General and of the other Presidencies and of the Court of Directors in England. An oath of secrecy was administered to the Secretary and Assistants of the

231. Sir Charles Wood—Speech on Finances of India, 9th Feb. 1860—Hansard, Vol. CLVI, 1860.

232. Dodwell—Report on the Madras Records, Introduction.

ecret Department in the time of Warren Hastings.[233] It was contradistinction to the Secret Department which was to eal with subjects of a political nature, all correspondence with her presidencies on political affairs, all correspondence with esidents at foreign courts and powers and on military perations[234] that the Public Departments of the Indian ecretariates came into existence.[235] The line between the ecret and Public Departments was jealously guarded. ord Clive, the son of the hero, as Governor of Mads once put his foot into it writing in the Public Department upon a subject which had been before e Council in the Secret Department and when contrary to e usual forms of office, business which ought to have reained for some time longer in the latter was removed to e former.[236] Now the title of Public Department is hard to stify as the subjects that belong to it are no more public an those of other departments. But it once had a meaning it dealt with subjects not confided to the Secret Department.

The lack of secrecy continued to dog the footseps of dian administration even after it became largely political. e practice which was common in the 18th century of vants of the Company who had access to the Company's cords of transmitting copies of them or extracts from em to private correspondents in England led to an order the Court of Directors in 1785 that no persons other than members of the different Boards should have access to se records, that only secretaries of these Boards should allowed to make extracts and condign punishment was to

33. See form of Oath in Selections from State Papers etc., 1772-3, ed. G. W. Forrest, Vol. III and Regulations for the Secret ce, Fort William, 3rd Dec. 1783, *ibid.*

34. Circular letter dated Fort William, 10th Dec. 1783, *ibid.*

35. *ibid.*

36. Arthur Wellesley in Letter to M. Wellesley, No. 1798, in Supplementary Dispatches of the Duke of Wellington, Ed. by his son 1858.

be meted to those by whom or through whom copies of re cords were sent to unauthorized persons.[237] Another practic that called for the condemnation of the Court of Directors wa that many of the Company's servants in possession of the mos confidential knowledge were accustomed "to indulge them selves without reserve in private correspondence upon th public affairs of the Company."[238] Even the Secret Committe of the Court of Directors provided for by the Act of 1785[23] and through whom orders and instructions on all matter relating to war and peace or diplomacy were issued had t be reminded of the duty of secrecy by an Act of Parliament.[24] Members of the Committee were forbidden to disclose th contents of secret dispatches without the approbation of th Board of Commissioners and had to take an oat of secrecy on appointment.[241] This lack of secrec continued down to modern times. In 1830 Sir Charle Metcalfe when he was Governor-General observe with regret "the unnecessary publicity too frequentl given to matters which while under deliberation ought a least during that period to be held secret."[242] He adduce the instance of the opinions of a famous Civil Finance Com mittee "which were hardly submitted to Government whe they found their way into all the newspapers of Calcutta Sometimes the contrary took place and what need not hav been transacted in the Secret Department were so transacte with a view to avoiding constitutional processes of delibera tion and delay. The Board of Commissioners through th

237. Letter from Court of Directors dated 21st Sept. 1785 quoted Grand Old Days of John Company, Vol. I, p. 117.

238. Ibid.

239. Also by Secs. 35 & 36 of the Charter Act (3 & 4 William IV of 1832.

240. 53, Geo., III, C. 150, sec. 73—Law relating to E. I. Co., Four Edition, 1842.

241. 53 Geo., III, C. 150, sec. 73—Law relating to E. I. Co., Fourt Edition, 1842.

242. Minute dated 19 Oct. 1830, Secret Deptt., Report of Civil Financ Committee.

Secret Committee of the Court of Directors were alleged to have transgressed their authority, in very many instances in regulating the internal administration of Sind in matters which did not require and did not admit of secrecy.[243] The lack of secrecy roused the anger of Lord Ellenborough who attributed it to the commercial origins of the administration. He was surprised to find that in India the government of a great empire was administered as if it were no more than the management of a firm by the managing committee of a large corporation.[244] Even diplomatic and military matters were not safe and he was constrained to ask the heads of these departments to impress upon their officers the necessity of preserving absolute secrecy in all matters of a military or political nature which may come to their knowledge.[245] Another practice of early Company days also flourished in Lord Ellenborough's time for he had to complain of Sir Hubert Maddock keeping his opponents in England informed of all his confidential orders. It took some time however for serious action to be taken against breaches of secrecy by departments of government. An Act was passed in 1889 giving the government the power of punishing the thief as well as the receiver of these stolen secrets.[246] It was occasioned by the publication of a minute of Sir H. M. Durand the Foreign Secretary in May 1888 on the policy and activity of the State of Kashmir, but it was impotent on account of the ambiguity and carelessness of its language. The need for amending it was felt in 1894. But it was not till the restless eye and brain of Lord Curzon tackled this problem that an effective step was taken to stem the flow of official secrets to the outside world.[246] The scandal of leakage of official

243. St. George Tucker—Memorials of Indian Government, p. 46.

244. Letter of Lord Ellenborough to Senior Members of Council 5th Sept. 1842 in Law's India under Lord Ellenborough.

245. Letter of Mr. Maddock to the Sec. to Government of India 26th May 1842, in Papers relating to Military operation in Afghanistan 1843.

246. Speech by Lord Lansdowne on Official Secrets Bill, 17th October 1889 in Speeches, Government Press.

secrets had meanwhile increased in volume. The contents of documents were reported to be known in the bazaars before they reached the person to whom they were addressed. Even coded telegrams were unsafe. Information contained in the annual financial statements of the financial Member of the Government of India found their way into the Bombay Bazaar before the statement was delivered in Council, although the instructions about secrecy in regard to the copies sent to the Accountant General were religiously followed.[247] The official Secrets Act of 1904 did something to preserve the secrecy of confidential business in the Indian Secretariat.[248] "Secret Letters" are still the title given to a certain class of despatches from the Government of India that have to do with foreign policy, diplomacy, war and peace. But secrecy has continued to be difficult and the Government of India has in recent times been compared to a native State Durbar.[249]

Government by Record.

If the proceedings of the Company's governments were hard to keep secret, it was no less difficult to prevent them from becoming voluminous. Reports of commercial transactions like the buying and selling of piece-goods could not be long and the Home authorities required them to be full. From the beginning at the settlements of the Company the Books of Consultation and the Letters and Dispatches gave full information of the work of the Councils. The practice was established at the factories of requiring a full report of the minutest transactions, and copies of every resolution recorded, and of every letter sent and received were taken

247. The Bombay Gazette quoted by Lord Curzon in his Speech on Official Secrets Bill of 1904 Collected Speeches, Vol. III.

248. Lord Curzon's Speech on Official Secrets Bill 4 Nov. 1904 in Collected Speeches, Vol. III.

249. General Sir O'Moore Creagh, Commander-in-Chief and Member of Council in his Autobiography.

and sent to the home authorities.[250] The General Books of each Factory, the Buxey Accounts, and all subsidiaries to their several charges were allowed in 1771 to be forwarded annually to the Directors, and positive orders that the servants at the subordinate establishments do not fail to specify the most minute articles were issued.[251] As long as the transactions of the Company were commercial these records were brief and manageable. But when the same fulness was observed in regard to political matters the records became voluminous. General Letters from the different departments explaining the Proceedings of the Governor-General in Council and of the Governors in Council were dispatched to the Court of Directors. When a subject of discussion in Council was closed, the state of the correspondence was recorded and brought to the notice of the Court of Directors. Apart from these separate Dispatches various printed documents, regulations, returns, statements, accounts and forms were transmitted from the different departments to the home authorities.[252] Not only every act of the Government but all the preliminaries of that act was made a matter of record. To Burke who had delved into some of those records they presented a striking contrast to the usage of other public bodies with which he was familiar. While all other bodies, the House of Lords, Commons, Privy Council, Cabinet Council for secret State deliberations, enter only resolutions, decisions and final resolutions of affairs, the argument, the decision, the dissent very rarely appearing, the Company proceeding upon mercantile principles provided either by orders or by course of office that all shall be written—the proposition, the argument, the dissent.[253]

250. Bourdillon (Secretary to Madras Govt.) Brief Statement of the Principal Measures of Sir Charles Trevelyan's Administration at Madras

251. Letter of Court of Directors 28 Aug. 1771 quoted in Monckton Jones, Warren Hastings in Bengal.

252. Report of Chief Secretary W. B. Bayley, 1st Dec. 1820, in Foreign Misc. Proceedings 1820, Imp. Records Mss.

253. Burke's works, Bohn's Edition, Vol. IV.

Correspondence was maintained with the other Presidencies, subordinate Boards and public functionaries of every description, with the settlements in China, the king's governments of Ceylon and Mauritius and regularly and extensively with the Court of Directors. The Standing Regulations of the Departments of the Government at Calcutta in 1796 provided for a Register, Examiners of letters, Endorsers of Letters, Duftaries for the ruling of papers and for the binding of all General Letters in volumes of 800 pages each with a detailed index.[254] The correspondence went home in Dispatches and the explanatory matters in Books or Volumes.[255] In no part of the world said one[256] who ought to know as he had taken part in the business were the proceedings of any government so detailed and recorded with the same degree of minuteness and precision. Not unfrequently the papers on certain subjects extended to several thousand folio pages which had to be collected, arranged and transmitted to the authorities in England to enable them to pass judgment on the question. On one occasion in connection with the affairs of Rajputana in 1827-1828, 44 folio volumes were collected and dispatched to England. It was not at all uncommon for the Public Dispatches from Bengal to extend to several hundred paragraphs.[257] The total number of folio volumes received in 21 years from 1793-1813 was 9094 and from 1814 to 1829 a period of 16 years the number rose to 12,414. Even as late as 1853, upon questions requiring a reference to the Court of Directors and on matters of more than ordinary importance separate letters were written, but every quarter a report was sent reviewing the whole proceedings of the government and was called the quarterly General Letter. Every letter of any importance on the

254. Standing Orders of the Secret, Military, Political and Forest Departments signed by G. H. Barlow Secretary—Imp., Rec. Mss.

255. Report of Select Committee on Affairs of E. I. Co., 1832, Vol. I.

256. St. George Tucker—Memorials of Indian Government.

257. St. George Tucker—Memorials of Indian Government.

record and the substance of the reply were abstracted and reported in paragraphs of this General Letter: and these General Letters were sent to England with the collection of papers referred to in each record. The Letters thus transmitted were replied to by the Court in the same detail, paragraph replying to paragraph.[258] This excess of record-keeping crept into the administration of even such a quasi-commercial department as that of the Post Office. In all post offices about 1850 six registers were kept, three for letters dispatched, and three for letters received, both classes being registered under the heads "bearing" "paid" and "free". The weight and address of each letter was also recorded. Thus each letter was twice registered before it reached the hands of the person to whom it was addressed. The whole system was considered even then to be peculiar to India and to have grown out of that excessive spirit of record-keeping so marked in the transactions of the Indian[259] government. In the relations with the provincial governments instead of the proceedings *in extenso* of these governments, the Government of India called mercifully only for abstracts of these proceedings, the Secretary of the Department concerned choosing only those that he deemed of more than ordinary importance and took the orders of Council as to whether the papers should be called for from the provincial governments.[260]

The Court of Directors insisted on the Indian governments sending them full records of their work in India. When in 1828 a proposal was made by the Supreme Government at Calcutta that it should be permitted to discontinue the transmission of a part of the Proceedings of the Board of Revenue they expressed their disinclination to give up to their representatives in India the power of choosing which

258. India, its Government under a Bureaucracy by Dickinson India, 1853.

259. Mills—India in 1853.

260. Mills—India in 1853.

part of the records they could furnish and which they might keep back.[261] Sir Thomas Munro was appalled by the voluminousness of the papers he had to wade through and congratulated Canning on his escaping by not coming to India the irksome task of toiling daily through heaps of heavy long-drawn papers.[262] And Lord William Bentinck's reform[263] that every Letter should have annexed to it a short abstract of its contents which would enable one to see at once the subjects of the numerous paragraphs and to judge for oneself whether one shall send them or not, did nothing to diminish the voluminousness of the records. This feature of Indian administration continued to characterize it down to the last days of the Company. In 1853 the contrast between the voluminousness of the correspondence between the home authorities and the Indian Government and the business-like character of the correspondence restricting itself to the reporting of what is really of importance of the governments of Malta, Bermudas, West Indies, Australia, Canada and other colonies was noted by an intelligent observer.[264] It prevailed for instance in Madras till the reforming spirit of Sir Charles Trevelyan[265] (1859-1860) dealt with it. He directed that the Quarterly General Letters were to be discontinued. Only subjects requiring to be made known to the Home Government either for their information or their orders were to be reported in separate letters with the necessary documents. Printed records of the proceedings of government were sent periodically. Despite such reformers from the beginning to the end the government of the Company was a government by record.

261. Extract from the Proceedings of the Governor-General in Council in the Political Deptt. 16 Sept. 1830—Home, Pub. Proc. Sept. 1830, p. 150, Imp., Rec. Mss.

262. Life of Munro in G. W. Forrest, from Wellington to Roberts.

263. Evidence of Sir C. E. Trevelyan, 28 June 1853, in Minutes of Evidence before Select Committee on E. I. Territories.

264. *Ibid.*

265. Bourdillon—Principal Measures of Sir C. Trevelyan's Administration at Madras.

Although after the Crown assumed the government of India more political methods were introduced, the volume of records that had to be sent to the Home authorities was reduced, the habit of centuries persisted. Reports added to the bulk of the records. Reports had been known in the days of the Company. But they had been confined to State occasions and to England—when parliament appointed Select Committees to enquire into the affairs of India. Lord Dalhousie instituted the Annual Report. It was to describe the incidents which may have occurred during the year within the several jurisdictions of the provincial governors and state the progress that may have been made in each principal department of the civil and military administration.[266] And when a Secretary of State for India was appointed responsible to Parliament, the parliamentary habit of asking questions into the affairs of India led to his calling for reports from India. And his call set in train a fuse of reports from the Government of India, the provincial governments and from the District officials. Also and especially later the necessity for establishing checks against corruption and misappropriation and the responsibility of every servant of government to those above in every matter of public business which he had to transact led to what one student of these records calls an astounding multiplication of correspondence.[267] This cause operated especially at the circumference of government. Towards the end of the period of Company rule the annual correspondence of a Collectorship in a ryotwari province was reckoned at 16,000.[268] In one collectorship a case was registered no less than thirty-five times before it reached the Collector. In 1885 in Bengal in addition to 14 regular reports District Officers had to submit occasional reports on as many as 15 different matters and 45 departmental and special reports.[269]

266. Lee Warner's Life of the Marquess of Dalhousie, Vol. II.

267. T. Wheeler—Preface to Hand-book of Madras records, 1861.

268. Rickett's—Report on Civil Establishments and Salaries 1858, pp. 125-126.

269. Report of Salaries Commission in Bengal, 1885-86.

Revenue Returns were 46 in number reduced to 24 in 1871[270] beside 146 Miscellaneous Returns. In 1897 a Secretary of State for India,[271] referred to the endless official reports which the Collector of the District had to send on to review. The Collector's office was overwhelming the Collector. Records and Registers began to be kept where formerly there was none, pages written when a line would have done, long accounts kept, frequent accounts submitted, copies and signatures multiplied like bacilli, and air became dark with the locust flights of correspondence.[272] Heads of Departments at headquarters have been asking for the District official reports, answers to queries, records and explanations. By the beginning of this century it was found that while formerly a clerk in the District Collector's office had to copy 20 papers, he then did 200. Every step forward in policy meant an increase of writing at the circumference. When about 1892 the Madras Government began to advance money to ryots for the building of wells a young Secretariat Officer was reported to have created a set of account forms to be kept in every village for the special work and these forms were about 56 in number.[273] This system of report writing according to a competent authority[274] "had been by the beginning of the century the most perfect and the most pernicious in the world," the most perfect in its orderly martialling of facts and figures and in the vast range of its operations, the most pernicious in the remorseless consumption of time, not to mention print and paper and in its stifling repression of independence of thought and judgment.[275] The

270. Report of Salaries Commission in Bengal, 1885-1886

271. Lord George Hamilton according to R.C. (R. Carstairs) in Asiatic Review, Jan. 1897.

272. R.C. (R. Carstairs), op. cit.

273. Mr. Robert Sewell—Proceedings of the E. I. Association in Asiatic Review April, 1901.

274. Lord Curzon in Budget speech, 27th March 1907 Collected Speeches, Vol. II.

275. *Ibid.*

reforming zeal of Lord Curzon did its best to reduce the number of reports required and to prescribe limits to their length.

Government by Writing.

The Government of India was thus from the beginning a government by writing. The early Consultations and Diaries of the Councils introduce us to the writings which recorded the bare results of discussion. Then the custom crept in, probably because the Directors wanted full records of the doings of agents in India, of members, dissenting from the opinion of the majority, writing dissents which were entered and signed by the authors.[276] In fact in 1719 the Court ordered that every member should have liberty to dissent from any of the Council's resolutions and to give in his reasons in writing for entry on record.[277] As long as the Company restricted itself to trade, the decisions and dissents however full were naturally short and bare. But when the Company turned to political business the writing of members of Council began to grow in volume. Not only because political business requires larger discussion and argumentation but local circumstances originated the practice of overmuch writing. Hopes of indirect gain sharpened many a pen and produced much specious reasoning which remains on record in the swollen Consultation Books of their times. " Verbosity and expansion were the sins," said Malcolm, " that most easily beset our ingenious countrymen in the East."[278] Thus was the Indian Minute born and bred.

The Indian Minute.

And it soon grew to lusty proportions. The practice of the Councils meeting only once or twice a week led to much writing in between. The fact that after the Regulating Act of

276. Dodwell—The Madras Records, Ch. II.
277. Ibid.
278. Sir John Malcolm in Lives of Indian Officers by Kaye.

1773 not only Governors and Governors-General but members of Councils were persons appointed by the Crown from England and therefore strangers to Indian business and consequently unable to discuss questions across the Council table necessitated this practice of previous noting and minuting on the questions likely to be brought before the Council. Men like Mr. Francis, with a flair for fine writing and eager to learn and display learning before colleagues, naturally made the best of the Minute. The practice of conducting business by circulation of papers used by a Council that met only at intervals also gave scope for the cultivation of the writing of the minute.

The practice began at least from the time of Warren Hastings.[279] As it was described by a Governor-General early in the 19th century it has continued down to the present day with some modifications. The Secretaries in the different departments sent in circulation to the Governor-General and members of Council the dispatches they had received from England and the documents relating to all business which had arisen in the interval and which would require the whole interval for mere perusal. The Secretary took orders upon them, if there were no disagreement, or brought them up before the Council, if there had been minutes of dissent upon them.[280] The number and variety of affairs was immense, for, everything small as well as great must have the sanction of government and instead of being transacted by the Secretaries in their offices, as would have been the case in England had actually to be stated in Council and the orders taken. A declaration of war as well as an addition to barracks a thousand miles off would come next to each other with the notes and minutes of the different members of Coun-

279. Letter dated Fort William, 10th Aug. 1775, Selections from the State Papers etc. Ed. by G. W. Forrest, Vol. II, also order dated 28th July 1783, ibid, Vol. III.

280. Mills—India in 1853.

cil and read in Council from the Secretary's bundle.[281] This system went on till the time of Lord Ellenborough who introduced the practice of having all papers circulated to the Governor-General first who would pass orders on all these subjects in which he felt no doubt and wrote *Reserve* on points on which he wanted the advice of the Council.[282] The other members of the Council also had the right of reserving business on which they did not agree with the Governor-General for discussions at the Council—and of writing minutes upon the matters in question. The Portfolio system[283] attempted by Lord Dalhousie in 1854 and definitely introduced by Lord Canning allowed ordinary, routine matters being disposed of by the Member in charge of the different subjects, but important matters are circulated to Members and in case of difference of opinion disposed of in Council.

As every kind of business was transacted by means of writing, even unimportant transactions, matters of detail, attained the importance of a Minute. Even as late as Lord William Bentinck's time such small matters as the repairs to the Residency at Mewar, the change of the residence of the Resident at Lucknow, the space to be allowed for quarters to the troops at Moulmein were referred to the Governor-General in Council and formed the subject matter of solemn minutes[284] The Minute was used even in regard to the making of appointments. Barwell and Hastings bandied minutes with each other on the supersession of Barwell himself in regard to a lucrative post.[285] The members of Warren Hastings' Council wrote Minutes against each other occupy-

281. Lord Minto in India—Life and Letters of first Lord Minto.

282. Speech of Lord Ellenborough, E. I. Council Bill, House of Lords July 16, 1861, Hansard Vol. CLXIV, 1861.

283. Mr. Rickett's Report on Civil Establishments and Salaries 1858.

284. Lord William Bentinck, Simla Minutes, 1831-32, Imperial Record Manuscripts.

285. Selections from State Papers etc., 1772-1785, Ed. by G. W. Forrest, Vol. I, pp. 13-16.

ing seven folio printed pages on the question of the displacement of one Resident by another at the Court of the Nawab of Oude. A few years earlier in 1778 Warren Hastings, Mr. Barwell, Mr. Francis, and Mr. Wheeler had been writing minutes against one another on the claims of two officers for the post of Commissary-General.[286] In 1831-32 we find Lord William Bentinck,[287] writing minutes on the transfer of a Resident from Lucknow to Khatmandu or the appointment of an officer to the vacant residency at Lucknow. In another minute he recommended Col. Skinner a commission in the Company's army and spread himself out in a tribute of praise to the military qualities of that great soldier of fortune. The practice came to be in regard to these Minutes on appointments that if, on nomination by a member of Council there was disagreement of a majority the nomination would not ordinarily be pressed unless the Governor-General brought into play his overriding powers, which would not be but for extraordinary reasons; if the Governor-General's nominee was withdrawn, no other member would propose a candidate. Even army administration was burdened by the weight of the Minute. The circuitous course was followed in dealing with the business of the Army. Officers at headquarters burdened with writing work in detail had but little time for study of the progress of military science and of the need of Indian defence.[288] Lord Kitchener's[289] discovery that Army headquarters in India about 1902 was paper logged with a plethora of correspondence and minute writing was the experience of army rulers before and after him.[290] This awful

286. Proceedings of Secret Select Committee, 14th Jan. 1781 in Selections from State Papers in Foreign Deptt. of Government of India Ed. by Forrest, Vol. III, p. 755.

287. Lord William Bentinck's Simla Minutes 1832—Imp. Rec. Mss.

288. Report of Commission to enquire into Organization and Expenditure of the Army in India. (1879) Appendix, XIV.

289. Life of Lord Kitchener by Arthur, Vol. II. Ch. LIX.

290. Life of General Lord Rawlinson by General Maurice.

system, as he calls it[291] of doing nothing but write minutes which make up the government of India, made the smallest piece of military reform the work of a life time.

The practice of Minute writing has flourished in spite of the change of Government from Company to the Crown. While Lord Hastings has recorded the relays of camels that used to bring him with speed boxes from the departments of Government, Lord Dalhousie has noted that not less than 20,000 to 25,000 were submitted to the orders of the Governor-General in the course of a year.[292] He limited the amount of writing in the Supreme Council to one minute on a subject and expected his colleagues, if they could not agree, to meet for a final settlement of their differences.[293] He introduced another reform based on the English system. No papers were to be placed in bulk before members unless they were to be used in their entirety. Merely formal documents were not to be submitted. All except important letters were to be registered and not submitted.[294] Among the many services rendered to Indian administration by Lord Dalhousie was his attempt to dam the flow of minutes in the Government of India. Lord Mayo also tried his best by example to reduce the amount of this evil. He left in writing upon official record comparatively little in explanation of his views. He is credited with "the almost complete abolition of the ancient system of minute-writing."[295] But in Lord Northbrook's time on one question there were no less than 19 minutes.[296] Lord Northbrook was not a writer of great minutes and he was

291. In Letter to a friend quoted in Arthur's Life, Vol. II, Ch. LIX.
292. Life of Marquess of Dalhousie—Lee Warner, Vol. I.
293. Lee Warner's Life of Marquess of Dalhousie, Vol. I.
294. Life of Lord Northbrook by Mallet.
295. Administration of Lord Mayo-office of Supdt. of Government, Calcutta, 1872.
296. Minute of Lord Dalhousie, 6th February 1852 in Home Public Proceedings, Imp. Rec. Calcutta.

quite content if what was to be done was done silently so long as it was done effectively resorting to *viva voce* discussion even in matters of difficulty.[297] But this was a mere flash in the pan. Able Governors-General surrounded by able civilians in Council could not eschew the Indian practice of noting and minute writing. In spite of Lord Northbrook's discouragement, the minute flourished in India, at the centre as in the provinces. As early as 1890 even the Secretariat of the Punjab was noticed to have gained an undue influence and that skill in minute writing rather than capacity in administration was the test of efficiency and the stepping stone to promotion.[298] Lord Curzon when he arrived in India found it in full strength and thought it had been going on prospering for the 25 years before his arrival.[299] He argued for reform by reference to a case which he settled after it had pursued the even tenor of its minute way without exciting the surprise or ruffling the temper of anyone for 61 years. He drove his pen like a stiletto into its bosom.[300] He revised the rules of business " providing for greater simplification of procedure, less penwork, more frequent discussion, and superior dispatch." His reform forbade more than one note being sent up. If the clerk's note was correct and sufficient the Under Secretary had only to initial it in token of having seen it and approved it; and so, the Secretary. Thus after Lord Curzon's line the reference went up to the Government with only one note instead of 4 or 5 as formerly. If the Under-Secretary or Secretary found the note of his subordinate unsatisfactory he had to tear it up and write one himself.[301] But the habit of writing has continued to flourish. Lord Morley

297. Minute of Lord Dalhousie, 6th February 1852 in Home Public Proceedings, Imp. Rec. Calcutta.

298. O'Dwyer's India as I knew it.

299. Lord Curzon's Speech in Budget Debate 27th Mar. 1901, Collected Speeches, Vol. II.

300. Lord Curzon in Speech at U. S. Club, 1905, Collected Speeches.

301. Loraine Petrie in Asiatic Review, April, 1901.

attributed the long winded notes which he had to endure to the climate.[302]

The Minute Writer.

The importance of the Minute created the importance of the writer. Ability to write has come to be recognized as the note of the British Indian statesman. Writing of the times of Warren Hastings and speaking from his own experience in the government of India, Macaulay[303] thought that it was as necessary to an English statesman in the East that he should be able to write as it was to a minister in England that he should be able to speak. The minute has been described[304] as the Indian substitute for the European oration in senatorial assemblies. It was from the reports and letters of a public man in India that dispensers of patronage in England formed their estimate of him. As the Minute made the reputation of the Indian statesman, he in his turn has illustrated it in the annals of Indian political literature. The character and ability of the English ruler of India come out in his Minutes. Warren Hastings wrote matter of fact, informative minutes and was particular in his lifetime that his punctuation should not be altered.[305] Protests, charges, recriminations " in the Minutes of Warren Hastings and his colleagues in Council reveal the relations between them." Mr. Francis' Minutes were described by a contemporary critic[306] as models in their way, a grand simplicity in them, full of just thought, clear reasoning, happy expression. Sir John Shore wrote a minute on the Permanent Settlement, which ran into about 500 paragraphs and fill 90

302. Morley's Recollections, Vol. II, Page 262.

303. Macaulay's Essay on Warren Hastings.

304. Sir Charles Metcalfe in Kaye's Life on Correspondence of Charles Metcalfe, Vol. I.

305. G. W. Forrest's Preface to Selections from State Papers, 1772-1785, Vol. I.

306. G. W. Forrest's Preface to Selections from State Papers, 1772-1785, Vol. I, p. 31.

pages of small print, overflowing with knowledge, replete with facts, and impartial in argument.[307] The Marquess of Wellesley's Minutes were copious in argument, forcible in expression, and unmistakable in their conclusions. The Marquess of Hastings has left on record Minutes that explain and describe his military transactions and summarise the events of his administration. Metcalfe's Minutes, conveyed in the most lucid English, have been recommended as the best example of a good official style.[308] In the hands of administrators like Munro and Elphinstone it has been fashioned into sources of valuable information on the facts and circumstances of British Indian administration. Lord Dalhousie wrote at the end of his reign a masterly Minute on his administration, comprehensive in its sweep and convincing in its essential detail. Lord Northbrook was said to be "cautious and unimaginative, fond of parliamentary expressions and apt to call a spade by that name as tenderly as possible".[309] Lord Lytton in his Minutes was alleged to like writing for its own sake and to be carried away by his artistic enjoyment of style.[310] In the hands of Lord Curzon the Minute became a trumpet with which he would make the walls of Indian routine fall. In its variety of style, its fullness of information, its sobriety of tune, the Indian Minute has been a model of official writing. No greater service can be done to the student of Indian administration than to collect and edit a selection from the Minutes of the great rulers of British India.

In the form of the Note, or the Minute, or the Despatch, or the Report, writing has played a dominant part in the British administration of India. The Home Government, the Supreme Government in India, the provincial governments were carried on by means of it. The circumference and the

307. See the Minute in Fifth Report—Firminger's edition.
308. Kaye's Life of Metcalfe in Kaye's Lives of Indian Officers.
309. Life of Sir A. C. Lyall by Mortimer Durand.
310. Life of Sir A. C. Lyall by Mortimer Durand.

centre was affected by it, the civil as well as the military administration. The French traveller, Jacquemont, gathered the impression that India was governed by stationery. In one year 1827 in one province, Bengal, the amount of writing apparatus consumed was 6127 reams of paper, 806,000 quills, 1981 Consultation Books, General Letter Books and Memoranda Books of 2 to 6 quires each. The expenditure on Stationery and Printing has been steadily growing from 43 lakhs in 1876-7 to 86 lakhs in 1904-5[311] to 2 crores in 1921-1922—it mercifully fell to 1¼ crores in 1924-25.[312] The north Indian jibe that British rule in India is *naksha-ki-raj* is justified by the history of the part played by writing in Indian administration.

Delay and Detail.

The disadvantages no doubt have been obvious. The circuitous course followed by business was usually a nuisance, sometimes a danger. Delay was one of the consequences of the system of correspondence. Till about the beginning of the 19th century it took two years and a half for the Home authorities to get replies to their Dispatches from the governments in India.[313] Lord Ellenborough tried to get them within a year. This delay led to more serious consequences. To this delay a Governor-General, who had formerly been Secretary of State for India attributed the disrespect and occasional disobedience of Indian governments to the orders of the Court of Directors. To this delay he also attributed the increasing expenditure of the Government of India.[314] The lesuirely rate of business[315] accounts for the

311. Imperial Gazetteer of India, Vol. IV.

312. Statistical abstract of British India 1915-1916 to 1924-25; Report of the Retrenchment Enquiry Committee of 1922-1925.

313. Lord Ellenborough's Diary, Vol. II, p. 130. ed. by Colchester.

314. *Ibid.*

315. Letter of Chief Secretary Bayley, 1st Dec. 1820, in For. Misc. Proc., 1821, Imp. Rec. Mss.

detail, the overwhelming detail of Indian business. The amount of detail which came up before a provincial government towards the middle of the 19th century was so great that a Governor[316] complained that Secretaries were overburdened and the action of the government itself impeded. The daily routine business prevented him, as it must have every contemporary Governor or Governor-General, from taking up "questions which require careful and deliberate consideration." This propensity to detail had been the growth of years and had pervaded every department of every government in India.[317] It has persisted down to modern times. Lord Curzon[318] described the Government of India of his time as a government that wrote overmuch and adjured it to copy the manners of the farmyard where hens did not continue to sit on eggs that had become addled. The ease with which government by writing could be carried on at great distances from the *campus* of governmental acts was one of the causes of the tendency to centralization which helped by legislation had become one of the outstanding features of the Company's government in the last quarter of the century of its existence. The administration of even minor details was centralized at the headquarters of the Supreme Government.

Writing and Constitutionalism.

It cannot however be said that all this writing and record was to the detriment of government Writing and record were means of check and control exercised on each other by the different members of the hierarchy of Indian government. The Presidency governments and the Supreme Government at Calcutta had to justify everyone of their actions

316. Minute of Governor of Bombay, 20th Dec. 1857 quoted in Mr. Rickett's Report on Civil Establishments and Salaries 1858.

317. Mr. Rickett's Report on Civil Establishments and Salaries 1851.

318. Speech at dinner to Mr. and Mrs. Dawkins, 29 Mar. 1899—Collected Speeches, Vol. I.

of policy or administration by their Dispatches and Letters and accompanying papers sent to the Court of Directors. In the absence of representative government and of public opinion, and in the remoteness in time and place from the ultimate authorities in England, this necessity to justify their activities by writing acted as a salutary check upon the natural propensity to absolutism of uncontrolled power. "One of the most effectual of the checks under which a Governor in India acts" said Sir John Malcolm "is that publicity consequent on the positive necessity of making every act however unimportant a written record to be transmitted to England".[319] Even when circumstances required action without reference to the Home authorities this habit served as a curb, because the Indian government had to justify urgent action by full and conclusive writing. Nor could the Court of Directors or Board of Commissioners in the possession of ultimate authority try to rule India from England. Their lack of information had to be made good by voluminous writing and records from India. And this very necessity of writing, of information from India forced the Home Government to wait and refrain from sudden and precipitate action. Whatever constitutionalism there was in the government of India from the days of the Company till the days of representative and responsible government, was due to the fact that, beside the checks and controls of a divided and distributed government, it has been a government of record.

Dual Government.

Not only the methods but the general character of the government of the Company is traceable to its commercial origin. A commercial Company assuming a political character threw out peculiar forms of governments. In the beginning fearful of political affairs the Company invented a system of indirect administration. It established a form of dual

319. In the Political History of India, Volume II.

government. The Dual government established by Clive in Bengal in 1757 divided the responsibility of administration between the officers of the Company and the Nawab of Bengal to the detriment of the unfortunate territories that were given over to it. The collection of revenues was placed in the hands of the Dewans or Amils or Naibs in districts other than those where the collection had been given over to Zamindars and other farmers responsible to a Committee of Revenue at the Presidency town, the covenanted servants of the Company being confined to purely commercial duties.[320] The Company was afraid to govern and unwilling to abdicate. It allowed the administration to be conducted in its name by pensioned princes like the Nawab of Bengal or the Nawab of the Carnatic. The Dual government in Bengal came to an end in 1772 when the Company stood forth as the Dewan and began to administer the collection of revenue itself. The Northern Circars of Madras also about the same time were taken from the hands of native collectors of revenue like Hussain Ali[321] who must take his stand beside his brothers of Bengal, Mahomed Reza Khan and Gunga Govind Singh. The collections of revenue in the Circars was placed in the charge of provincial chiefs and councils into which the commercial factories were converted. But in the Carnatic the direct jurisdiction of the Company did not come into force till 1801, the Nawab of the Carnatic continuing till then as the minister of the Company for these territories.

Rule of the Dubashes.

Even after the abolition of the Dual Government, regretted by none, the Company found it difficult to administer itself the territories that fell into its hands. The administration of the land revenue especially presented difficulties. It required a knowledge of the languages of the country,

320. Proceedings of the Council of Revenue, embodied in Consultation, 25 Nov. 1773, Mss. Imp. Rec.

321. Auber—Rise of British Power in the East, Vol. I, p. 217.

of the customs and laws of the people such as the writers and factors and merchants of the Company could not claim.[322] In 1775 the Court of Directors directed the Government of Fort St. George to send out a Committee of Circuit to enquire into the affairs of the Circars with special regard to the land revenue system. But the information was too scanty to be of any use. The Company was forced to resort to the farming system for collecting its revenue from the land. The rule of the Dubash was imposed on the Madras Presidency. The right of collecting land revenue was sold to farmers.[323] In the Northern Circars of the Madras Presidency these farmers were given the commercial name of Dubashes. The Dubash originally in Madras was the interpreter, the man who knew two languages, the go-between in matters of trade whom the factors and merchants made use of at the factory stations of the Company. Similar intermediaries were employed for the collection of revenue. This rule of the Dubashes lasted from 1775 till the Company decided on a more direct and economical system of land revenue administration. In the government Haveli lands these Dubashes as sowcars acted as farmers of the revenue to Government, advanced money to cultivators, rack-rented them, pocketted the balances left after payment of the dues of Government. Papiah, the Dubash of Mr. Hollond, the Governor, was powerful enough to receive the adverse attentions of the Governor-General in Council.[324] The revenue annals of the Northern Circars were disfigured by the career of Dubashes like Atmuri Venkatachala, Dubash of Mr. Ram, Collector of Guntur in 1794, who has been described as a vul-

322. Fifth Report on the affairs of East India Company, 1812, Volume I.

323. Extract from General letter dated 13th March 1761 of Court of Directors to Government and Council of Fort William in Fifth Report of Committee of Secrecy.

324. Governor-General in Council to Governor-in-Council, 30th October 1791 in Cornwallis' Correspondence edited by Ross, Volume II.

ture preying upon the simple people of the district.[325] They strove to make themselves and their system permanent. But the rule of the Dubashes in Madras was terminated by Mr. Place whose name is still remembered in Place's Garden in Chingleput District. Mr. Place tried to restore the old landholders and heads of villages to their rights. He discovered the revenue accounts of the Jaghir to be mere fabrication, intended to conceal the peculations and irregular practices of the accounts as well as of those employing them. He introduced the system of village settlement and thus expelled the ruinous rule of the Dubashes.

Rule of the Dewan and the Banian.

Corresponding to the rule of the Dubashes in Madras was that of the Dewans or Banians in Bengal. The career of Maharajah Nobkissen Bahadur is illustrative of the position and power of these Dewans of Bengal. Appointed by Clive in 1765 Dewan to the Hon'ble Company with the title of Maharajah, obtained from the Mughal emperor, Nobkissen held the offices of Munshi Daftar or Persian Secretary to the Company, the Company's Treasurer, Tahsil Daftar or Collector of the Twenty-four Parganahs, Tahsildar of Nawpad and later of Suttanutty. He was appointed farmer of revenues of Bagum in 1774 and Serawal in 1780 also controller of the revenues of the Rajah of Burdwan to enforce payment of the revenues due to the Company within that District.[326] The careers of Mohmed Reza Khan and Rajah Shitab Rai also exemplify the role played by the Dewan in the Company's administration of Bengal. The office had been created in 1772 for the purpose of superintending the collection of revenue. The duties were to keep separate accounts of the collection according to the established forms of the country and to countersign all orders circulated to officers employed

325. Manual of Kistna District by G. Mackenzie.

326. Memories of Maharajah Nobkissen Bahadur ed. by K. N. Ghose 1901 Calcutta.

in the interior of the district as also receipts, invoices, accounts. The Dewans were appointed as much to help as to keep a check on the Collectors of those days.[327] A Regulation of 1793[328] gave legislative sanction to the office and its duties. Neither policy nor a sense of their own abilities enabled the Company's servants to take up the district administration of the revenue even after it stood forth as the Dewan. They made use of the native ministers of revenue who had served the Nawab in the affairs of the revenue. These Muhamadan and Hindu Dewans managed the whole business, appointed all the subordinate officers, laying their general returns of assessment before the Company's principal servants, reporting to them the state of the collections from time to time and disposing of the money received into the Exchequer according to their orders.[329] Either the revenue was farmed to them or if they received a salary the native ministers of revenue resorted to farmers of revenue. The collection of revenue through these black farmers as they were called frequently ended in defalcations and embezzlements. To keep them within the limits of decency, European supervisors or Collectors were nominated like Sylhet Thackery.[330] Calcutta Banians, money lenders and adventurers from Turkey and Persia bid at these revenue auctions.[331] This system of administration through Native Dewans served neither the cause of revenue nor of general administration. Deficits, defaulting zemindars, absconding farmers and deserting ryots marked the course of revenue adminis-

327. Report of Salaries Commission in Bengal, 1885-86 also Minute by Governor-General Warren Hastings on Revenues and Politics of the Country in Selections from State Papers, 1772-85 edited by G. W. Forrest, Volume I.

328. Regulation II.

329. Mr. Grant—State of Trade, etc., printed as Appendix to Report of Select Committee—E. I. Affairs 1832—Appendix 10 and 11 to Chap. VIII. M. Jones.—Warren Hastings in Bengal.

330. Bradley Birt—Sylhet Thackeray, Ch. VI.

331. ibid.

tration in the period 1773 to 1776. Hastings' revenue reforms did not eliminate the Dewan and he defended the five years' farming system against Mr. Francis and his colleagues.[332] The Committee of Revenue and the Collectors had their Dewans. The office of Dewan was abolished in 1813[333] as it was found necessary to annihilate the influence which the designation of the head native officer and the nature of the situation in many instances enabled the Dewan to exert with the utmost pernicious effect.[334]

In spite of the failure of the farming system its facile use tempted administrations to resort to it soon after the conquest of new territory. The Board of Commissioners for the Ceded and Conquered provinces which later were incorporated in the Lower Provinces of Bengal recommended early in the 19th century the introduction of the system. It was not accepted by the Court of Directors.[335] In Malabar, Canara and Coorg, later in the century, the collection of revenue from the cardamom lands was farmed by the Government to the highest bidder to whom the cultivator was bound to deliver his whole produce. It was found that the system checked production and in Canara a disposition was shown to abandon cultivation.[336] It was familiarity with the farming system of collecting land revenue that led to the acceptance of the Zemindari-system of land tenure. Many of the Zemindars to whom Lord Cornwallis granted the gift of Permanent Settlement were farmers of revenue under the preceding system.

332. Remarks of the Governor-General on the Minute from Mr. Francis and others—Selections from State Papers 1777-1785. ed. by G. W. Forrest, Vol. II.

333. By Regulation XV of 1813.

334. *Ibid.*

335. Revenue Letter to Bengal of Sept. 1812 in Bengal Revenue Selection in Selections from Records of E. I. 1820, Vol. I.

336. Report from Select Committee on Affairs of E. I. Co., 1832.

Monopoly Method of Collecting Revenue—Salt.

Other kinds of revenue have been affected by the commercial methods first used in collecting them. The East India Company, itself the offspring of Monopoly, resorted to monopoly in exploiting sources of revenue. Salt and opium from then till now have been collected through a monopoly.[337] Salt was an early subject of monopoly. Clive in 1767 supported and defended the continuance of the salt monopoly in spite of the orders of the Court of Directors, on the ground that salt had always been a monopoly, that Armenians who had farmed it in 1764 had paid the Nawab nearly £200,000 for the exclusive privilege, that it was then worth £300,000 to the Company whereas if thrown open at a duty of 10% it would only produce £31,500. Although it was ordered to be abolished by the Directors the monopoly in salt was practised privately by the Supervisors of revenue in the districts. According to Warren Hastings' system no salt was to be made except for the Company, the farmers of the salt revenue were to be permitted to undertake the management of the manufacture by making advances to the Molungis, farmers were to take the salt lands on four-years' lease and to produce a given amount of salt every year, the salt was to be sold at a regulated price to merchants, salt merchants were to buy the salt at public auctions.[338] Challenged by Francis the salt monopoly was defended by Warren Hastings on the ground that no new hardship had been imposed on the salt manufacturers by taking the management of the article into the hands of the government, the only difference being that the profit which was before reaped by English gentlemen and by Banians was now acquired for the Company who received a net revenue of £120,000 which was four times as much as they had ever before received. The profit from the salt monopoly in the years 1772-1774 was Rs. 325,47,061. In 1780 the trade had become so important that it was supervised

337. Monckton Jones—Warren Hastings in Bengal, p. 229
338. Monckton Jones—*ibid.*

by a Comptroller with agents in each district.[339] Cornwallis did not alter the general plan of Warren Hastings' arrangements but removed all competition from the manufacturers and protected them against the impositions of the intermediate native agents standing between the covenanted European servants of the Company and the workers in the manufactory.[340] Cornwallis also directed that the salt should be put up to public auction in small lots and sold without partiality or favour and thus reduced the huge difference that used to subsist formerly between the Company's and the bazaar prices of salt.[341] The salt regulations of Cornwallis were collected in the Code of 1793. Since that time no great change was made till 1812 except that chokeys under the superintendence of covenanted servants of the Company to prevent smuggling were established and a reduction in the rate of commission allowed to salt agents was ordered.[342] The Madras system which has worked since 1805 keeps the sale and manufacture of salt in the hands of government. In the beginning of the season the Government contract with the manufacturers at the different salt works for the quality of salt required which is then brought into store by the manufacturers; it is stored in the government platform and sold in due course to the dealers at the monopoly rate. The manufacturers are bound to deliver certain quantities of salt at certain rates and after they have delivered that on the government platform, the rest is at the risk of government.[343] In Bombay about 1859 the manufacture of salt stood open to all under suitable regulations, subject to the payment of an excise duty equal to the customs duty levied on imported

339. Monckton Jones—Warren Hastings in Bengal, p. 229.

340. Auber—Rise of British Power in the East, Vol. II, p. 89.

341. Cornwallis' Correspondence ed. by Ross.

342. Fifth Report, Vol. I, p. 32.

343. Sir T. P. Pycroft in Evidence, 9 May 1871, before Select Committee on East India Finance 1873—Minutes of Evidence, 1873.

salt.[344] Although the Secretary of State hoped that the Madras system would become assimilated to the Bombay system it has persisted there and elsewhere with slight modification. In Bengal[345] the salt revenue has been collected partly by a system of governmental manufacture and partly by a duty on imported foreign salt. The manufacture was carried on under such supervision as was necessary to prevent smuggling and when the salt was manufactured it was stored in Government warehouses where it was kept until it was sold. The sales for the greater part of Bengal were effected at the Board of Revenue in Calcutta. Merchants applied to the Board for the quantity of salt which they required, they paid the duty and the price, the price having been fixed by the Board at the cost of manufacture and then they received from the Board an order upon a particular agency for the quantity of salt which they required. Where the origins of the salt revenue were not commercial or where salt could not be manufactured as in the N. W. Provinces the salt revenue was derived from duties imposed on imported salt.

Monopoly in Opium.

Opium was another subject of monopoly in the days of the Company. It was in 1718 that opium was shipped to China and eastward to raise money for the China Investment for the ensuing season instead of by specie as the export of rupees to Fort St. George had been great.[346] The Company adopted the Moghul practice of farming out the revenue on opium as an exclusive privilege for a *peshcush* as an annual payment in advance. Organized as a monopoly from 1761 the opium trade was thrown open by Clive in 1766

344. Extract from Dispatch of Sec. of State, 1st June 1859 in Correspondence relating to Financial Affairs—Parl., Papers 1890.

345. Evidence of Sir C. Beadon, 8 May 1871 before Sel. Committee on E. I. Finance Minutes of Evidence, 1871.

346. Report of Select Committee on E. I. Affairs 1832, Appendix No. 76.

subject to such restriction only as the ministers and officers of the Government may think proper to impose for the benefit of the Company and the public.[347] In 1773 the contract for the exclusive privilege of providing opium was granted to Mir Munhir. Opium began to be manufactured by the Company in 1765. Patna in Bihar, Rangpur in Bengal, Bombay were the chief centres. Warren Hastings organized the opium monopoly on the same lines as the salt monopoly.[348] The regulations governing the opium monopoly were revised in Lord Cornwallis' time. In 1785 the government decided that the contract for the manufacture and sale of opium should be thrown open to public competition and for a term of 4 years, given over to the highest bidder. Owing to the revenue from opium being reduced and the trade in it declining on account of adulteration, the contract system was displaced by the Agency system in 1789 and a Covenanted servant was placed in charge. The change answered expectation and the net revenue rose from £95,050 to £693,700.[349] In Lord Hastings' time the rich soil requisite for the advantageous growth of the poppy plant was let by Government at a high rent, advances of money were made by opium agents to the cultivators and they were paid for their labour by the Agent.[350] About the beginning of the 19th century the policy had been at first to limit the manufacture to a moderate quantity seldom exceeding 4500 chests, the average annual sale in 11 years from 1814-1825 being in Bengal about 3942 chests, to confine the cultivation of poppy to those districts in which the drug could be produced of the best quality and at the lowest cost and to prevent as far as possible the sale and use of it in the Company's territory except for medical purposes. In some districts as Bhagulpur and Rungpur the cultivation of poppy was prohibited and on one occasion a

347. M. Jones—Warren Hastings in Bengal.
348. *ibid.*
349. Fifth Report, Vol. I., p. 52.
350. Private Journal of the Marquess of Hastings, Sept. 18, 1815.

crop was ordered to be rooted up by the order of the Government.[351]

On the cession of Malwa by the Mahrattas the Company resolved to raise from this territory an opium revenue by a high transit and excise duty. The earlier policy of restrained prohibition was abandoned about 1821 probably on account of the cost of the wars of that period and Government began to manufacture opium, premiums and rewards were held out to cultivators, new officers and establishments and the Board of Revenue stimulated increased production. The cultivation of the poppy subsequently spread to Rajaputana, the Mahratta districts of Central India, Bhopal. The cultivation and disposal of opium began to be the subject of negotiation with Native States, negotiation, according to an official observer,[352] not to be parallelled in the history of diplomacy. The Monopoly system as it prevailed in the early 19th century continued in Bengal till modern times.[353] In Bombay as in the case of salt, the opium revenue was derived from a transit duty. The demand of China for India opium kept up the monopoly. It was considered the only instance of one country deriving a revenue from the subjects of another independent State. And it was long considered as a fertile source of revenue without taxation.[354] The commercial motive and policy in regard to opium persisted till the other day, when English morality and Chinese autonomy between them put great restrictions on the manufacture and export of opium.

Provincial Autonomy.

As the collection and administration of its revenues so also the general system of government of the Company was

351. Tucker—Memorials of Indian Government, pp. 149-153.

352. Tucker—Memorials of Indian Government, pp. 149-153.

353. Evidence of Sir C. Beadon, 2 May 1871 before Select Committee on E. I. Finance, Minutes of Evidence 1871.

354. Sir C. E. Trevelyan in Evidence before Sel. Committee on E. I. Finance—Minutes of Evidence 1873.

influenced by its commercial origins. The autonomy of each of the larger settlements of the country was a characteristic part of the early rule of the Company. Each of these settlements had been established from a common centre in England and not in India. Each of these settlements had therefore direct relations with the authorities of the Company in England. The President and Council at Fort St. George, Fort William and Bombay managed the affairs of their Presidencies and the territories that gradually accrued around them in due and separate subordination to the Court of Directors. Up to the passing of the Regulating Act of 1773 the presidencies of Madras and Bombay had negotiated and warred independently with the neighbouring country powers. When Bombay and Madras were but struggling factories their governors made treaties with the great powers of Western and Southern India—Bombay with the Mahrattas, Hyder Ali and even the State of Persia, and Madras with the Rajah of Tanjore, the Nabob of Carnatic, and with Mysore. Even after the Regulating Act of 1773 by which the Governor-General in Council at Calcutta was given certain powers of superintendence and control over Madras and Bombay especially in regard to the waging of war and the conclusion of peace, these other Governments often took a line of their own. The law of the Regulating Act was in Burke's view "loose and defective where it professes to restrain the subordinate presidencies from making war without the consent and approbation of the Supreme Council for they are left free to act without it in cases of imminent necessity or where they shall have received special orders from the Company."[355] The Government of Fort St. George refused to carry out the repeated orders of the Governor-General in Council to restore to the Nabob of the Carnatic his country and his revenues.[356] Even after Pitt's India Act

355. Burke—Ninth Report from Select Committee of House of Commons in Burke's Works, Bohn's Edition, Volume IV.

356. Auber—Rise and Progress of British Power etc., and Forrest—Selections from State Papers, etc., Vol. I.

of 1784 made the Governor-General in Council indisputably supreme over the other governments in matters of war and peace, the old behaviour of the Presidency governments continued. Lord Macartney, Governor of Madras in 1785, by his casting vote got his Council to reject the construction put by the Governor-General on the terms to a treaty with Tipoo Sultan—an act which is supposed to have cost him the loss of the Governor-Generalship in succession to Warren Hastings.[357] Sir Thomas Rumbold carried on direct negotiations with the Nizam of Hyderabad in regard to the cession of the circars of Guntur and dismissed Holland the Resident for acting on behalf of the Government of Warren Hastings.[358] Lord Hobart again of Madras could not see eye to eye with Sir John Shore, the Governor-General, in regard to the annexation of Tinnevelly, part of the territories of the Nabob of the Carnatic.[359] The independence of the Madras Government attracted the notice of an outside observer like the chief justice of Bengal of that time.[360] The Marquess of Wellesley in 1798 had to contend with the refusal of the Madras Government to send a force of 4000 to the help of the Nizam of Hyderabad in connection with the campaign against Tipoo Sultan. He reminded Lord Clive who was not the offending Governor that the Governor-General in Council being in possession of the whole superintendence and control as well as of the means of comprehending in one view the entire state of the Company's trade, the duty of the other Presidencies can never be to mix direct or indirect censures with their formal obedience to the legal authority of the Governor-General, still less can they deem it to be their duty to anticipate his decision by the premature interposition of their opinions and advice in any quarter where such interference may counteract the

357. Auber—Rise and Progress of British Power—Warren Hastings—Selections from the State Papers, ed. by Forrest, Vol. I, p. 681.

358. Cambridge History of India, Vol. V, p. 281-282.

359. *ibid*: Vol V, pp. 358-359.

360. Chief Justice Anstruther's observations 1799 in Marquess of Wellesley's Dispatches, Vol. V.

success of his general plans and may introduce all the mischief and confusion of divided counsels and of conflicting authority.[361] The Marquess of Wellessley had to ask Lord Clive to prevent the Government of Fort St. George from proceeding to take any steps upon matters belonging to his exclusive responsibility without being approved by his concurrence.[362]

After 1833 also when the Company was losing its commercial character and becoming predominantly political the tradition of provincial independence did not die quietly. Lord Ellenborough in the last days of Company rule complained that the Court of Directors left to itself would always raise the subordinate Presidencies at the expense of the Government of India. On the question of the administration of salt in Madras in October 1844 the Directors "communicated to a subordinate authority the letter written at the same time to his immediate superior directing that superior to give certain orders to the subordinate and to entrust the subordinate to act in anticipation of the orders so given."[363] Public works at Bombay and Madras were sanctioned without reference to the Government of India. Appeals from aggrieved servants in the Presidencies were sent direct to the Directors.[364] Soon after the conversion of India to Crown rule once again the Supreme Government was called upon to fight for supremacy. In the sphere of finance and public works, Sir Bartle Frere of Bombay took lines of his own without previous sanction of the Governor-General in Council. He would create a judgeship at Satara and then report, he would first spend and then ask for an act of indemnity or sanction, any request for estimates of the cost of his proposals appearing to him especially injurious and un-

361. Marquess of Wellesley's Dispatches, ed. Martin, Vol. I.

362. Letter of Lord Mornington to Lord Clive, Aug. 1798 in Wellesley's Dispatches, ed. Martin, Vol. I.

363. Letter to Lord Hardinge in Lord Ellenborough by Law.

364. Mills—India in 1853.

conscionable.[365] The attempt to be self-sufficient of not only Governors of the old Presidencies but of even the newly founded Lieutenant Governorship of Bengal under Sir Charles Beadon in the face of famine was a still later instance of the old Company tradition of provincial autonomy. The restricted right which the Governors and Governments of the Presidencies of Madras and Bombay even now enjoy of holding direct communication with the Secretary of State dates from the days of the Company.

Centralization in England.

If the early settlements of the Company had direct relations with the Home authorities it was so that these might govern them directly and in detail. The Indian authorities were only the agents of the Company. The early governors at Surat, Fort St. George, Masulipatam were known as Agents. The small number of the affairs connected as they were with commercial business could all be directed from England. Policy could be confined in the groove of a few simple orders, executive discretion need not be large in regard to such affairs. Early in the history of the Company the Directors laid down the principles which were to govern the direction of their affairs in India. In view of the distance and imperfect knowledge of the circumstances of India they did not issue precise and peremptory rules in regard to the application of general principles but confined themselves to "copious and minute observations both as regards the principles to be acted upon and the application to be made of them in particular circumstances and were sparing in orders and rules which leave not a latitude to those on the spot who alone are competent to frame their measures in such a manner as to adapt them to circumstances."[366] All measures of policy, all grants

365. Letter of Lord Lawrence to Sir Bartle Frere in Bosworth Smith's Life—also Evidence of Sir Charles Trevelyan before Select Committee on E. Ind. Finance 1873.

366. Auber—Rise and Progress of British Power.

of money, most measures of administration were determined by the Court of Directors. When the Government in England assumed responsibility under Pitt's Act for the government of the Company's territories the Board of Control shared with the Court of Directors the business of ruling India from England. Not only in matters of policy and administration but even in regard to appointments the Court of Directors interfered with governments in India. They called upon Lord Clive, Governor of Madras, to displace Mr. Falconer whom he had appointed to the Board of Revenue by the famous Mr. Place and to displace Mr. Webbe, Chief Secretary by Mr. Chamier.[367] They also disapproved of the Marquess of Wellesley's appointment of his brother Henry to the Residency of Oude. It is true that as the government of the Company became more and more political, larger and larger discretion came to be given to the rulers in India. Lord Cornwallis started the political fashion and forceful personalities like the Marquess of Wellesley, Lord Hastings, Lord William Bentinck made it persevere. The Marquess of Wellesley's fear[368] that the necessary result of interferences by the Court of Directors with local authorities would be to destroy the authority of the supreme Government over the subordinate presidencies carried conviction to the essential politician that was at the head of Indian affairs in the government of England. Dundas' administration of the affairs of India as President of the Board of Control was characterized by a policy of devolving authority on the governments in India. He insisted that India was to be governed in India and not from Downing Street or Leadenhall Street.[369] He made it known that all negotiations of an Indian character should be carried on through the Indian governments and discountenanced the practice of agents in London of Indian princes trying to get the ear of Parliament

367. Auber—Rise of British Power in the East, Vol. II, p. 244.

368. Letters of Wellesley to Addington, 10th January 1802 in Despatches, Volume II.

369. Furber's—Dundas.

or of Cabinet.[370] In spite of the strengthening of the political impulse, even on the eve of the transfer of India from the Company to the Crown the hold of the Home Government on the Indian Governments was as close as ever. No new office could be established without reference to the Home authorities. The Government of India could not spend more than Rs. 50,000 upon public works without their sanction.[371] Measures of reform not excluding the detailed programme of reform like those concerning the administration of the Post Office had to await the approval of the Court of Directors.[372]

Policy, also Commercial.

Not only the system of administration but the policy of the Company in its early days was influenced by its commercial origins. The promotion of trade and the provision of adequate revenue was till about the end the main object of its administration. It had neither the inclination nor the revenues, after providing for its immediate objects, to spend on the promotion of the material or moral progress of the people. Even such elementary duties, performed even in the England of the 18th century as the building of roads, or the endowment of learning, or the care of the poor were beyond its ken. Adam Smith's [373] indictment that no other sovereigns ever were, or from the nature of things, ever could be so perfectly indifferent to or about the happiness or misery of their subjects, the improvement or waste of their dominions, the glory or disgrace of their administration was certainly applicable to the early days of the Company's rule before Burke's impeachment speeches, despite errors and exaggerations of fact, roused the conscience of the English people to a sense of their responsibilities in India. In matters of religion, education and politics, the Walpolean maxim,

370. Furber's Dundas.
371. Mills—India in 1853.
372. Staples—Observations on the India Post Office 1853.
373. Wealth of Nations, Book V, Chapter I, Part II, Article 1.

"*quieta non movere*" was the governing principle. When Dundas was approached for the establishment of a collegiate institution in India he replied that the principal objection was "the probability that such an assemblage of literary and philosophical men would indulge themselves in political speculation and thus degenerate into a school of Jacobinism which in India would be the devil."[374] It was only later as we shall see that a more intimate knowledge of India and its peoples and their social life and economic needs changed the policy of the Company. It was towards the end of its rule that the statesmanship of Bentinck aided by the Whig enthusiasm of Macaulay introduced English education in India. The Company's inclination towards social reform was even weaker. Although orders prohibiting the "devotion of infants to the sacred waters" and the infanticide of girls to escape the expense of their marriage dowries, had been promulgated it was not till the time of Lord William Bentinck that measures were taken against social evils. The traditional social policy of the Company was expressed by Lord Amherst when, in an answer to a Minute of Judge Courtney Smith who had expressed the view that the toleration of Sati was a reproach to our government, he replied that such a policy would produce very serious consequences.[375] The Company's policy towards Christian missionaries is well known and consistent with their commercial purposes. Similarly the Press which had been subject to the ordinary law under Lord Hastings was subject to the license system in the time of John Adam's Governor-Generalship. And the adventurous career of James Silk Buckingham, the first great journalist of modern India, scored a sensational point when he was deported for criticising the appointment of the Rev. Dr. Bryce, the head of the Presbyterian church to a clerkship in an office for supplying the Government with pens, ink and pounce.[376]

374. Furber's Dundas.
375. Quoted in Bombay in the days of George IV, by Drewitt.
376. Bombay in the days of George IV by Drewitt.

Commercial Policy.

Hence its trade and economic policy was strictly commercial. At first the Company having come to India to buy goods and export them to England and Europe fostered the cloth industry in India. The muslins of Dacca which owed their origin to the aristocratic and purdha patronage of the Moghuls continued their exquisite prosperity under the demands of the Company's merchants. To find goods for the Investment and to improve the Company's finance, the adequate production of cotton, silk, indigo was the special concern of the early governments of the Company. Dacca and Casimbazaar owed their continued prosperity to the Company's trade. The manufactures of Oude and the trade of Benares formed the subjects of special reports by officials of the Company.[377] Even the political Lord Cornwallis was concerned with the stimulation of the production of the commodities for which Bengal was famous. The monopoly of trade which belonged to the Company was recognized by him to be necessary not only in the interests of commerce but for the sake of the people of the country. He thought it would be very difficult for Government to prevent "this unfortunate country from being overrun by desperate speculators from all parts of the British dominions, the manufactures of the country would soon go to ruin, and the exports which would annually diminish in value would be sent indiscriminately to the different countries of Europe.[378]

The policy of the Company in regard to European settlement in India prevented the country and the people from becoming a prey to the evils which the Romans let loose in their provinces when they allowed their usurers, speculators and publicans to settle down and prey on the provincials. The policy of the Company in regard to the production of goods in India was dictated by a care for the interests of India

377. Auber—Rise of British Power in the East, Vol. II, p. 70.

378. Letter of Cornwallis to Henry Dundas in, Cornwallis' Correspondence, Vol. II, Ch. XII.

as well as by self-interest. The Company as an exporter was interested in the easy exportation of Indian goods into England. It was not the Company but the Government of England that imposed prohibition duties on the importation of cotton and silk goods, copper and tin into England.[379]

Commerce and Financial Administration.

Because the Company was commercial it was expected to be self-sufficient and self-reliant in regard to the government of the country. It was allowed by the State to keep its profits to itself, but the whole cost of the administration had to be borne by the Company. The Crown did not contribute a farthing to the expenses of the Company's government of India. The whole expenditure of government not only in India but in England was borne by the Company's revenues in India. The cost of the establishments of the Court of Directors, and when the Crown assumed some responsibility for the government of India, the cost of the establishments of the Board of Control were met from the revenues of India. The cost of the King's forces recruited in England were paid for by the Company. In 1781 Parliament[380] fixed the payments to be made by the Company for royal troops that it employed. And this principle of making the revenues of India pay for the whole cost of its administration even when incurred in England has ever afterwards been a cardinal principle of the policy of the government of India by the Crown. No other dependency or colony of Great Britain has been called upon to pay such charges. And it is a policy that the Crown was glad to inherit from the Company.

Commerce and Industry.

It was not the commercial policy of the East India Company as is often alleged, but an econo-

379. Petition of the East India Co., to both Houses of Parliament, 18 Dec. 1839 in a view of the Evidence given before a Select Committee of the House of Commons in London, 1840.

380. Act 21, George III, c. 65.

mic event with which it had nothing to do that ruined the cloth industry of India. It was the coming of large-scale industry in England heralded by the invention of the mule jenny that made England an exporting country. It was not the Company but the English Government that imposed the duties on cloth from India to foster the infant manufactures of Manchester. It was the Industrial Revolution and the State policy of the English government that struck at once at the economic prosperity of India and the commercial prosperity of the Company. Together with the Monopoly of the Company went also the manufactures of India which it had helped and fostered. If the industry of India was to be saved it could only be by the adoption of the methods of the Industrial Revolution in India. The coming of the Industrial Revolution and the disappearance of the Company happened near each other. The first cotton mill was established in Bombay in 1857. But the Company bequeathed a volume of economic policy to the Government that succeeded it. The facilitation of the exports of the manufactures of India to England and Europe long continued to be the trade policy of the Company.[381] The railway policy of the Government of India for more than half a century was taken from the Company. The system of "guaranteed railways" was taken from the Company. Although the introduction of railways in India had been broached by private individuals like Sir Macdonell Stephenson who was willing to undertake the adventure without any pecuniary aid from the Company's government and with no concession beyond the free grant of land, yet when it actually came to the building of the first railway line it was discovered to be hopeless to proceed without a direct guarantee from the State. When the Court of Directors invited able engineers to proceed to India and conduct investigations on the spot the invitation was refused by several

381. Marquess of Wellesley to Court of Directors, Sep. 30, 1800 in Dispatches, ed. Martin, Vol. II.

engineers one of whom consented to go out only on £10,000 a year and the promise of a baronetcy. When the report of the experts came before the Governor-General in Council Lord Hardinge, against the rest of the Council who would grant only free land offered in addition a subsidy of £1,000 a mile. The Court of Directors in addition to the free land offered a guarantee of 4% which was later raised to 5% on the capital invested.[382] From the beginning the guarantee system was recognized to be an expensive method of building railways for India; its expensiveness to be fully realized—as was pointed out by two such different authorities as Robert Lowe[383] and Lord Dalhousie[384]—when the period of guarantee would expire and the State would exercise its option of buying these railways out. As early as 1861 the Government of India came to the conclusion that the guarantee system had been very costly, that the control over the railways had been insufficient owing to practical difficulties in expenditure, and to the fact that there could be no real control in the absence of direct authority over the staff. But in spite of these disadvantages, they held to the view that the construction of public works in India through foreign companies with a guarantee did not prove a failure.[385]

Commerce and the Indian Navy.

The trade policy of the East India Company conferred one great political benefit on India which disappeared with the disappearance of the Company. This was the Indian Navy. The Company at the beginning found it cheaper to have their own ships hired from the native

382. Report on Administration of Public Works Deptt. 1861-2 in Annals of Indian Administration, Vol. VII, 1862.

383. Speech in House of Commons Debate on East India Loan 18 Feb. 1839, Hansard, Vol. CLII, 1859.

384. Minute, 20 April, 1853.

385. Report—Administration of India 1866-1867, also Letters and Journals of Earl of Elgin by Walrond.

builders or built by themselves for the carrying of their trade to and from India and came into conflict with the shipbuilders of England.[386] The shipping policy of the Company's government in India as put forward by the Marquess of Wellesley and Dundas was to encourage the building of ships in India to carry Indian cargo to England. But the Court of Directors and the Court of Proprietors were prevailed upon by the shipping interests of the Thames to oppose it. But just as on land the Company had to build its own army so on sea it had to build its own navy in sheer self-defence and for the promotion of its trade. The necessity they were under of protecting their trading craft from the aggressions of pirates with which the seas swarmed compelled the Company's Governments to build, equip and man a small fleet of "grabs" and "galivorts" laid the foundations of the Indian Navy. Surat, the earliest of the British settlements in India, was also the first home of the Bombay Marine which later developed into the Indian Navy.[387] It was the ships of this incipient navy that engaged in operations against the famous Indian pirate Kanhojee Angria in 1717-22. It was the Company's navy that rid the seas of the pirates of Malabar and Canara as Pompey had rid the coasts of Greece of the priates of Cilicia. They found it necessary to arm their mercantile ships for the purpose of protection and for the defence of their factories on the coast against the attacks of the Portuguese, the Dutch, the French, and piratical hordes of Arabs, Sangamians, Coolis and Malwans.[388] Ormuz, Surat, Thana, Savandrug, Gheria, Mach were captured by bombardment or storm. Burma, China, Persia and even New Zeland have witnessed their exploits.[389] They ably seconded the armies on land in the wars against the French, Hyder Ali, the Mahrattas, Persia, in the First and Second Burmese

386. Fifth Report From Committee of Secrecy appointed to enquire into the affairs of E. I. Co. 30 Mar. 1773.

387. Low's History of the Indian Navy, Volume I, Chapter 1.

388. Low's History of the Indian Navy—Preface.

389. do. Preface.

Wars, in the occupation of Persia and Andamans, in the conquest of Java by Lord Minto in 1811 and last but not least through the naval brigades in the war of the Sepoy Mutiny. Early in the 17th century the Company perceiving the inconvenience of so employing their mercantile ships obtained the services of a large number of boats and began to build a naval force of their own. In 1828[390] the strength of the Indian Navy exclusive of steamers and smaller vessels consisted of the following description of vessels of war in commission—4 ships of 18 guns, 1 ship of 12 guns, 3 brigs of 10 guns. The number of officers serving afloat was 4 captains, 8 commanders, 23 lieutenants, and 34 midshipmen. Altered and improved at successive periods, its state of efficiency was attributed to a code of laws passed by the Governor-General in Council in 1834 under the authority of an Act of Parliament.[391] In 1853 it was composed of 1 ship, 2 sloops of war, 6 brigs, 12 steam frigates, 12 iron vessels used for the Indus, 2 cutters, 2 pattimars or native craft. The total gross cost of the Navy in that year was £376,180.[392] Its duties were, war service whenever required, navigation on the Indus, suppression of piracy, surveying, carriage of mails between Bombay, Aden, and Suez.[393]

The work of the Indian navy in contributing to the marine survey of India deserves more than a passing notice. From the time of Lieutenant Blair who made surveys of the Kathiawar coast, Salsette and the Andaman islands giving his name to Port Blair to the date of the abolition of the service it has done memorable scientific work. Captain McCluer extended his marine surveys up to the New Guinea coast.[394]

390. Report of Civil Finance Committee 1829 in General Appendix to Report from Select Committee on Affairs of E. I. Co., 1832.

391. Evidence of J. C. Melville, 7 Nov. 1853—Minute of Evidence before Sel. Committee on E. I. Territories 1853.

392. Evidence of J. C. Melville, 7 Mar. 1853 in Minute of Evidence before Sel. Committee on E. I. Territories, 1853.

393. *ibid.*

394. Low's History of the Indian Navy, Vol. I, Ch. 2.

The China seas, the Red sea and the east coast of Africa, the Malacca Straits, in Mesopotamia, not to speak of the coasts of India itself, were surveyed by other officers of the Indian Navy.

In spite of its great services the axe of retrenchment was waved over it in 1834 by Lord William Bentinck who proposed the abolition of the Indian navy whose duties he thought could be economically performed by a squadron of ships of the Royal Navy. But the British power had become more and more a land power and the preoccupation of the Government with the land frontiers gave it neither time nor anxiety to think of its coastal frontiers. Even the useful and efficient service of the Indian Naval Brigade[395] during the Mutiny did not save it from extinction. In 1863 the historic navy ceased to exist as a war force, the naval defence of India being undertaken by the Government of England, India contributing £100,000 to the English naval estimates. Separate marines were however maintained by the Governments of Bengal and Bombay whose functions were mainly the transport of troops and stores and later on the carrying out of marine surveys. In 1877 these two marines were converted into an Indian later Royal Indian Marine Department.[396] The recent creation of an Indian Mercantile Marine and the restoration of the Royal Indian Navy were tardy but timely recognition of the great lesson taught by the East India Company.

Commerce and International Relations.

Nor were the international relations of the Company less influenced by commercial considerations. Their conduct of them in the early days received literary castigation at the hands of Sheridan in his celebrated speech on the Begums of Oude. His references to "auctioneering ambassadors" and "trading generals" to "revolutions brought about by

395. Low. op. cit.

396. Meyer—Memorandum on British Indian Administration presented to the Royal Commission on Decentralization.

affidavits", "armies employed in executing an arrest", "towns besieged on a note of hand", "princes dethroned for the balance of an account" and to "a government which united the mock majesty of a bloody sceptre and the little traffic of a merchant's house" may be justified by more than one transaction of the Company and its agents with the country powers. An authority more native to the soil, Hyder Ali attributed the breach of faith with country powers and the unreliability of the Company and its agents to the fact that "governors and sirdars who enter into treaties return after one or two years to Europe and their acts become of no effect". "Previous to your coming" he wrote once to Lord Macartney "when the Governor and Council of Madras departed from their treaty of alliance and friendship I sent my vakeel to confer with them and ask them the reason for such breaches of faith, the answer given was that they who made the conditions were gone to Europe." [397]

Commercial Residents.

To carry on negotiations with country powers, the Company appointed agents of the governments of their several Presidencies. These agents came to be called Residents to distinguish them from those that had roving commissions to look after the commercial affairs of the Company in its factories scattered up and down a Presidency. But the political Residents of later times were descended officially from the commercial Residents that were the commercial agents for the Company's *trade*. These commercial Residents were posted at the chief centres of trade. They were to be found all over the Bengal and Madras Presidencies at Patna, Murshidabad, Malda, Benares, Lucknow, at Vizagapatam, Madapallom, Masulipatam, Cuddalore, Nagore, Salem, Ramnad and Tinnevelly. Their chief duties were to look after the commercial business of the Company at these centres—to provide for the share of the Investment allotted to them, to maintain the quality of

397. Letter in Barrow's Life of Lord Macartney, Vol. I., p. 93.

ıe goods they bought for the Company, to make advances
› the manufacturers and to weavers for the supply of the
ompany's cloth. Thus Mr. Samual Middleton, Chief of
asimbazaar and Resident at the Durbar in 1773 reported on
.e filatures at Rungpore and an estimate for it that had been
nt him. [398] As soon as the Company began to have other
an purely commercial relations with the country powers,
e commercial Residents began to be entrusted with other
an purely commercial duties. When Warren Hastings was
›pointed Resident at Murshidabad in 1758, he was entrusted
ith the conduct of the important negotiations with Mir
ıffar and Mir Kasim. He had to study the intricate political
hemes of parties at court, the working of the native
lministrative bodies and the effect upon them of the new
ıomalous influence which the English had obtained by their
ctory. [399] Warren Hastings' own Residents at Benares, had
ɛe the Hurcarrahs employed by the native powers to collect
ıd communicate political intelligence—to act as public spies
the high strung description of Burke's impeachment
eeches.[400] Similarly Mr. Mostyn who had been appointed
ɛsident was "to acquire upon safe and honourable
rms such privileges and possessions as would not
ıly be beneficial to the Company's commerce but
so contribute to the necessity of their settlements on the
ıast of Malabar." [401] In 1780 the post of commercial
ɛsident at Malda was considered important enough for the
›pointment of Mr. Charles Grant [402] who was Secretary of
e Board of Trade and later was to become Member of the
›ard of Trade and Director of the East India Company. His
ıties consisted in looking after the investments and in

398. Public Deptt. O.C. 18 Nov. 1773, No. 2, 3, 4, Imp. Rec. Mss.
399. Warren Hastings in Bengal by M. Jones, Ch. IV.
400. Speech on Impeachment of Warren Hastings, 30th May 94, Bohn's Edition of Speeches, Volume II.
401. Auber—Rise and Progress of British Power in the East, Vol. I, 132.
402. Life of Sir Charles Grant by Morris, Ch. IV.

superintending the manufacture of cloth and silk for this purpose.[403] He was engaged in making advances to the weavers, in settling their disputes and protecting them against their oppressors. He was privately engaged in the purchase of silk for an old friend and benefactor, and he himself possessed a large share in an indigo factory.[404] He was also allowed to contract for the supply of cloth at Malda for the Company's Investment—a practice which was put an end to by Lord Cornwallis.[405]

The Commercial Residents were also to watch and report on the internal government of the States to which they were accredited. It was the duty of the Residents of Warren Hastings' time to transact the money concerns of the Company as well as its political negotiations[406]—although sometimes the offices were separate as when Warren Hastings appointed Mr. Middleton to the management of the money concerns and Mr. Bristow to that of the political affairs.[407] The Resident at the Durbar of Murshidabad was told by the Court of Directors that "being constantly on the spot he cannot long be a stranger to any abuses in the government and is always armed with the power to remedy them, that it would be his duty to stand between the administration and the encroachments always to be apprehended from the agents of the Company's servants and to check all such encroachments and to prevent the oppression of the natives."[408] The Lindsay who became commercial Resident in Bengal in 1780 on a salary of £500 a year "contemplated with delight the wide field of commercial speculation opening before him."[409] The Resident at Benares

403. Life of Sir Charles Grant by Morris, Ch. V.
404. *ibid.*, Ch. V.
405. *ibid.*, Ch. V.
406. Burke—Speech, 5th June 1794 in Speeches on the Impeachment of Warren Hastings, Bohn's Edition, Volume II.
407. *Ibid.*
408. Forrest—Selections from the Papers of Lord Cornwallis, Vol. II.
409. Lives of the Lindsays by Lord Lindsay.

in Cornwallis' time " although not regularly invested with any powers enjoyed the almost absolute government of the country without control in addition to having the monopoly of the whole commerce of the country with the right of granting *perwannahs*[410] his emoluments beside the Rs. 1000 per month allowed him by the Company amounting to little less than four lakhs a year. The career of Mr. Cheap, commercial Resident of Birbhum in Bengal who was a greater man than the Collector, who was looked upon by the people as Vishnu and who lived in regal splendour in his palace dispensing a cheap and expeditious justice, who had £45,000 to £60,000 to spend each year on behalf of the Company is typical of the work of commercial Residents at their best.[411]

Early in the 19th century commercial Residents were found in all the provinces for advancing the commercial business of the Company. They were, in addition to old duties and privileges, allowed till about 1810, when they began to fade out, to trade on their own account, being the only class of Company's servants allowed to do so.[412] Sometimes commercial Residents became separate from political Residents after 1800, but sometimes they were the same. In 1806 commercial Residents in the Northern Circars were to be given commissions of the peace for the better policing of the districts.[413] They were sometimes thought competent to exercise judicial powers. A committee constituted in 1810 to enquire into the police recommended that commercial Residents together with Zillah Judges, Collectors should be

410. Lord Cornwallis' Correspondence ed. by Ross, Vol. I, Ch. IX, p. 132 dated 1787.

411. Hunter in Annals of Rural Bengal.

412. Evidence of Lieut. Col. Munro and Major Gen. Alexander Kyd before the Lords Committee, 5th April 1813, in Minute of Evidence taken before the Lords Committee 1813—See also Madras Code of Regulations ed.. by Campbell.

413. Report of Police Committee, 24 Dec. 1806 in Madras Judicial Selections in Selections of Records of E. I. House, Vol. II, 1830.

empowered to hold quarterly sessions, for the trial of offences which may not be of sufficient magnitude to wait till the arrival of the Court of Circuit.[414] In 1829, the Resident at Lahore was also the opium Agent of the Company.[415] One other result of the commercial origins of the political officers of the Government of India is that the diplomatic and consular interests of England in the Persian Gulf and Aden and Arabia have been looked after by officers of the political Department from the days of the East India Company.[416] Residents or other political officers at Bushire, Basra, Koweit, Muscat, Aden (till recently) have been appointed from India. The cost is divided since the Welby Commission of 1899 between the English and Indian Governments. The policy of organizing British political influence in the Persian Gulf, the Crown inherited from the Company. As late as 1904, India was contributing from Indian revenue to the pay of the military attachē at Teheran. The expenditure on Persia and the Persian Gulf in 1922-23 was about Rs. 22 lakhs.[417]

Their successors, the Political Residents.

Although the commercial Residents disappeared with the cessation of the Company's commercial activities, they left to their successors, the political Residents, the legacy of their methods of work. As the commercial Residents did everything that would promote the commerce of the Company so the Residents—some of whom as we have seen were commercial Residents also for long—did all that they thought was necessary to promote the political influence of the Company.

414. Judicial letter to Fort St. George, 29th April 1814 in Papers relating to Police in Bengal, etc., in Parliamentary Papers.

415. Report of Calcutta Civil Finance Committee 1829 in General Appendix to Report from Sel. Committee on affairs of E. I. Co., 1832.

416. Letter from Committee of Establishments in General Department, Bombay, 26th April 1830 in Appendix to Report of Select Committee on affairs of East India Company , 1832, Volume I.

417. Report on Retrenchment Enquiry in 1922-1923.

They not only represented the Company at the Courts of the native rulers but reported on its affairs, took interest in them, tried to bargain with them, and influence their policy and the course of administration. The commercial Residents did all that was necessary to promote the commerce, the political Residents did all that was feasible to promote the politics of the Company. From the beginning therefore they distinguished themselves from ordinary diplomatic agents or ambassadors. Other causes no doubt contributed to the creation of this new type of diplomatic agent. But the commercial origins of the Indian Resident were the originating cause of this peculiar development.

The English Way of Empire.

The East India Company, whose machinery of Government we have examined, reveals itself to be a typically English way of managing affairs. Sent out to trade it forced its way into politics. It was allowed to make war, overturn states, to become the deciding power in Indian politics and then when it threatened to become a powerful political force, the English government stepped in and began to assert superintendence and control. Even after it was made to realize that in spite of the remoteness of Indian affairs from the usual ken of Englishmen, it could not become a law unto itself, it was allowed a large share in the business of Indian government. The English government would not assume full responsibility for the government of India after the revelations of Warren Hastings' impeachment. For half a century it allowed the Company to rule and manage the affairs of India subject only to countervailing duties and responsibilities which it assumed. This dualism of government shared between the Company and the Crown was one way of providing for those checks and balances which constitute the English way of making government constitutional. This dualism ran through the whole period of the Company's history. The bitter experience of the Dual Government in Bengal did not extinguish it. It was found in the rule of the Governor-

General, and the Governor-in-Council. It flowed into the government of the relations between the Indian States and the Company's government. The position and power of the Resident against the position and power of the Prince of the Indian State constitute a peculiar method of organizing international relations such as was not to be found anywhere else in the world. This dualism culminated in the sharing of supreme power by the Court of Directors and the Board of Control. This distribution of power between the Company and Crown was considered by such different authorities as Lord Acton and John Stuart Mill to be the saving grace of Company rule, rudely repudiated on the result of a catastrophe for which the Crown was no less responsible than the Company. But fortunately for Indian government, this distribution of power survived the Mutiny in the power of the Council of the Secretary of State for India in regard to finance and in continuance of government by Governor-General and Governor-in-Council in India.

The use of private commercial corporations in the founding of a colonial empire is a typical English way. The chartered Company was used at the beginning. After a suspension, it was revived in the 19th century. And the colonies of Nigeria, Rhodesia, Kenya, Uganda are due to the chartered Companies, the British South African Company, The Royal Niger, The East African Company which like the East India Company were incorporated and operated to make money and extend the trade of England. They went to make money and founded kingdoms for England. Like the East India Company, they also invented a peculiar form of rule—dual government by Chartered Company and Crown which later when Crown displaced Company as in India developed into the Indirect Rule which is another invention of the political genius of England.

The Company's Record.

The record of the East India Company is one of which none of its historians need be ashamed. At the time of its dis-

solution a case was made against it. But the effective reply to the indictment of the prosecution was that for every one of the measures which are alleged to have led to the Mutiny, the Crown was as much responsible as the Company. The Crown which lost the American colonies to England could not have done better in India. As a government the Company has a record as good as any government of those times. Its resolutions and decisive wisdom on many critical occasions would, Adam Smith[418] tells us, have done honour to the Senate of Rome in the best days of that Republic. Its policy, largely commercial, introduced India to the world of international commerce. When the injuries inflicted by private trade, by the monopoly system are remembered, let it be remembered also that the Company saved India from the exploitation of European adventurers and capitalists let loose on the country once its monopoly was withdrawn. From the beginning to the end the Company set its face against the indiscriminate settlement of Europeans in India.[419] Lord Cornwallis influenced the Directors to prevent "this unfortunate country from being over-run by desperate speculators from all parts of the British dominion".[420] It is true it did not do much for the material and moral welfare of the public. But its excuse in the early days was that it was preoccupied with trade and wars. But once it had time to settle down and look round it began to concern itself with advancing the educational and social progress of the country. No one can rise from a perusal of the records of the Company—the letters of the Court of Directors, the Reports of Commissioners, the Minutes of individual rulers like the Marquess of Hastings, or Bentinck, or Elphinstone, or Munro without realizing that these represen-

418. Adam Smith—Wealth of Nations, Bk. IV, Ch. VII.

419. Letter of Cornwallis to Dundas and of Dundas to Chairman of Court of Directors 1793; also Malcolm's views quoted in Life by Sir John Kaye, Vol. II.

420. Earl Cornwallis to Dundas in 1790. Correspondence, ed. Ross, Vol. II.

tatives of a commercial corporation were open to the calls of enlightened imperial rule. Some of these papers tremble with sensibility to the needs of the poor ryots, to the wrongs of women, and the future of backward peoples. It was not in a parliamentary speech or in a despatch from the Board of Commissioners but in a letter from one provincial government to another that the responsibilities of empire are brought home to the Company's governments in India. In exercising the government of the British Empire in India, runs that official document now hid away in a musty volume of records " the Company is bound by the obligations inseparably connected with the functions of sovereignty " for nothing can warrant the servants of the Company to commit any act inconsistent with the obligations of a just and true sovereign power towards its subjects ".[421] In spite of all its *laches* and social indifference, the Company made a name for itself in the sphere of good government. *Company ki Iqbal* was long a household word in Hindustan.[422] As late as 1885 working women in Northern India invoked the name of " Jan Company Bahadur ".[423]

To the historian of England the work of the Company will appear as one of the achievements of that Middle Class which when the Company was founded was struggling into existence. Although its Governors and Governors-General hailed from the aristocracy, the men that bore the brunt of the work, whether at the desk in the Secretariat or in office or camp in the districts or with the army, were the sons of the middle class to whom commerce and the civil service in India were the only honourable careers. In the pamphlets[424] that were published on behalf of the Company

421. Letter of Bengal Govt. to India Govt., 19th July 1804 in Selection of Records of E. I. House Judicial, Vol. IV.

422. Capt. East in a speech at a meeting of the Court of Proprietors, 20 June 1858.

423. Sixty years in the East—Sir William Wilcocks.

424. A Collection bound as East India Pamphlets and Tracts on East India 1857-8, Imp. Library, Calcutta.

during the controversy that started on the declaration of the intention of the Government of the day to abolish the Company, the passing of the Company was deplored as the passing of the empire of the middle class. The middle class did not disappear from power either in England or in India in 1858. But one of the greatest achievements of the English middle class was certainly the East India Company.

But much more than their policy, the machinery of government which the Company handed over to its successors was one that had done memorable work and was too good to be scrapped. It was the commercial motive that drove them to the gradual formation of an organized and systematic administration, for they did not take long to realize that their commerce would not be worth more than a few rupees if they did not have a strong administration to secure and promote it. It was fashioned in the factory of Indian experience. For the original merchants came only with the few ideas and devices of commercial administration. Warren Hastings complained in 1773 that "the constitution of the Company was nowhere to be traced but in ancient charters which were framed for the jurisdiction of trading settlements, the rates of of exports, and provision of the annual investment".[425] That regular constitution, whose vital influence he wanted to substitute for the labour and personal exertions of individuals, the Company was able to frame. In the sphere of land revenue, army and diplomacy we shall see how they built on what they found already subsisting in India. We have seen how their commercial ideas and practices have influenced the course of Indian government in its theory as in its practice. Though much of it has had to be jettisoned by the more political experience of later times, much of it deserves to continue to be operative. We have to deplore the place and power of writing, the *paperasserie*, the delay and the circumlocution which Indian governments

425. Letter to Court of Directors, Nov. 1773, quoted in Lyall's Warren Hastings.

derive from the days of the Company. But it is to the Company that the Crown owes the dualism, the distributed authority, the peculiar diplomatic control over Indian States which have characterized the government of India by England.

Commerce and the constitution were, according to Burke,[426] the two sources of the prosperity and dignity of the English people and the achievements that gave England the rank it held in the world. And commerce and constitutional government the Company brought to India. The commerce of India which till the Company came was largely inland became overseas. International commerce was added to agriculture and small-scale industry as India's source of wealth. The East India Company taught India the importance of the sea as a factor in history and in its own making. This introduction to the sea opened a new source of revenue to the Indian Government. India which had known and suffered from land customs and inland transit duties was given a rich source of revenue—the sea customs which has progressively increased till now it forms about half of the total tax revenue of the Government of India. The commerce of the East India Company founded a number of new cities which introduced a new kind of life into India. It was from these cities that was to spring that new political life, the life of municipal self-government, of political agitation and constitutional reform that were to fill the century of Indian history after the disappearance of the Company. Madras, Calcutta and Bombay were the civic creations of the Company. And Madras, Calcutta and Bombay have led the vanguard of Indian political life. To the village society of the Hindu and Muslim past has been added the urban civilization of commerce. It was not a full fledged constitutional government that the Company introduced into India. But, the government by record, the checks

426. Speech at his arrival at Bristol, 1774.

and balances of dual government, the divided and distributed authority that prevailed everywhere and always were for those times and circumstances constitutional government. Commerce and the constitution which England had made for itself were through the Company made to bear fruit for India. *Ilium fuit,* the Company is no more. But the impartial historian will not hesitate to record that it tried a memorable experiment in the government of man.

CHAPTER II

THE ARMY AND THE ADMINISTRATION.

> "The chief foundations of all States, new as well as old or composite, are good laws and good arms; and as there cannot be good laws, where the State is not well armed, it follows that where they are well-armed they have good laws."
>
> MACHIAVELLI.

Army and Empire.

Commerce, as we have seen, drove the East India Company into empire. And the instrument by which that empire was forged was the Company's army. One of the earliest of its Charters, that of Charles II in 1661 granted the Company the power to send ships of war, men or ammunitions for the security and defence of their factories and places of trade and to choose commanders and officers over them and to give them power and authority by commission under this common seal or otherwise to continue or make peace or war with any people that are not Christians, in any place of their trade, as shall be for the most advantage and benefit of the said Governor and Company and of their trade 'and to erect fortifications'.[1] From the beginning, on account of the political circumstances of the countries in which the first settlements of the Company were established, these settlements had to be fortified. Madras had its Fort St. George, Calcutta its Fort William and Bombay its Castle to defend its merchants and those with whom they traded. The first agents and presidents of council had certain ill-defined powers as commanders of the garrisons that were at hand. The first writers and factors and merchants were expected to know the use of arms and to take part in the defence of their forts. The

1. Ilbert's Government of India—Historical Introduction.

armed forces of the Company consisted at first of a few European guards and about 200 or 300 natives at each factory. The need for military preparedness in Madras in 1744-48 formed the Company's forces into a regular battalion formation, the first European regiment being organised in Madras, the native soldiery being formed into battalions of 1,000 each with an English officer at the head. It was this Madras force that was sent to Bengal to the Battle of Plassey. At about the same time the first Bengal native regiments were also formed. By that time Bombay also had its own regiments. Although the little armies of Madras, Bengal, and Bombay acted in concert in the Carnatic, Mahratta, and Mysore campaigns of the second half of the 18th century they were separate in their organisation as were the civil governments of the Presidencies of those times.

Humble Beginnings.

It was with these little armies from the coast that the East India Company started on those military intrusions into the affairs of the country powers around them which it found necessary in order to safeguard and extend its trade. The view that the East India Company blundered into empire in a fit of absent-mindedness or that it was provoked into it by the political circumstances of the India of those days is disproved by the facts of its early military activities. It was 'licensed[2] to carry a private warfare' and it made use of that license with gusto. Clive as early as 1759 urged on the Company the need of 'sending out and keeping up continually such a force as will enable them to embrace the first opportunity of further aggrandizing themselves."[3] Clive's military career was ironical in nothing so much as in the fact that he, a civilian writer in the Company's service, by his resounding victories in the Carnatic and in Bengal, threw a military cloak over the merchant's dress of the Company. He showed how war could add to the wealth of the Company. From about

2. J. H. Morgan in Law Quarterly Review, 1914.
3. Clive's letter to Pitt, 7th June 1759.

the middle of the 18th century the military means of improving the trade of the Company became prominent.

'Whereas the Company's system was formerly wholly commercial it is now partly commercial and partly military,' wrote Governor Pigot[4] in 1763. The appointment of Lord Cornwallis, a military commander, in succession to Warren Hastings who had begun his career in the Company's service as writer and ware-house keeper is significant of the change that had come over the Company's methods of increasing its prosperity.

Gradual increase in power and prestige of the army.

One result of the frequent wars with the French, the Mahrattas and Mysore in which the Company was engaged after Clive had opened the Pandora box of war for them was a progressive increase in the power and prestige of the army in the affairs of the Company in India. First of all there was an increase in the numerical strength of the army. The ensign and 30 men reinforced by a gunner and his crew 'stationed in Bengal towards the end of the 17th century, the detachment sent to garrison Bombay, the 241 British infantry and 14 artillery supplemented by 163 Portuguese militia and the 550 native soldiers and peons in Madras in 1673,[5] grew into the regiments led by Clive, Stringer Lawrence, and Sir Eyre Coote. Clive won his way through to his Carnatic victories with regiments of 200-400 Europeans and of about 300-800 sepoys. His army at Plassey consisted of 900 Europeans, 200 half-bred Portuguese, 2,100 sepoys with 10 guns. Stringer Lawrence in 1755 for the defence of Fort St. George had a garrison of 1,600 Europeans (including officers) and 2,200 sepoys.[6]

4. Despatches dated Fort St. George, Sept. 2, 1763 in Madras Despatches 1764-65, ed. Dodwell.

5. Love, Vestiges of old Madras, Lowe, Vol. I, ch. XXIX, Fortescu—History of the British army, Vol. II, p. 416.

6. Biddulph's Stringer Lawrence—P. 104.

The strength of the British Army at the battle of Porto Novo in 1781 was 8476.[7] By 1795 after the early Mysore and Mahratta wars the Company's military power consisted of an army of 15,000 Europeans and 24,000 native troops in Bengal and Madras respectively and about 9,000 in Bombay.[8] Cornwallis' army against Tippu Sultan was 22000.[9] In 1796, it was about 55,000 strong.[10] The army at Vellore assembled for the Mysore War was 21000 of which European infantry numbered 900, the " best[11] equipped forces ever seen in India." These were distributed into the great Presidental armies of Bengal, Madras, and Bombay which either separately or in concert fought the battles of the Company and added to its territorial possessions. The Mahratta, Pindari, Sikh wars of the first quarter of the 19th century still further added to their numbers. The argument of the Marquis of Hastings for the maintenance of a large army has held good since then: to guard against the ebullition of the population it was indispensable to have stations throughout that wide expanse of country, also to assist the native princes in the control of their own soldiery and thus enable them to fulfil their engagement to keep the roads in their separate dominions free from robbers, to protect the activity and security of a trade productive in various ways and to offer a career to the military classes of the country.[12] Before 1858 the large independent armies of the Native States of Oude, Punjab, Gwalior required a large British army to counterbalance them.[13] About 1829, the

7. Wilks, Vol. II, p. 516, quoted in Willy's Life of Sir Eyre Coote.
8. Maccunn—The armies of India, ch. I.
9. Fortescue—History of the British army Vol. III & IV.
10. Badenoch—State of the army—London, 1826.
11. Fortescue—History of the British army, Vol. III & IV.
12. Marquis of Hastings, Summary of Transactions, Civil and Military.
13. Sir Charles Trevelyan, Minute, 11th July, 1859, on the Income Tax Bill of 1860 in Parliament Papers, 24th May, 1860.

Bengal army consisted of 68 battalions of native infantry, 3 brigades of horse artillery, the Madras army of 52 battalions of native infantry, 2 brigades of horse artillery, and the Bombay army of 24 battalions of native infantry, 8 companies of foot artillery. In October 1826 the Company's forces amounted to about 280,863, of whom 10,541 were Europeans and the King's forces, 21,934.[14] Till the conscript armies of the 19th century came into the field in Europe, the Company's army constituted the largest standing army in the world except that of Russia.[15]

On the eve of the Sepoy Mutiny the numbers of the Indian army stood at 311,374 with 45,522 Europeans belonging to the King's and Company's forces. After the suppression of the Mutiny the army was reduced to 284,529 of whom 90,000 were Europeans. With a view to reducing the deficits caused by the cost of the suppression of the Mutiny reductions were made which brought down the native army in 1860-1 to 140,000 most of the military police being included in the civil police of the country,[16] the European army was reduced from 90,000 in 1859 to 70,000 in 1862-3.[17] This proportion between the native and European forces has been kept up ever since—at present it is 60,000 British troops and 1,50,000 Indian troops (with 34,000 reservists).[18] Not only in numbers but in prestige and power the Army grew. The victories of the last quarter of the 18th century in Assaye, Argaum, Gawilghur, Laswari, Aligarh, Dig covered it with glory. The leadership of generals like Arthur Wellesley and Lord Lake gave prestige to the "grand army". And when Governors-general like Lord Cornwallis, the Marquis of Hastings, Lord Hardinge, took the field as Commanders-in-chief the Army took an added

14. Badenoch—State of the Indian army—ch. I, London, 1826.

15. Badneoch—op. cit.

16. Mr. Samuel Laing's Financial Statement in Legislative Council, Calcutta, 27th April, 1861.

17. Mr. Samuel Laing's Financial Statement in Legislative Council, Calcutta, 16th April, 1862.

18. Report of the Indian Statutory Commission, 1930, Vol. I.

dignity and prestige. How much the Company owed to the Army is proved by the fact that when Lord Cornwallis and others proposed the abolition of the Company's forces the Directors stoutly resisted the proposal on the ground that the Company's government had been respected both by its own subjects and foreign powers because it possessed a great military force.[19]

Growing influence of the Army.

The Army thus was from the beginning the instrument by which the growing political power of the Company was carved. Not merely to repel invasion but for the current business of the early possessions of the Company, the aid of the military power was indispensable. The intervention of the army in details of civil management justified a contemporary observer calling the government of the Company of the middle of the 18th century a military government.[20] The Company's army according to Dundas was to be kept for offensive as well as defensive purposes.[21] On account of the strategic importance of Bombay at the back of the Mahratta and Mysorean countries, he wanted the Presidency to have a sufficient force.[22] He realized the value of Gujerat but .the cost of a Mahratta war was a price neither the Government of India nor the Government in England were prepared to pay for it.[23] And the army got its reward in influence. It was from the middle of the 18th century treated with special consideration. While the rest of the population was treated with indifference and neglect the Army was cherished in every possible way.[24] The pay (rising in the 18th century

19. Quoted in Malcolm's Political History of India.

20. Fullarton—A view of the English Interests in India, 1788

21. Dundas to Lord Cornwallis, July 22, 1787, in Cornwallis' Correspondence, Appendix XXI.

22. Dundas to Lord Cornwallis, op. cit.

23. Cornwallis to Dundas, Sept. 1791, Cornwallis' Correspondence, Vol. II.

24. Shore—Notes on Indian Affairs, Vol. II, No. IV—Bentinck by Boulger.

from Rs. 7 for a private to Rs. 67 for a Subedar) together with clothing allowance and the prospects of booty and pension made military service more attractive than civil occupations.[25] Its successes gave it a good conceit of itself and a consciousness of its usefulness to the Company. Having to deal with a commercial Company it thought it could wring concessions from it at the point of the sword.

Batta.

Many of its early battles with the Company were about Batta. To make up for the low pay of Company servants a special allowance called Batta (from Hindustani—Bhata meaning extra allowance) used to be paid to officers, soldiers in the field or to civilians on special grounds. This in the case of the Army begun as an occasional allowance grew to be a constant addition to the pay of officers in India. And soon it was claimed as a matter of right. Since the victory of 1757, the Army in Bengal had received from the Nawab of Murshidabad a payment as ' double batta '. When on assuming control as Diwan the Company declined in 1766 to continue this kind of allowance, there was great indignation, the officers in a body throwing up their commissions, Clive accepted their resignations. Sir R. Fletcher the Commander-in-chief was dismissed and the most truculent were replaced with officers and men from the Madras establishment.[26] Orders were subsequently passed in 1779 that Double Batta was to commence only when the Army passed certain limits, the Caramanasa at one time, Chunar at another. When Cornwallis arrived on the scene of his Indian career he was met by a spirit of insubordination in the Army, ' the abuses of the Army were the greatest, not one of which Sloper the Commander-in-Chief had attempted to correct.' [27] Batta clouded the career of

25. *Ibid*, ch. IV.
26. Monckton Jones—Warren Hastings in Bengal.
27. Letters of Cornwallis in Kaye's Lives of Indian Officers, ch. I.

another great ruler of India. Lord William Bentinck[28] incurred great unpopularity among the Army for reducing the allowance on the orders of the Court of Directors of Batta to one-half at certain stations in Bengal. Lord Ellenborough reported to the English Cabinet the state of excitement that prevailed in the Army over this question. In England they were surprised at the conduct of army officers in India, at army officers sending strongly worded minutes to the government and members of government writing pamphlets at each other. Army officers were in the habit of holding meetings for the elections of delegates to convey their grievances to England. Peel and other members of government found all this rather peculiar.[29] It brought the career of that gallant officer Sir Charles Napier to an abrupt end because it was on the question whether he as Commander-in-Chief had the right of allowing Batta to certain regiments in the Army, without reference to the Governor-general in Council that he resigned.[30]

Mutiny in the Army.

Not only Batta but other equally considerable causes made mutiny popular in the Army in India. Apart from minor results the 17th century witnessed Keigwin's rebellin of 1688 which has received considerable historical notice. In 1796 officers of the Bengal army mutinied to get back certain privileges taken away by Lord Cornwallis and the Commander-in-Chief Sir Robert Abercromby had to go and quell it. In 1796 Sir John Shore is compelled to concede the demands of the Army. Officers and Sepoys at Fort St. George chose each their occasion and their cause for two different mutinies

28. Bentinck by Boulger—Rulers of India series—also Life and Correspondence of Charles Metcalfe by William Kaye, Vol. II.

29. Lord Ellenborough's Diary—ed. by Colchester, Vol. II, p. 183 and p. 205.

30. Sir Charles Napier—Defects of Indian Government, also Life by his brother and Dalhousie's Minute on the subject—Lee Warner's Life of the Marquis of Dalhousie, Vol. I.

about the same time. The question of the abolition of capital punishment led to a mutiny at Assirghur and Secunderabad. The 15th Bengal Native Infantry in 1797 mutinied when called upon without sufficient notice to embark on board a ship. The Vellore mutiny of 1806 was a Sepoy's mutiny caused by certain innovations in drill and dress and in regard to caste marks and showed to an investigating commission how "in this country the prejudices of the conquered have always triumphed over the arms of the conquerors and have subsisted around all the revolutions and shocks to which the empire has been subjected."[31] The Madras mutiny of 1809 was an officers' mutiny and was due to the abolition of the tent contract system by the Madras Government.[32] The Barrackpore mutiny of 1824 was due to conveyance not being provided for baggage on the expedition to Burma, the events of this mutiny drawing from Elphinstone the observation that the empire which he thought had been made of glass seemed "to be of steel, only apt to snap short if it fall into unskilful hands."[33] In the short period of a year and a half during Sir Charles Napier's tenure of the office of the Commander-in-Chief 14 officers of Her Majesty's regiments in India and 36 officers of the Bengal military services were tried by general court martial of whom only 3 were acquitted.[34] The Sepoy Mutiny of 1857 was the culmination of a habit which had to reach this point in order that the Army might be cured of this disease.

The army and the civil power.

More serious conclusions though less dramatically than by way of mutiny were tried by the army with the civil power. Subordination of the army to the civil power under the rule of the Company was not obtained at a blow or without a

31. Report of Commissioners on Vellore Mutiny, London Parliamentary Paper, 1861.

32. Kaye's Life of Sir John Malcolm.

33. Letter of Elphinstone to Metcalfe in Life of Mountstuart Elphinstone, by Colebrooke, Vol. II.

34. Sepoy Generals from Wellington to Roberts, by G. W. Forest.

struggle. As the civil power in India was in the hands of traders and merchants the heads of the army found it not always easy or a matter of course to defer to it—especially as the latter was only a subordinate power. The beginnings of Company rule in Madras were clouded by the differences between Major Stringer Lawrence and Governor Saunders and his Council as to strategical movements. The Council of Fort St. George had to remind Major Lawrence of the power of the purse which they held in their hands and of the instructions of the Court of Directors that 'when any military designs and operations are under the consideration of the Council Major Lawrence was to lay before them such plans and explanations thereof as may enable them to give proper order for the more effectual carrying them into execution' and that 'he is to be governed by such orders as he has or shall receive in writing from the Court of Directors for the time being and from the President and Council.'[35] Among the things that Clive was sent out in 1763 to set right was the relations between the army and the civil power of the Company in Bengal. Clive found soon after his arrival in the Presidency that the military was encroaching upon the civil jurisdiction and tried to become independent of the civil authority. Although a soldier himself he laid down the principle that the whole army should be subordinate to the civil power and that it was the indispensable duty of the Governors and Council to keep them thus.' He adjured the civil authorities that if at any time the Army should struggle for superiority the Governor and Council must strenuously exert themselves ever mindful that they are the trustees for the Company and the guardians of public property under a civil constitution.[36] In a letter that he wrote as President of Council to Col. Smith he asserts 'that the existence of the

35. Consultation at Fort St. George, May 1753, Monday 25—Record of Fort St. George—Diaries and consultation Book, Mil. Deptt., ed. Dodwell.

36. Auber—Rise and Progress of British Power in the East, Vol. I, p. 151.

East India Company in a great measure depends on their maintaining an indisputable authority over their military officers ' and that even legal measure should be adopted that can prevent the Army or any individual thereof from assuming an independency '.[37] He put these principles into decisive practice when he put down the first Bengal army mutiny in 1766 with determination and at great risk. Similarly in 1773 Warren Hastings had to remind Sir Robert Barker with whom there were differences in regard to appointments and transfers of military officers from civil posts that the Governor of the Presidency is ' not nominally but actually the superior of both the civil and military departments and invested by the Company with a particular share of responsibility in the superintendence and regulation of that of the military and has the right to exercise the power of that station in the fullest extent and should on all occasions be qualified to judge and determine on every military point which does not depend on a mere professional knowledge.' [38]

Warren Hastings and Council also claimed that with regard to the constitution of courts martial for sepoys and the hearing of appeals from military officers the Governor and Council had power which the General could not dispute. A more formidable opponent than Sir Robert Barker with whom Warren Hastings and Council had to contend was Sir Eyre Coote. But he also was set in his place. Sir Eyre Coote had complained of military appointments made by the Governor-General in Council. ' While,' says Warren Hastings in one of his most notable Minutes, ' the Commander-in-Chief is most certainly the competent judge of the sufficiency of any given force for any actual service to be performed or for repelling any expected invasion provided the strength of the enemy be previously ascertained, of the necessity or the expediency of employing any force in the cases supposed or of the existence

37. Quoted in Ninth Report—Burke's Works, Bohn's edition, Vol. IV.

38. The Board's Minute on the General's letter—Selections from the Letters, Despatches etc., preserved in the Foreign Department of Government of India 1772-85, ed. by G. W. Forrest, Vol. I.

of such cases, the Board (of Council) is at least equally competent to judge and alone to determine.'[39] Sir Eyre Coote had already had a skirmish at Fort St. George with the Governor Lord Macartney and his Council who also had to remind a victorious general that 'the whole executive power, civil and military, is lodged in the Governor and Council or Select Committee thereof'[40] and that this statement of their power 'will prevent any attempt to dispose of His Majesty's troops otherwise than as we shall see most conducive to the welfare of the Company and of the State.'

Madras was especially the field on which the military contended with the civil power for superiority. After Stringer Lawrence the President and Council of Fort St. George were worried in 1770 by troubles with Sir John Lindsay, the Naval Commander-in-Chief, so much so that they complained that since the arrival of Sir John Lindsay and the operations of his extraordinary powers, their influence was greatly diminished and that the most fatal consequences to the Company were to be apprehended.[41] Sir Robert Harland who succeeded Lindsay as the Naval Commander at Madras also took the same high tone as his predecessor in regard to the foreign policy of the Company's government and characterized the conduct of the Madras Council in refusing to accept his plenipotentiary character and claims as 'presumptious and arrogant', in fact as 'diabolically mischievous and flagrantly unjust'.[42]

Not to be outdone by the senior service the Army furnished in the person of Sir Robert Fletcher another example of an attempt to flout the authority of the President and Council at Madras. The civil power scored a decisive victory at Madras when in 1783 General Stuart who had more than once

39. *Ibid,* Vol. III, Minute dated 4th December 1784.

40. Letter to Lieut. General Sir Eyre Coote, 7th May 1783—Selection of State Papers etc., preserved in the Foreign Department, 1772-83, ed. by G. W. Forrest, Vol. III.

41. Letters quoted in Auber—Rise of British Power, Vol. I, p. 294.

42. Auber—*op. cit.* p. 306.

disobeyed the instructions of the Governor in Council was dismissed, arrested and shipped to England by Lord Macartney's order. This intrepid Governor also placed under arrest Sir John Burgoyne who had refused to accept General Stuart's post. By these decisive actions of his, Lord Macartney imposed a spirit of obedience on the army and maintained the supremacy of the civil power in the administration. In Bombay trouble arose about that time over the General commanding the forces refusing to accept an acting Governor as the Commander-in-Chief, these two offices having been united in the same person by order of the Court of Directors in 1786. The Governor in Council made the General understand that the acting Governor was as much a Commander-in-Chief as a permanent Governor.[43]

Supremacy of the civil power asserted.

The Court of Directors generally supported their civil representatives in India in their endeavours to assert the supremacy of the civil power. And when Parliament began to take notice of the affairs of the Company, parliamentary sanction was given to the principle. A Mutiny Act for India was passed by Parliament in 1754 regularizing the position of the army in India.[44] Unlike the English Mutiny Act the Indian Mutiny Act sanctioned permanent regularisation of the Army in India. The Charters of 1757 and 1758 laid down rules for the disposal of booty. The Charter of 1758[45] also gave the Company, i.e., the civil government of the Company the power by any treaty of peace made by the Company and any of the Indian princes or governments to cede, restore or dispose of any territory acquired by conquest during the late troubles or in time coming. By the Regulating Act of 1773 the whole civil and military government of the Presidency of

43. Bombay Diaries 1770-86—Selections from Letters etc., preserved in the Bombay Secretariat Home Series, Vol. II, ed. by G. W. Forrest.
44. Ilbert's Government of India—Historical Introduction.
45. Ilbert's *op. cit.*

Bengal was vested in the Governor General and Council and limited powers of commencing hostilities, or declaring war was conferred on the Governor and Council of the minor Presidencies. The Act of 1786 amending Pitt's India Act of 1781 allowed the offices of Governor-General and Commander in Chief to be united in the same person. And soldiers who were also statesmen like Lord Cornwallis and General Wellesley stood out for the principle that all authority civil and military must be vested by law in the Governor or Governor General in Council.[46]

Lord Cornwallis reminded Lord Lake and other military officers that in the eye of the constitutional law of Britain which in that point strictly applies to the Government of India it is of importance " that no military men of any rank or description should be suffered to attempt to resist or even to effect the least independence of the civil power.[47] He made it clearly understood that " all His Majesty's troops serving in India are to be perfectly subordinate to the Company's governments in that country and to obey all orders that they may receive either directly from these governments or through them from the Court of Directors ".[48]

Army's challenge continues.

In spite of the support of the Court of Directors and legislative safeguards the military went on challenging the supremacy of the civil power. Throughout India Sir John Shore complained in 1794, the civil authority is at the mercy of the military and the control of the latter does not stand on the same sure foundations as in Europe.[49] One cause of the dispute was that the Civil Service had been acquiring advan-

46. Letters of Duke of Wellington to Lord Melville in 1812 quoted in Hansard, Vol. CLIV, 1860.

47. Earl Cornwallis to Col. Mackenzie, 21st Sept. 1791, Vol. II, Cornwallis to Lord Lake, Sept. 23, 1805, ibid.

48. Earl Cornwallis to Henry Dundas, 7th November 1794, *ibid.*

49. Letter of Sir John Shore to Dundas in Memoir of Life and Correspondence of Lord Teignmouth, Vol. I, p. 273.

tages and privileges, emoluments and concessions, while those of the soldiers had been diminished.[50] The disputes between the civilians and the soldiers were according to another distinguished authority, General Wellesley, the sole business for every man under the government at Bombay at the beginning of the 19th century. At about the same time in 1804 on the question as to who should exercise patronage in the army a dispute arose between Lord William Bentinck and Major General Sir John Craddock at Madras, the Commander-in-Chief proceeding to the length of threatening resignation in order to keep it in his own hands. The Court of Directors laid down rules as to the exercise of this military patronage and to this again the soldiers strongly objected.[51] In 1809 the Commander in Chief of Madras was kept out of a seat in the Council by a resolution of the Governor in Council and a Quarter Master General who had been placed under arrest for recommending that the Tent Contract System which placed an officer's public duty in opposition to his private interest was ordered to be released by the same Governor in Council. As a result of the enquiry into the causes of the Vellore Mutiny of 1806 Sir John Craddock was allowed to give up his command of the King's troops but he refused to do so till he was told that Government would make use of all the powers invested in them by law.[52]

General McDowall who succeeded Sir John Craddock was not appointed a member of the Council of Fort St. George and this accounted for the chronic state of irritation in which the Commander-in-Chief lived with Sir George Barlow and his Council who were not responsible for the slight thrown upon him.[53] He embarked for Europe without tendering his resignation and he was removed from the office of the Commander in Chief.

50. *Ibid.*
51. Auber—Rise and Progress of British Power, Vol. II, p. 20.
52. Auber—Rise and Progress of British Power, Vol. II, p. 316.
53. Kaye's Life and Correspondence of Sir John Malcolm.

To abuse the civil power, was an old military privilege, according to Sir Thomas Munro[54] and this in spite of the definite opinion of the greatest soldier of those times, General Wellesley[55] that all authority civil and military must be vested in the Governor in Council and that the law must recognise no other authority in the State. He could not understand the conduct of "the military gentlemen of Malabar" who were exceeding anxious to establish what they call military law." [56]

But the pretensions of the military power did not cease. Lord Minto[57] had to take vigorous action against the claims of the military to wrest the regulation of the Army and the control of military arrangements out of the hands of the civil government in which as he pointed out the constitution of the provinces, not to speak of the supreme government and of every other country in the world and above all the government of Great Britain has anxiously and fearlessly placed it. He refused to allow the supreme direction of the army to be committed to officers of the army. Lord William Bentinck's government and the Commander-in-Chief Sir Edward Barnes were thrown into embarrassing positions frequently by the conflicting claims of the civil and military leaders. The Board of Administration in the Punjab had in addition to administrative difficulties to contend with the constitutional difficulty of trials of strength with the military authority represented by Commanders like Sir William Gomme and Sir Colin Campbell. Lord Dalhousie met the situation by conferring definite powers on the Board of Administration to make requisitions for military assistance on the

54. Letter quoted in Gleig's Life of Sir Thomas Munro, Vol. I, p. 371.

55. Quoted in Auber—Rise and Progress of British Power, Vol. II, p. 449.

56. Wellington quoted in Life of Wellington in Forrest's Sepoy Generals from Wellington to Roberts.

57. Letter of Lord Minto to Chairman of E. I. Co., quoted in Lady Minto's Lord Minto in India.

Commander-in-Chief which he was not competent to disregard except on purely military grounds.[58]

The strength of the Commander-in-Chief's position was that in addition to his being head of the army he had the Horse Guards behind him.[59] With the Horse Guards behind him the Commander-in-Chief's staff cared naught for the Governor General and his Military Secretary,[60] so we are told by an official observer as late as 1873.

The Commander-in-Chief in India.

It was the difficulty of the relations between the civil power and the army in the latter part of the 18th and the early part of the 19th century that induced the Court of Directors to narrow the circle of trouble and made them exclude the Commander-in-Chief of the two minor presidencies, from seats in the Governor's Council unless they were specially appointed to them. Apart from actual quarrels between the Commander in Chief and the Governor General or Governor in Council, the position of the Commander-in-Chief as also a member of Council was considered to be anomalous. In 1830 Lord Dalhousie the Commander-in-Chief was opposed to his continuing a member of the Governor General's Council. As Commander-in-Chief he felt his attention ought to be chiefly directed to the discipline, equipment, and the ready state for service in which the Army should be kept.[61] His personal presence with and inspection of the troops was absolutely necessary. His duty was to be in the midst of his troops that he may know the state of his troops, the country in which he is to act and every other matter connected with its well-being. The distance of Calcutta from the

58. Lee Warner's Life of the Marquis of Dalhousie, Vol. X.

59. Sir Charles Trevelyan, Evidence before the Select Committee on East India Finance, 1873.

60. *Ibid.*

61. Minute of Lord Dalhousie, Simla, 27th Sept. 1831, in Report of Civil Finance Committee of 1870, Imp. Rec. Deptt.

scenes of military operations of 1825-40 was an additional argument. This inconvenience was noted in 1832 by a Parliamentary Committee on military affairs. It has been criticised in subsequent years by such different authorities as Lord Sandhurst, Sir Charles Trevelyan, Sir Charles Napier in 1853 and Sir Henry Durand in 1869. The abolition of the Commander in Chief's seat in the Council was proposed as early as 1879.[62] The frequent absences of the Commander-in-Chief necessitated the appointment of a second military member of the Governor-General's Council adding to the cost as well as the embarrassments of administration.[63] Divided between two sets of duties, having to inspect his forces from Assam to Peshawar and to be at headquarters attending the Council of the Governor-General he could do full justice to neither. The long drawn struggle of the 18th century and of the early part of the 19th century was brought to an end by the Act of 1833—confirmed by the Government of India Acts of 1853 and 1858 which vested the superintendence, direction, and control of the whole Government of India, civil and military, in the Governor-General in-Council. Similarly in the Roman Empire Constantine had transferred the despotic power of the Emperor as Commander in Chief of the army to the Emperor as political head of the government, thus rendering the military power subservient to the civil in the whole range of the administration.

Supremacy of the civil power achieved.

The contest between a great soldier and a great Governor-General after the parliamentary assertion of the sovereignty of the civil power only gave occasion for the illustration of this sound principle of constitutional government. The contest between Sir Charles Napier and Lord Dalhousie arose out of the grant by the Commander-in-Chief to certain troops

62. Report of Commission to enquire into the Organization and Expenditure of the army in India, 1879.

63. Evidence before the Indian Select Committee on East Indian Finance, Vol. III, 1873.

of money compensation to make up for the rise in prices of each of the articles of the rations in supersession of an existing rule which allowed compensation only on the aggregate on the bazaar price of the whole rations. Sir Charles Napier contended that he had to do this in order to prevent a minor mutiny. Lord Dalhousie argued in one of the ablest of his Minutes[64] that Sir Charles Napier in altering the regulation without any reference to the Governor-General-in-Council was claiming a power which had never heretofore belonged to any Commander-in-Chief, a power which is not enjoyed by the Commander-in-Chief of the British Army itself and which no constitutional government could allow.' He went on to point out that the Governor-General-in-Council was responsible for the finances of India and for the great interests which are closely dependent on their adjustment and right administration, that if the pay of the army was to be placed under the control of its commander, the revenues of the country would in all time to come be at the mercy of any general in command whose caprice may suggest the expediency or whose fear may dictate the necessity of an increase." "To concede such a power" he decisively stated "to any Commander in Chief of the Army could give to the Empire of India two masters and would render the sure administration of the government plainly impossible." Lord Dalhousie's view of the matter was supported by the Duke of Wellington[65] who once again gave the prestige of his name to the constitutional doctrine. By resigning his office the gallant old soldier gave dramatic point to Lord Dalhousie's vindication of the supremacy of the civil power in the Government of India.

The Commanding position of the Commander-in-Chief.

Half-a-century later the Homeric struggle between Lord Kitchener and Lord Curzon was not a direct contest between the civil and the military powers for Lord Kitchener[66] never

64. Minute by the Governor-General dated, 14th June, 1856.
65. Quoted in Lee Warner's Life of Dalhousie, Vol. I.
66. Life of Lord Kitchener by Arthur, Vol. II, ch. LXII & LXIII.

questioned the supremacy of the Governor-General in-Council. "The complete control of the Viceroy over army matters must be maintained" he was willing to allow others.[67] It arose out of the fact that the Commander-in-Chief was[68] also a member of the Governor-General's Council which thus had two military members, the Military Member and the Commander-in-Chief. But the abolition of the military member of Council depriving as Lord Curzon contended, the Governor-General-in-Council of a second adviser in military matters made the influence of the Commander-in-Chief, now become the sole military member of council, dominant. Nor did the office of the later Military Supply Member last as it was no counterpoise in Council to that of the Commander-in-Chief. The revelations of the difficulties and inefficiencies in the conduct of the Mesopotamian campaign[69] in the Great War proved the difficulty of combining the post of Commander-in-Chief with that of a War Minister in the hands of the same person. The only way out, the appointment of a War Minister like the War Minister of France, a way out shown by an experienced administrator as early as 1870,[70] which would relieve the Commander-in-Chief from political duties and functions and leave him free to devote himself to his professional duties and which would give the Supreme Government the benefits of the work of a special Minister to look after the affairs of the army still awaits discovery and adoption.

The dual character of the army in India.

Part of the early troubles of the civil government of the Company in India with the military power was due to the dual character of the military forces placed at their disposal.

67. Quoted in *ibid.*

68. By Section 3 of Cap. 67 in 24 & 25 Victorian—See chap. V of Report of the Special Committee.....on the Organization and expedition of the army in India, 1879.

69. Report of the Mesopotamian Commission, 1919.

70. By Sir Charles Trevelyan in Minutes of Evidence before Select Committee on Government of India Finance, 1873, Vol. III.

The Army in India during the days of the rule of the Company was composed of the Company's forces and the King's forces. The Company's forces were the older branch of the Army. The Company had been authorised to raise an army of European soldiers as well as of Indian sepoys. But the contests with the French and the country powers in 1755-57 promising to be long drawn and determined on the requisition of the Governor and Council at Madras, the Court of Directors applied to the Crown for troops and the first royal regiment to embark for India was the 39th Foot commanded by Col. John Adlecron accompanied by a detachment of a royal artillery.[71] The flow of royal troops from England was not continuous—it had pauses when the war with the French was not pursued vigorously and spurts as when the elder Pitt in 1759 pressed the war against the French in every quarter of the globe.[72] The war against Haider Ali brought in new accessions of King's troops and the wars that followed made the number of King's troops grow. In 1781 Parliament decided that for every regiment of 1,000 men sent out to India at the request of the Company they should pay a sum of two lakhs of current rupees per annum.[73] By an Act of Parliament in 1788 the number of King's troops was not to exceed 8,045 including commissioned and non-commissioned officers.[74] The number was allowed to be raised three years later[75] to 10,727. In 1813 Parliament again desired that the number was not to exceed 20,000 unless a greater number was required by the Court of Directors. When Lord Cornwallis arrived in India there were one regiment of dragoons and five battalions of foot which increased to 9 battalions in 1817.

71. Wylly's Sir Eyre Coote, ch. II and Love, Vestiges of old Madras, Vol. II, p. 447.

72. Indian Polity by Chesney, ch. XII.

73. Auber Rise of British Power, Vol. II, p. 69.

74. 28 Geo. III, ch. VIII, in Laws relating to East India Company, 5th Edition, 1842.

75. 31 Geo. III, ch. X.

The superiority complex of the King's forces.

The officers of the King's forces affected airs of superiority over the officers of the Company's forces—a habit which was strengthened by the practice of conferring a step of local brevet rank on all lieutenant Colonels of the royal service, an arrangement which naturally caused dissatisfaction among the Company's officers whose own commissions were moreover not often recognised by the former as giving valid rank.[76] By an Act of Parliament[77] officers bearing the King's Commission had been allowed to rank over those of the Company although the King's bore a later date. This particular inequality was removed by Lord Cornwallis in 1781 who as Commander-in-Chief " granted brevet commissions in the royal service to all the Company's officers with corresponding dates to those of their substantive ones ".[78] A large part of the correspondence[79] in 1787 between Lord Cornwallis and Dundas, the President of the Board of Commission, was taken up with this question of the relative position of the King's and Company's officers, Dundas arguing on behalf of the King's officers and the Commander-in-Chief on behalf of the Company's officers. Lord Cornwallis saw that the depressed state of the Company's officers at that time was most injurious to the public interests and that nothing could be more fatal to the general efficiency of the army than the jealousies subsisting between the two services."[80] But it was a struggle for him to get Company's officers given the commands of the new arranged regiments as Lieutenant Colonels[81] and to get company's officers permitted to rank

76. Chesney's Indian Polity, ch. XII.

77. 53 Geo. III, ch. CLV, art. 87.

78. Chesney's Indian Polity.

79. Cornwallis' Correspondence, ed. Ross, Vol. I, 1787.

80. Earl Cornwallis to Court of Directors, Aug. 18, 1787 in Cornwallis' Correspondence, ed. Ross, Vol. I.

81. Letter of Dundas to Cornwallis, July 22, 1787, in Cornwallis' Correspondence, ed. by Ross, Vol. I, ch. XXI.

equally according to the dates of their commissions with those of His Majesty's troops while they were upon service in India.[82]

Sir John Malcolm deplored the galling fact that no officer of the Indian Army could by the existing system rise higher than the rank of Colonel.[83] Not till the time of the Marquess of Hastings were Company's officers promoted Brigadier-General and when the Order of the Bath was conferred on 15 officers of the Indian forces, and it required the gallantry of Sir David Ochterlony awarded the Grand Cross of the Order of the Bath " to obliterate a distinction painful for the officers of the humble Company ".[84] And not till 1856 was a Company officer appointed to the command of any of the Presidency armies.[85]

Even in 1832[86] it was believed that orders of the Court of Directors to the army in India might be better received by King's forces if they bore the countersignature of the Minister for the affairs of India so that the King's commands might always be apparent to those that bore his commission. This complex of superiority had had time enough to work havoc with the discipline in the King's forces which Lord Cornwallis on his arrival found to be in a disgraceful condition—in disgusting contrast to the state of the Company's sepoy troops[87] "a brigade of whom he said would easily make anybody emperor of Hindustan ".[88]

82. Cornwallis to Court of Directors, 18th Aug. 1787, in Cornwallis' Correspondence, ed. by Ross, Vol. I, Appendix XIX.

83. Kaye's Life and Correspondence of Major General Sir John Malcolm.

84. The Marquis of Hastings by Major Ross, ch. X, Rulers of India Series.

85. Kaye's Life of Sir John Malcolm, Vol. II.

86. Letter of Lieut. Col. Salmond in Appendix B to Report of Select Committee on affiairs of East India Co., 1832, Vol. VI.

87. Cornwallis' Correspondence, ed. by Ross, Vol. I.

88. Cornwallis in Lives of Indian Officers by Kaye, Vol. I.

The numerical superiority of King's forces.

The conceit of the King's troops arose not only from the source of their commission but from their superior number. For many years before the mutiny the King's forces were in the proportion of 2 to 1 of the Company's European troops. "Without a large and well regulated body of Europeans" it was the deliberate opinion of Lord Cornwallis, "the hold of the Company must be only insecure for it could not be expected that even the best of treatment could constantly conciliate the willing obedience of so vast a body of people differing from the rulers in almost every circumstance of laws, religion and customs not to speak of the oppressions of individuals, errors of Government and several other unforeseen causes".[89] While in 1794 the strength of the Indian Army was 70,000 of which only 13,500 were British, by 1820 the King's forces had risen to 20,000 those of the Company's Europeans being only 10,000, in 1839 the Queen's troops were 17,000, Company's 8,500, in 1852 Queen's 28,000, Company's 14,000, during the mutiny 90,000, Company's 24,000.[90] The Court of Directors often protested against the sending of King's troops at the English Government's pleasure. The Government in England represented by the Board of Commissioners for the affairs of India had asserted the right of directing that the expenses of forces sent to India should be paid out of the revenues of India. Doubts had arisen whether the Court of Directors were obliged to take and transport the troops thought necessary by His Majesty's Government for the defence of territorial possessions in India.[91] By an Act of Parliament[92] the actual expenses of the forces of the Crown in India and of raising and supplying recruits were to be borne by the Company. A later Act, in 1823, directed that the

89. Lord Cornwallis quoted in Kay's Lives of Indian Officers, Vol. I.

90. Sir Charles Wood in Debate on European Forces, 12th June, 1860, Hansard, Vol. CLIX, 1860.

91. 28 Geo. III, ch. VIII, Sec. 1—Laws relating to India and East India Company, 4th edition, 1842.

92. 33 Geo. III (ch. V, see 128.....).

Company pay £60,000 per annum in respect of retiring pay, pensions and other like expenses of His Majesty's forces serving in India.[92a]

King's forces flout the Company's civil power.

Their superior numbers and their superior commissions gave the King's forces the temptation to flout the authority of the civil power. They lent strength and leadership to many of the mutinies and other questionings by the army of the authority of the civil government. When General Stuart disputed in 1783 the jurisdiction of the Madras Government over the King's troops Lord Macartney reminded him that " when the King sent out troops to the Company's assistance he sent them to be for their service and put them in their pay, that while the King has framed regulations for their interior discipline and has reserved to himself the power to fill vacancies which may happen in them, he has not directed how they are to be employed and when and where their services are to be performed, that this must depend on those they are sent out to serve, that the authority to conduct all military operations being lodged in the Company's representatives must extend to the troops which are to execute them. [93]

To make it easy for the King's forces to work in India the Directors felt it would be well to combine the office of Governor-General and Commander-in-Chief and they got Lord Cornwallis, Lord Hastings, Lord W. Bentinck, Lord Hardinge appointed Commander-in-Chief. This combination of offices imposed a great strain on the physical and mental capacity of the holders of the two offices. Lord Hastings for instance had to read all the quarterly Stud reports which were very voluminous and also reports of general courts martial[94] some of which would run into 700 pages of foolscap.

92a. 4 Geo. IV, *ibid.*

93. Quoted in Auber, Vol. I, pp. 632-634.

94. Major William Hough—India as it ought to be 1853, London, p. 27.

The Company itself responsible for the claims of the Army.

But more than the superiority complex of the Army, the policy of the Company itself led the army to put itself into an attitude of questioning obedience to the Government. The expansionist policy of the Company raised the power of the army which was the necessary instrument by which that policy was realised. The Company as we have seen had no such scruples about expansion by force of arms as it is credited with by a certain school of historians. It wanted territory by peaceful negotiations wherever and whenever it was possible—by armed intervention wherever and whenever it was necessary and was possible with a sporting chance of success. The Company began this policy of expansion in a small way. But small successes as in the early Carnatic Wars led to greater victories as at Plassey. One step in expansion led to another. Victories gained had to be strengthened, outworks had to be thrown up, glacis had to be reserved, moats had to be dug. Wars of offence were the best means of defence. Near by neutrals must be befriended before distant foes could be tackled. Allies must be supported lest they become enemies. One or other of these military considerations accounted for the wars of the Company in the 17th and 18th centuries. At first to guard against attacks on their small forts and coast settlements the minimum defence arrangements were allowed by the Court of Directors. A fear that any importance given to soldiers might recoil on them inspired the Directors to advise their representatives in 1741 to keep military men in their proper place for they do not reckon military men proper judges of their affairs "for they have a strong bias in their minds by warlike notions which incline them to measures as are quite contrary to the true interest of a trading society".[95] But this advice was given only to prevent war for the sake of war—not war for adding to territory and thereafter to trade and revenue.

95. Letter to Bombay, dated 16th February 1741 quoted in Auber—Rise and Progress of British Power in India, Vol. I, p. 43.

And after Clive showed them the easy way to victory the appetite increased by feeding on it. The Directors ask the Government at Madras " to encourage Ensign Clive in his martial pursuits." The soldiers were not slow to follow up the policy of the Company. Once in the field they would urge the civil power to greater military exertions if only to consolidate successes already gained. Even peaceful rulers like Metcalfe argued that in proportion as it was difficult to desire increased revenues from our existing territories the necessity of an increase of territory becomes more apparent " and advised the acquisition of territory in the centre of India.[96] He also wanted an increase of the army as " our power in India can only be upheld by our military power and that policy is best suited to our situation in India which tends in the greatest degree to increase our military power by all means consistent with justice ".[97]

The Army influences the Company's policy.

The success of the soldiers in the field emboldened them to try to influence the policy of the Company. How much Clive did as a military commander to accelerate the *tempo* of the expansionist policy of the Company is a well-known fact in history. But other Generals of the Company also would not limit themselves to command in the field. Col. Smith in Bengal would animadvert on the delay which occurred in 1768 in the adoption of measures against Shuja-ud-Doulah. Sir Eyre Coote would have the only say in the plan of campaign against Hyder Ali and in 1783 claimed powers from Hastings and his Council to overrule the Madras Council and if necessary to displace Lord Macartney, the Governor.[98] The relatively cautious policy of the Directors in regard to conquest was not to the taste of the soldiers in India. Young Munro writing to his father from Ambur in 1790 complains that " the distinction made between recent acquisitions and ancient terri-

96. Kay's Life and Correspondence of Charles Metcalfe, Vol. I.
97. *op. cit.*
98. Cambridge Shorter History of India.

tory appears to be a subterfuge of Government to cloak their dread of war under a cloak of peace" and deplores that the distresses and difficulties encountered in 1780 had not cured them of the narrow policy of preferring a small present saving to a certain though future great and essential advantage".[99] Lord Cornwallis Commander-in-Chief complained to the Directors of the slow action of the Madras Government in regard to the war against Tipoo Sultan. He did not think much of Dundas' views on the strategic importance of Tellicherry against the operations of Tipoo and proposed to occupy the coast line and guard the Travancore Rajah's territories.[100] The Marquis of Wellesley did not require his appointment by Letters Patent as Captain General of the forces in India to support his territorial ambitions. But it was the report of Captain Malcolm on the extent, efficiency and discipline of Tipoo's army in July 1798 that formed the data on which the militant Marquis framed his policy.[101] And the opinion of Col. Munro that there are times and intentions where conquest not only brings a revenue greatly beyond its expenses but also additional security", and especially that "while Tipoo's power exists we shall be perpetually in danger of losing what we have" confirmed the Marquis in his determination to proceed to the consquest of Mysore.[102] Col. Wellesley's operations against Doondia Wagh in 1800 were based on his view that "if we do not get him we must expect a general insurrection of all the discontented and disappointed in those countries".[103] Col. Munro and Col. Wellesley agree in urging strong action against Scindia before the French get at him. And Munro and Wellesley were names that carried influence in the counsels of Indian Government.

99. Quoted in Auber, Vol. II, p. 104.

100. Cornwallis' Correspondence ed. by Ross, Vol. I, Appendix XXIX and pp. 375 424, 435.

101. Auber, Vol. II, p. 169.

102. Auber, Vol. II, p. 174.

103. Auber, Vol. II, p. 212.

To General Wellesley in 1802, his brother entrusted the conduct of the whole of the affairs, civil and military, connected with the territories of the Nizam, the Peshwa, the Mahratta States as well as the power to decide on any question that may arise or to negotiate and conclude any engagements with Scindia, Holkar, or the Rajah of Berar.[104] In the same year 1802, General Wellesley recommended operations against Cuttack and Puri where the Brahman priests were to be assured continuance of the actual system of collections in the temple but without any limitations being placed on the powers of the British Government in future to make arrangements for the administration of the affairs of the temple.[105] It was to General Wellesley that Elphinstone owed his appointment to the Court of Berar to conclude a treaty with the Rajah. To General Wellesley again the subsidiary system owes not a little of its development for he recommended it with strong arguments to his brother. But the General at the same time considered that the treaties ought to provide for the Native Princes being allowed to increase their troops in order to maintain their authority; otherwise the British would have to provide for the additional charge. He was also opposed to the indiscriminate disbanding of the armies of the native states as the disbanded troops became freebooters and joined the Pindaries.[106] General Wellesley also prepared memoranda on the affairs of Scindia and Holkar and military administration which were of undoubted use to the Governor-General.

Like General Wellesley, Lord Lake was also entrusted with plenary powers in 1802-03 to conclude agreements with the Mahratta power and the Rajput Princes in Central India. His opinion that the plains of Agra were exposed to the invasions of any enterprising force helped him to raise two additional regiments in 1803. The Governor-General agreed with Lake that the principle of all their plans of war was

104. Auber Vol. II, p. 293.
105. Auber, Vol. II, p. 305.
106. Wellington's Despatches, Vol. I.

to commence the attack and to compel the enemy to a defensive system. Lord Lake's views on the support to be given to the Rajput Chiefs against Scindia were not supported by Sir George Barlow. But with the accession of Lord Hastings to the Governor-Generalship, the Commander-in-Chief once more as in the time of Lord Cornwallis came into power.

Peculiarities of Army Organisation in India-Indian in personnel

The Army followed a line of its own not only in contests with the civil power. It did so in regard to its own internal organization and administration. First, in regard to personnel, while the civil services of the Company were manned predominantly by recruits from England, a numerous part of the Company's military forces in India were recruited in the country and commanded by native commandants—for the most part Muhammadans and high caste Rajput Hindus trained and directed by English captains.[107] Power and responsibility were not in the early days of the Company's Army monopolised by English officers. Troops were often dispatched on hazardous enterprise under the independent command of native leaders and it was not thought unbecoming for a European soldier of the Company's forces to be sent to fight under a native commandant. Sometimes in these old days the only English officer in a battalion belonging to the Company's forces were a Captain and an Adjutant. [108] Native officers were to be found in high command and many of the oldest regiments were known by the names of their native commandants. [109] Muhammad Yusuf of Madras is said to have commanded a corps of 2000-3000 men many of whom were European soldiers. This officer according to a distinguished English commander of later times was more useful than most of the European Officers in the early wars of the Carnatic.

107. Kaye's Sepoy War, Vol. I.

108. Ninth Report from Committee of Secrecy to enquire into affairs of East India Company—p. 553.

109. Sir John Malcolm quoted in Adye—Recollections of a Military Life.

"Faithful, gallant, enterprising",[110] he conducted sieges defended forts, and carried supplies and reinforcements through the enemy's country at critical times[111] as during the campaign of Trichinopoly in 1752-54 and the siege of Madras in 1758-59 where his services were of the greatest importance to the English in the south. The name of this hero occurs almost as often in the pages of the military historians of the Company as those of Lawrence and Clive.[112] And—another sign of celebrity—he is enshrined in the verses of a Tamil ballad.[113] He was not only a soldier but an administrator as was proved by his hold of Madura against the attacks of the Poligars of Tinnevelly. "The names of Muhammad Yusuf, Jamal Saheb and others" says another British writer "[114] fill a page of history scarcely less memorable than that which sets forth the exploits of our own Forde, Calliaud and Coote." Subedar Ali Khan, Hussain Ali Khan were native officers that distinguished themselves in General Wellesley's time. Bhavani Singh was a Hindu officer who deserves to have his name mentioned by the side of his Muslim compeers. Even towards the end of the 18th century a sepoy battalion had only 9 European officers attached to it.[115] A strong and convincing proof of the place filled by Indian officers in the Company's forces till the beginning of the 19th century was that many of the oldest battalions of the native army of Madras were respectively known to that time by the name of some former native commander.[116] The reduction in the number and ranks of native officers affected the organization of the army to the point of danger

110. Sir Henry Lawrence on the Indian Army in Essays Military and Political, 1859.

111. *Ibid.*

112. Yusuf Khan, Rebel commandant by C. I. Hill.

113. *Ibid,* for a sketch of the career of Yousuf Khan see Tinnevelly District by Bishop Caldwell.

114. Edinburgh Review, 1853.

115. H. St. George Tucker—Memorials of Indian Government—pp. 93-95.

116. Malcolm—Political History of India, Vol. II.

as was proved by the fate in 1857 of the Bengal Army which was deprived of an intermediate link between the European Officers and the men—a body of self-respecting native officers who by their ability and status not due to mere seniority would have exercised a wholesome influence on the rank and file of the sepoys. [117]

King's forces and Indian officering.

The coming of the King's forces brought about a change in the Company's policy of officering its own troops with native commandants. It was from about 1784 that European subalterns began to be attached to the command of companies. [118] In the period 1790-96 during which the Company's forces were organised like the King's with the full complement of officers the European element in the officer class of the Company's forces became even more numerous. While in the early days 1757-70 a company battalion was usually commanded by a Captain and very rarely had a field officer at its head, by 1796 a sepoy battalion had 9 European officers attached to it. Col. Wellesley [119] deplored in 1800 the throwing out of employment and means of subsistence of those that had commanded or served in the armies of the country. These people who might have commanded the troops of the Company became, said that experienced sepoy general, additional enemies, at the same time that by extension of territory the means of supporting the Company's government and of defending it were proportionally increased. Already in 1826 no native in the sepoy army could rise to the enjoyment and responsibility of any military command. [120] Sir John Malcolm pointed out the danger that lay in " confiding too exclusively on European troops and altogether undervaluing and neglect-

117. Life and Correspondence of Bartle Frere by Martineau.
118. Gleig—Edinburgh Review, 1853.
119. Letter to Munro quoted in Auber, Vol. II, p. 216.
120. Sir John Malcolm quoted in Adye—Recollections of a military life.

ing the native army". The system [121] on which the army was officered in the latter part of the 18th century—every battalion possessing a double set of officers one English, the other native (to secure knowledge of languages and customs)—naturally added to the cost of the army. About 1848 a sepoy regiment of 750 or 800 rank and file had a complement of 24 European Officers and a regiment of regular cavalry a complement of 20 European Officers. [122] On the eve of the Mutiny Sir Henry Lawrence [123] deplored the ban placed on the promotion of native soldiers to the higher ranks of the army. The highest pay obtainable by a native officer in an army of 2,75,000 sepoys was Rs. 300 a month—there were only three such officers in the whole army of India on the eve of the Mutiny. The pay of the Subedar was only Rs. 67 a month, while the subedar major got an extra Rs. 25. "Live and rot without hope" was the description, Sir Henry Lawrence once heard a Risaldar give, of his military life and its prospects. The political disadvantages of a preponderance of European Officers in sepoy regiments were present to contemporary persons in authority.[124] European officers became independent of native society whereas formerly the subedar and the commanding officers knew each other intimately and influenced each other. Secluded from European society the sepoy officers of earlier days learnt the native languages, were familiar with the customs and lives of the people. Some of the best linguists of those days were to be found among the few European officers of the sepoy regiments.

Military administration, the first attempt at administration of the Company.

The Army and its work being the first break-away of the Company from its commercial origins, its administrative

121. Shore—Notes on Indian Affairs, Vol. II.
122. H. St. G. Tucker Memorials of Indian Government, pp. 93-96.
123. Sir H. M. Lawrence—Essays, Military and Political.
124. H. St. G. Tucker—Memorials of Indian Government, pp. 93-95.

organization was the first to come into being—apart from the supreme governing body of the Governor or Governor-General in Council. At first the Public department at the Presidencies was in charge of the military as of all other business that was not commercial. The increase in the strength and activities of the army led to a development in its organization. The first step towards establishing a special military department was taken in 1773 at Calcutta with the establishment of a Quarter-Master General's Department.[125] An adjutant General's Department was added in 1774 but abolished in 1775, the Court of Directors requiring that his duties be performed by the senior Aide-De-Camp to the Commander-in-Chief but was revived again in 1779. The Quarter-Master General's Department was abolished in 1785 as a measure of retrenchment but was revived soon after. But it was in the characteristic form of a Board that the supreme directions of the army in the early days of the company was organized. We have already surveyed the course and fate of the Military Board.

The Military Department—Its History.

Beside and under the Military Board,[126] a Military Department came into existence about 1786. It was divided into two parts, the Military Department of Inspection and the Secret and Military Department. The duties of the departments were more clerical than administrative, although they each had a Secretary as all important matters of policy and administration continued to be discussed and decided in the Governor-General's Council. In 1793 the Military Department was abolished. In 1799 a thorough reorganization of all

125. P. D. Bonarjee—History of the Military Department—Military Department Press, Calcutta, 1901—Printed by order of Sir E. Collen.

126. The contentions of Mr. P. D. Bonarjee in his History of the Military Department that the Military Board was replaced by the Military Department in 1786 is not supported by facts. A Military Board drags its existence up to the eve of the mutiny.

the departments of government took place under the vigorous rule of the Marquis of Hastings and the Military Department became one of the four departments of Government. Till 1819 the Military Department continued to perform more or less clerical duties and was manned by junior military officers. In that year a senior officer Col. (afterwards Major-General Sir) W. Casement was appointed Secretary to the Military Department and his rank and service made the Secretary of this Department ever afterwards the Military Adviser of the Supreme Council. The peculiar position occupied by the Military Department in the government of the country is proved by the fact that while the other departments of government have suffered radical change the Military Department long stood unchanged. Lord Dalhousie in 1853 effected a radical change in the constitution of the department by splitting its work up among new departments, the Ordnance, the Commissariat and the Military Public Works Department. In 1861 when the Portfolio system was introduced in the Governor-General's Council which till then had administered the whole business of government as a body, a military member was created to be in charge of the Military Department in addition to the Commander-in-Chief who was an extraordinary member of Council.[127] The establishment of the Military Department under a Member of Council brought about the centralization of army administration and the Madras and Bombay armies were brought under the control of the Government of India.[128] Under the financial restrictions imposed on the local government in 1833,[129] matters of pay and of any importance relating to the Presidency armies had to come to the Government of India for approval. Administration of army affairs was divided between the Military Department under the Military Member and Army Headquarters under the Commander-in-Chief corresponding to the

127. Bonarjee *op. cit.*

128. W. S. Meyer, Memorandum on the British Administration presented to Decentralization Commission, 1909.

129. By the Charter Act of 1833.

division between the War office and the Horse Guards in England. The importance of the Department in 1879 was shown by the fact that it employed about 145 officers, 1,500 clerks at a cost of about Rs. 494,498 per annum for an army of 180,000 men whereas the War Office in England at the same time for an army of 570,000 had 62 officers, 461 clerks and cost £136,110 per annum.[130] With the abolition of the Presidential armies in 1895 the work of the provincial military departments was added to that of the Military Department at Calcutta.

The Army Department.

After Lord Kitchner had gained his point against Lord Curzon in 1906 the Military Department was abolished in the time of Lord Minto and its place was taken by two departments dealing respectively with matters relating to army and military supply. The Commander-in-Chief was placed at the head of the Army Department and the Army Headquarters staff was thus brought into direct personal relations with the Army Secretariat. The Military Supply Department under a separate member of council dealt with matters relating to Ordnance, Military works, Recruits, Army Clothing, Medical Stores and the Royal Indian Marine. This unnatural and unnecessary and expensive division did not last long, the Military Supply Member was abolished in favour of a Member for Education, and the Commander-in-Chief became the sole head of one large Army Department. The Army Secretary was the head of the Army Secretariat. Like every other Secretary to the Government of India although acting under the headship of the Commander-in-Chief as the head of the Army he has the privilege of direct access to the Governor-General and keeps him in touch with all army matters.[131]

130. Report of the Special Commissioners.....to enquire into the organisation of the expenditure of the Army in India, ch. V, 1879.

131. Kitchener's opinion—Life of Lord Kitchener by Arthur, Vol. II, ch. LXXIV.

The Army Department under whatever name has been the most important of the departments of the Government of India. Charged as it is with the external defence and internal security of India, budgeting as it does for the largest expenditure of that government, decisive as its opinion is on the paramount question of the defence of India, its influence and power are formidable. Whether with two army men[132] in the Governor-General's Council or with only one as now but that one the Commander-in-Chief the influence of the army in the Government of India is undeniable.

The Army's Financial Administration.

The financial administration of the army had certain peculiarities. In the time of General Wellesley payments on behalf of the army were made on bills of honour. It was General Wellesley that suggested that bills of honour ought not to be multiplied but that the expenses of the military should be brought under the proper heads of account and a distinct mode of supplying everything for which there was a regular demand.[133] The early Military Accounts Department had to look after the voluminous accounts of the army, and was debited with a number of faults—delay in submission of accounts, the cumbrous character of those accounts, the large number of the books kept were noted towards the end of the 18th century.[134] Even after the passing of the government from the Company to the Crown there was an entire absence of any efficient central control over army expenditure. There was no such control as was exercised at that time by the War Office and the Horse Guards in England under the vigilant eye of the Treasury.[135] The Commander-in-chief had been allowed to control his own estimates. Civilian con-

132. Report of Royal (the Welby) Commission on the expenditure of India, 1900.

133. Auber—Rise and Progress of British Power in the East, Vol. II, p. 316.

134. H. St. G. Tucker—Memorials of India Government, p. 419.

135. Minute by the Rt. Hon'ble J. Wilson, 8th May, 1860.

trol over expenditure did not exist.[136] Till 1872 the preparation of the military budget was practically in the hands of the Comptroller of Military Accounts. Even then it was found difficult if not impossible to keep them within due limits.[137] The Finance Member of the Governor-General's Council was helpless before the mass of those accounts and he could not enter into any detailed criticism of them.

The Military Finance Commission and Department.

The helplessness of the Finance Department in the face of the accounts and estimates and charges of the army had been reduced in 1859 by the constitution of the Military Finance Commission which subsequently became the Military Finance Department. That Commission consisting of 3 members one from each Presidency had been established to sift out the military accounts with a view to the introduction of economical reforms in the management of the finances of the army. The head of the Military Finance Commission was allowed to be the Auditor-General of the army finances.[138] The chief burden of the work of the Commission on account of the early retirement of the other two members lay on Col. Balfour who, experienced, perserving and determined was well fitted for the laborious and difficult task of investigating the military expenditure throughout India and reporting on the best means of reducing it and in the statistical part of which he was helped by his wife, a daughter of the famous financial reformer, Joseph Hume.[139] The Military Finance Department became after 1861 the adviser of Government

136. Mr. Laing in House of Commons, 27th July 1868, (See Fin. Statements relating to India 1853-72).

137. Evidence of Rt. Hon'ble W. H. Massey, 9th July, 1872, before Select Committee on East Indian Finance in Minutes of Evidence, 1872, Vol. II.

138. Report on Indian Administration, Finance, 1860-61 extracted in Annals of Indian Administration, Vol. VII, 1862-63 ; also Life and Correspondence of Bartle Frere by Martineau, Vol. I.

139. Life and Correspondence of Bartle Frere by Martineau, Vol. I.

in all matters of military and naval expenditure. Except in cases of special urgency the Government of India took no step involving financial considerations in military or naval matters without first consulting the Military Finance Department. It was divided into two branches that of the Secretary and that of the Accountant-General. The Secretary as Chief Officer of the Department was responsible for the whole of the military business of the Department and gave attention to financial as to other business and his Secretariat was employed on the general administrative business of the army. Every proposal involving increase of expenditure however small was submitted to the Military Member of Council before it was referred to the Finance Department. The Accountant-General was Deputy Secretary in the Military Department and dealt with pay, allowances and contracts as well as with military accounts.[140] Together with the Civil Auditor-General, the head of the Military Finance Department constituted the Board of Audit. The Military Finance Department was abolished in 1862-63 and was replaced by an Accounts Department attached to the Secretariat of the Government of India.[141] Following on the concentration of the civil accounts department under the Government of India in 1857, a similar step was taken for military accounts and an Imperial Military Accounts Department was first organized in 1861 and in 1864 was placed directly under the Military Department.[142] But even as late as 1871[143] the need was felt for the constitution in India of an Audit and Control Department as a means "of checking the constant tendency to growth in the expenses of the army."

140. Final Report of the Royal (the Welby) Commission on the administration of expenditure of India, 1900.

141. Memorandum on the Finance Department of Government of India—by Sir Richard Temple.

142. W. S. Meyer, Memorandum on British Administration in India presented to Decentralization Commission, 1909.

143. Martineau's Life of Sir Bartle Frere, Vol. XI.

The abolition of the Military Finance Department led to a "gigantic error" in the Budget calculations of 1880-81. It consisted in the miscalculation of some 13 millions in the estimate of the cost of the Afghan War. The error originated in the Military Department of the Government of India.[144]

To prevent the recurrence of such errors it was decided to treat issues from civil treasuries for military services as expenditure in accordance with the English practice in regard to Exchequer issues. The Military Accountant-General was brought into relations with the Secretariat by making him Deputy Secretary in the Finance Department of the Government of India. Recently the appointment of a Financial Adviser to Army Headquarters has come to the rescue of army finances. He is an officer of the Finance Department by whom financial advice is given and financial control is exercised. But as he works at Army Headquarters and is considered by the Army Department to be more colleague than critic[145] it cannot be said that the check on the Army's budget is as effective and thorough as Treasury control in England. And the check that formerly existed in the person and activity of the Military Member of Council by the side of the Commander-in-Chief[146] has disappeared with the setting up in 1906 of the Commander-in-Chief as the sole military member of the Governor-General's Council.

Another peculiarity of Army Finance.

The recently introduced Contract Budget system is another peculiar development of military financial administration. Although the contract system does not preclude check by the Finance Department and the Military Accounts

144. Life of Field Marshall Sir F. Haines by R. S. Rait and Betty Balfour's Administration of Lord Lytton.

145. Report of the Army in India Committee (Esher Committee), 1919-20, Part II, Section III.

146. Welby Commission Report on Indian Finance, Vol. III, Evidence of Lord Cromer, Sir F. Brackenbury etc.

Department and the Financial Adviser and the Director of Army Audit who is subordinate only to the Auditor-General, yet it is a remarkable development of military financial administration.

The Army and Indian Finance—Increase in expenditure.

On the finances of the Government of India the army has exercised an ever widening measure of influence. In the first place it has influenced the cost of Indian administration. The wars of the 18th and 19th centuries increased the army budget by progressively increasing amounts. Lake's army is raid to have cost about 5 lakhs per mensem. The Pindari and Nepalese wars caused financial embarrassment which was retrieved in the time of Lord Amherst. The cost of the first Burmese War "the costly Burmese War which had placed a severe strain in the financial resources of the country" was made good in Lord William Bentinck's time. The Afghan and Sikh wars increased the expenditure again.[147] Lord Amherst's Nepalese and Burmese wars brought about a deficit of £5,443,750. The Afghan expedition of Lord Auckland's time cost £20,000,000.[148] The military charges in 1809-10 averaged £7,344,000.[149] From 1813 the army expenditure jumped from £7,787,000 to £9,334,557 with ups and downs to £11,308,185 in 1825 and to £12,022,754 in 1827 dropping to £9,461,953 in 1830.[150] The debt of India at the time the Crown assumed the Government of India in 1858 was £74,500,000 and it was accounted for largely by the one constant series of wars which had filled the 18th century. The normal state of Indian finances before 1860 was described to be deficiency of income

147. Cornwallis to Viscount Castlereagh, Aug. 9, 1805, Cornwallis' Correspondence, ed. by Ross, Vol. III.

148. Sir Charles Trevelyan—Minute, 11th July, 1859, on Income-tax Bill of 1860.

149. Mr. Wilson's Financial statement in Legislative Council, Calcutta, 18th February, 1860.

150. Ross—Life of Marquis of Hastings, ch. X, Rulers of India series

and addition to debt. From 1814 to 1860 there had been surpluses in 13 years amounting to £8,895,437 and deficits in 33 years amounting to £72,195,146.[151] Since 1854 the largest item of expenditure has been contributed by the army. On the eve of the mutiny the cost of the army was £21,750,000. In 1858-59, owing to the mutiny the cost leapt to £24,758,000[152] in 1859-60, 17¾ millions.[153] The deficits of the years immediately succeeding the mutiny which Mr. James Wilson, the first Finance Member of the Government of India and his successors had to deplore was due to the increasing cost of the army. It was the army that here as in England caused the introduction of income-tax. The amalgamation of the Queen's and Company's forces in 1861 served to increase the army expenditure because of the principle followed that the officers of the different grades should be posted to the next higher after a certain period of service. The amalgamation of the Queen's and Company's forces cost India £1,000,000.[154] The introduction of the Staff Corps system in 1861 also resulted in disaster to the finances as they were left in the hands of military officials without any scrutiny of a department like the Treasury in England.

Ups and Downs in Military expenditure.

Thanks to drastic reduction the cost of the army in 1861-62 was expected to be £12,800,000. But in 1863-64 it was £14,546,410 and in 1867-68 it was £16,054,061. Lord Lawrence complained in 1864 that neither Sir Hugh Rose the Commander-in-Chief, nor Sir Robert Napier, the Military Member had any regard for financial considerations.[155] Reduction in

151. Mr. Wilson's Financial Statement in Legislative Council, Calcutta, 18th February, 1860.

152. *Ibid*; according to another estimate 21 millions; Life and Correspondence of Bartle Frere by Martineau, Vol. I.

153. *Ibid.*, Report Royal, (Welby) Commission on administration of expenditure, 1900.

154. Speech of Bright in House of Commons, 5th August, 1870.

155. Life of Lord Lawrence by Bosworth Smith, Vol. II, ch. XII.

combatant establishments European and Indian figures in the period 1864-69. In 1869 the expenditure of the army stood at £12,705,000. In 1873-74 it rose to £14,289,000 in 1879 to £15,374,200 the operations in Afghanistan costing the country £2,000,000.

In 1888-89 the expenditure was Rs. 18,558,796, in 1893 it rose to Rs. 20,501,901. The analysis made by a Royal Commission on Expenditure showed that the increase between 1856-57 and 1862-63 was 5½%, between 1862-63 and 1884-85 18%, between 1884 and 1896-97, 47%, between 1856-57 and 1896-97 84%.[156] This Commission attributed the increase in expenditure to three causes: the increase of the British Army in India since 1884-85, the increase in the capitation rate (from £4-12-6 in 1875-76 to £7-10-0 in recent years) per effective man in respect of recruiting, training and other depot service and the introduction of deferred pay since 1875.[157]

In 1900-01 the expenditure on the army had to be increased as a result of the experiences of the South African War. The cost of rearming the native army and the volunteers with magazine rifles increased the cost by 1½ crores of rupees.[158] The increase of artillery and its supply with modern guns, the creation of an organised Transport Corps, the proper armament of coast defences, the building of light railways to strengthen frontier posts, the establishment of factories for the production of war materials also served to increase the cost of the army in Lord Curzon's regime.

Before the Great War of 1914-18 the expenditure was about £20,000,000, in the last year of the war it rose to £ 27,000,000 in 1921-22 it mounted to 77 crores and ever since it has hovered between 55 and 45 crores of rupees.

156. Sir Charles Trevelyan's Evidence before Committee on East Indian Finance, 1871.

157. *Ibid.*

158. Speech by Lord Curzon on Financial Statement, 23rd April, 1901 in Collected Speeches, Vol. I.

Special treatment of the Army.

The army has received special treatment at the hands of Government. Increase of pay, rewards, free grants of land, titles of honour have been showered upon it—as in the time of the Roman Emperors like Septinus Severas who knew how to attach his army to his dynasty by donations and privileges. The increase of expenditure on the army has been due in some measure to this policy towards an army necessary to maintain the Government by law established. In recent years the Nicholson Committee of 1913 had recommended the offering of certain extra inducements to stimulate recruitment during a war. During the Great War from 1917 in the Punjab free rations, instead of an inadequate messing allowance was granted to all Indian ranks and substantial additions were made to the pay and pensions. Later in the year, as the result of the recommendations of a Recruiting Board, a bonus of Rs. 500 was given to every combatant recruit on enlistment and special war allowances were sanctioned for all ranks. Later after the king's call in 1918, further concessions were given to recruits that had completed their training and to all ranks serving overseas. By the end of the war, the conditions of service all round were liberal and even generous.[159]

One peculiar cause of increase in army expenditure.

An important cause of the state of army finances is the fact that on account of a part of the army in India being composed of troops sent from England, the finances of India have had to bear the burden of any changes in the policy of the English Government in regard to recruitment, pay, distribution or organization of troops in England. The opinion of an Indian Finance Member,[160] in 1872 that the finances of India had been often sacrificed to the wishes of the Horse

159. Michael O'Dwyers—India as I knew it.

160. Mr. Samuel Laing in Evidence on 2nd July, 1872, before the Select Committee on East Indian Finance in Minutes of Evidence, 1872 Vol. II.

Guards and the exigencies of the English estimates without the Government of India being consulted was warranted by facts. Wars like the Chinese War and the Abyssinian expedition were charged in fact on the Indian Budget. It has been acknowledged that Indian finances were affected by the necessary magnitude of changes connected with the regimental system in England.[161] Under the Company's system the European forces were recruited at a much smaller cost than under the new system. In the Company's days regiments remained in India, some of them had stayed there after taking part in the battle of Plassey, regimental reliefs were not required. Time-expired men generally enlisted owing to the prospect of employment in the civil branches of the Ordnance, the Commissariat and the Public Works, some of them having married native women and looking forward to permanent residence in India.[162] The amalgamation of the local European forces of the Company with the Queen's forces in 1859 was forced on India against the opinion of the majority of local authorities in India and the Indian Budget has had to bear the increased expense resulting from this policy. Lord Mayo and his Council sent complaint after complaint to the Home Government of the great amount of military expenditure that was being charged on India by the policy of the Commander-in-Chief at the Horse Guards.[163] In 1886 General Peel in England got the soldiers' pay raised by two pence. India had to pay this increased rate for the soldiers sent out but its assent was not asked.[164]

161. Duke of Argyll on Financial Statement in House of Lords, 23rd July, 1870.

162. Evidence of Lord Lawrence, 1st July, 1873, before Select Committee on East Indian Finance in Minutes of Evidence, Vol. III, 1873.

163. Col. Lyber in House of Commons, 19th July, 1866, in debate on Financial Statement relating to India.

164. Marquis of Salisbury—Evidence 26th June, 1874, before Select Committee on E. I. Finance; Minute of Mr. Arbuthnut in Papers regarding reduction of expenditure, 1879.

The short service system of recruitment adopted for troops in England was carried out "on a vast expansive plan" without any reference to India, but the India Government had to accept it.[165]

Another peculiarity of Army organization—the Commissariat.

More remarkable than the development of the organization of the army's own administrative department were certain peculiarities of administration that the army in India threw out in the course of its history. Of the peculiar offshoots of army organisation in India the most notable was the Commissariat. In a strange country ill provided with towns and houses and inns or hostelries the Company's army had to find its own housing and food supplies. The practice of Billet was unknown in India. During hostilities villages were deserted, walled towns would shut. Troops had to carry all their provisions with them. A hundred miles or more may have to be marched without fresh supplies. Every army having to find its own commissariat was naturally crowded with large numbers of non-military followers. And the description[166] of an Indian army that it was less like a military force than a nation in migration guarded by its troops was justified. The difficulties of the commissariat made the movements of the Indian armies of the eighteenth century extremely slow."[167] The Commissariat so far as it found food for the army was especially necessary for the victualling of the European soldiers, the sepoy being able to find food for himself in his own country. In the wars against Hyder Ali, the arrangements made by the Madras Government were woefully inadequate.[168] Commissaries-General

165. *Ibid.*

166. Sir John Malcolm in letter dated 13th February 1832 in Appendix B to the Report of Select Committee—Affairs of East India Company, 1832, Vol. VI.

167. Cornwallis to the Court of Directors, March 4, 1792, Cornwallis' Correspondence, Vol. II.

168. Fortescue's History of the British army, Vol. III, p. 116.

were to be found in Madras[169] and Bengal in 1775. These Commissaries-General, if we are to judge from what happened in Warren Hastings' time had been allowed to furnish contingent supplies to the army on a sort of contract system. And Col. Macleane, who afterwards became Agent of Warren Hastings was one of the numerous bones of contention between him and his colleagues in opposition in Council. He was alleged to have made money out of this privilege and regulations were framed by the majority in council under which the supplies were to be furnished to the army.[170]

Till 1809 the victualling of British troops and the supply of army transport had been carried on entirely by contract. The contract system had not supplied the Madras Coast army with the bullock transport it needed. Sir Eyre Coote's difficulties in the Carnatic War had been largely caused by the deficiency in bullock transport, 9,000 only being supplied when he needed 30,000.[171] Col. Wellesley in every one of his campaigns was very particular about the supply of bullocks by his favourite Brinjaries to whom he looked for the expeditious and punctual transport of his troops.[172] He made it a point always to have in his camp a month's provision for his whole force.[173] "Articles of provision are not to be trifled with or left to chance" he wrote to the Governor of Ceylon.[174] About 1790 we find him complaining of the abuse and neglect in the department of Commissary of Stores in Bombay as he could not get wheels made as quick as his own departments could make them.[175] He attributed Col. Mon-

169. Love, Vestiges of old Madras, Vol. III, p.—

170. Opinion of the Majority in Council dated, Fort William, 21st November 1775 in Selections from State Papers, ed. by G. W. Forrest, Vol. II, and observations by Warren Hastings on the same ; *ibid.*

171. Fullarton—A view of the English Interests in India, 1788.

172. Wellington's Despatches, Vols. I and II.

173. General John Jacob's Views and Opinions.

174. Life of Wellington in Forrest's Wellington to Roberts.

175. *Ibid.*

son's disastrous retreat in 1804 in Central India to the inefficiency of the Colonel's commissariat arrangements.

In 1809 a Commissariat department was created to supply everything required by the army including horses and military stores. At first great power was left to the Commissary-General who controlled the entire expenditure of his department. In 1815 a separate branch of accounts was created for this department. In 1821 the department was reorganized and the Commissary-General was relieved from the charge of accounts which were submitted by executive officers to the Military Board. In the early years of the century the Commissary-General had vast responsibility thrown upon his shoulders and had a considerable discretionary powers of passing all trifling charges. He communicated direct with Government.[176] In 1830 the Commissariat Department was placed under the control of the Military Board. The discretionary powers which he had enjoyed before were withdrawn by 1853. Even sanction of trifling expenses had to be written about to the Deputy Commissiary General, to the Commissiary-General to the Military Board and finally to the Government. But the administration by the Military Board did not lead to greater economy or efficiency.[177] The Military Board was inclined to disown in great measure the responsibility that ought to belong to them and it was not difficult to show that in the Commissariat as in the Ordnance and Building Departments many lakhs of rupees had been lost through defective management. The provincial commissariat departments were just as uneconomically managed. Sir John Malcolm in 1830 reduced all branches of the Bombay Commissariat including suppliers, labourers, carriage and cooly establishments to an economical scale effecting a saving of nearly 30% on the expenditure with which

176. Evidence of Lieut. Col. Burlton in May 1830 in Minutes of Evidence before Select Committee on affairs of E. I. Co., Vol. II, Military.

177. Letter from Civil Finance Committee, 1830, in General Appendix to Report of Select Committee on Affairs of East India Company 1832.

he was faced in Bombay in 1827.[178] The first Afghan War and the Gwalior, Sutlej, and Punjab campaigns had brought to light certain defects in the working of the department especially as regards accounts during operations in the field. Sir Charles Napier[179] after tasting the bread served to the soldiers abused the Commissariat contract system and the contractors.

These defects and others in the administration of the Commissariat did not escape the eagle eye of Lord Dalhousie. On his arrival in India he found that the Commissariat accounts of the Afghan and Sutlej campaigns had not yet been adjusted, he brought down from the frontier the Deputy Commissary-General responsible for them and ordered him to furnish all accounts. But even after 3 years they were not settled. Nine years after the later of the Afghan campaign Rs. 25,00,000 remained unadjusted, 6 years after the Sutlej campaign Rs. 14,37,000 remained unadjusted and 2 years after the Punjab campaign Rs. 4,68,000 remained unadjusted.[180] He also found that for many years past "the Commissariat of the Bengal army had stood in very bad repute; rightly or wrongly it was generally believed that the department was open not merely to the charge of mismanagement but to still worse reproach; the subordinae agency was believed to be lax in the discharge of its duty, personally corrupt and completely subject to the control of natives at different times; and it was believed that as the necessary result of all this the Government was ill-served, plundered on all hands without mercy or beyond remedy."[181] The great and unavoidable delays in the settlement of contractors' account could not be denied and Lord Dalhousie laid it down at the door of the system which "allowed the whole direction of the Commis-

178. Minute of Sir J. Malcolm, Nov. 30, 1830, Appendix to his Government of India.

179. Life of Napier in Forrest's Sepoy Generals.

180. Minute of Lord Dalhousie 6th Feb. 1832, in Home Public proceedings, January, February, 1832, Imperial Record Department. Mss.

181. *Ibid.*

sariat and other departments in the hands of the Military Board accumulating upon the members an impracticable mass of difficult and various business which it was physically impossible they could satisfactorily conduct."

Already in 1818 the Court of Directors had directed that a close enquiry should be made into the alleged deficiencies of the Commissariat Department. Such was the complexity and such the difficulties of the subject that even a year after the commission was appointed they had not been able to submit a report. The commission recommended separation of Commissary-General from the Military Board, subordination of the department to the Government and a separate office of account of the department.[182] Even as early as 1832 the department had become large. At each of the Presidencies there was a Commissary-General, three to seven Assistant Commissary-Generals, four to eight Deputy Assistant Commissary-Generals, 12 Sub-Assistant Commissary-Generals the establishment at Bombay being much smaller than those of Madras and Fort William.[183] The principle of individual responsibility united with individual control was introduced into the Commissariat Department and effected great improvements in its administration.[184] The Commissary-General was put in executive charge of the Department. In 1856 the number of officers in the Commissariat had increased to 80 and in 1872 to 101.[184] The growth of the department is also shown by the increasing cost of its administration. In 1813 the expenditure was £556,091 out of a total military expenditure of £7,787,810, in 1818 (a year of wars) it went up to £7,73,984 out of a total military expenditure of £10,143,816, in

182. This history of the Department is taken from Report of Commission.....to enquire into the Reorganisation and Expenditure of army in India, 1879.

183. Appendix A Note 4, to Report of Select Committee on East Indian Affairs, 1832, Vol. VI.

184. Evidence of Mr. Kellner and Col. A. B. Johnson, 13th May, 1870 before Select Committee on E. I. Finance, Minutes of Evidence, Vol. III, 1873.

1820 it was £614,327 out of a total military expenditure of £9,461,953.[185] After the Mutiny there has been an increase not only in numbers but in pay and allowances owing to the higher military rank of the commissioned officers. The cost of the commissioned officers in 1856-57 in Bengal alone was £49,840 and in 1871-72 £103,200. The cost of the whole Commissariat establishment, supplies and services was in 1806-07 £1,470,391 and in 1871-72 £1,929,369.[186]

The duties of the Commissariat before the mutiny have been described as almost innumerable—the feeding of the troops, the purchase and feeding of the cattle, provision of their attendants, making of hospital clothing, the providing of hospital requirements and comforts of all kinds.[187] In 1870-71 the duties of the Commissariat comprised the supply and transport of the army by sea, river or land, the cost of provisions and forage, the maintenance or hire of transport cattle. The creation of an useful Stud Department has been one of the great services rendered by the Commissariat to the army and to the country. The Stud Department established in Bombay in 1828 received the enthusiastic support of Sir John Malcolm when he was Governor of Bombay, "for it could supply the army with a superior breed of horses at a lower rate of expense than was then incurred, would make the country independent of the foreign market, and would make available that valuable military resource, an excellent breed of horses." [188]

However it may have been at the beginning the Commissariat officer had in later times to be well-equipped for his

185. Appendix 5 in Report of Select Committee on affairs of East India Company, Vol. VI, Military and Appendix.

186. Report of Commission on the organisation etc. of the army in India, 1871.

187. Evidence of Lieut. Col. Burlton in Minutes of Evidence before Select Committee on Indian Territories, 1853.

188. Letter of Sir John Malcolm, 13th Feb. 1832, in Appendix B to report of Select Committee on East Indian Affairs, 1832.

tasks. The probationer in the Commissariat department had in 1874 to know how to take care and custody of cattle and stores, how to procure supplies by departmental agency or contract, how to ration British troops and what those rations were, what should be the equipment of cattle and stores required for the cavalry, artillery and infantry with reference to their numbers and the distance to be marched, he had to acquire knowledge of the animals in use for food, their breeding, where they could be got, not to speak of a knowledge of accounts and the languages of the country.[189]

Commissariat and Contract.

The method used by the Commissariat of the Indian Army for obtaining supplies was by the familiar Contract system. In the beginning of the 19th century as towards the end of the Company's rule the European forces were victualled by contract in peace as well as in war, the sepoy victualling himself in peace and requiring the Commissariat to look after him only in war.[190] When war broke out the Commissariat peace establishment was quite inadequate and the victualling of Indian as well as European troops had to be done on the contract system. The supply of meat and bread was by contract. By 1853 the contract system had been much elaborated. Tenders were called for by advertisement in the papers, securities were demanded from the tenderers, the Military Board decided as to which tender was to be accepted on the recommendation of the Commissariat Department.[191] The contract system was accepted to be the best in the circumstances. Complaints were heard now and then, but on the whole it served its purpose. Nothing can be better than the supply of meat and bread to Europeans in India, was the evidence of a

189. Appendix to the Report of Select Committee on East India Finance, 1873, Vol III.

190. Evidence of Lieut. Col. Burlton, 4th March, 1853, in Minutes of Evidence before Select Committee on Indian Territories, 1853.

191. Evidence of Lieut. Col. Burlton, 4th March, 1853 in Minutes of Evidence before Select Committee on Indian Territories, 1853.

commanding officer in 1832.[192] But if the goods supplied were bad they could be returned, the contractor was asked to supply afresh and was liable to fines, his contract was liable to be forfeited, all losses were to be borne by him.[193] The contract system broke down in the first Afghan War when the food of the cattle was not furnished according to contract and the cattle were often without food, in the Burmese war when meat was impossible to get, but this may have been due to the difficulties of the country.[194] Contractors were known to have made fortunes out of the contracts of the Commissariat. After their contracts were completed many of them lived happily ever afterwards like married couples in fairy tales.[195] Partial, if not total, extinction of contractors was advocated by military officers in 1852 and the substitution of respectable European non-commissioned officers for the native contractors was suggested.[196] That would not have done away with one evil, the habit of contractors offering commissions or gratuities to the European officers of the Commissariat. When Lieutenant General Sir George Pollock was at Jallalabad a man came to one of his officers and offered him two lakhs of rupees if he could get him the position of gumastah although at the time it was not known whether the General was going back or forward and if he had gone back the transaction would have ended in dead loss for the applicant.

The Case of Jothi Pershad.

The relations between the Commissariat Department and the contractors in the pre-mutiny days is illustrated by the

192. Evidence of Major General Sir Thomas Rennell before Select Committee on East India affairs, 1832, Vol. II, Military.

193. Evidence of Lieut. Col. Burlton, 4th March, 1853, op. cit.

194. Evidence of Gen. Viscount Hardinge, 8th May, 1853, in Minutes of Evidence before Select Committee on Indian Territories, 1853.

195. Evidence of Lieut. Col. Burlton, 4th March, 1853 in op. cit.

196. Evidence of Lieut. Gen. Sir Thomas Malcolm in Minutes of Evidence in First Report of Select Committee on Indian Territories, 1853; also of Lieut. Genl. Sir George Pollock in *ibid.*

197. Evidence of Lieut. General Sir G. Pollock in *ibid.*

famous case of Jothi Pershad. Lala Jothi Pershad was a native of the United Provinces and had distinguished himself not without profit to himself as a contractor to the Commissariat during the campaigns that extended from 1838-50. Able, intelligent and energetic, to quote the words of one [198] who had studied his case with a critical eye, long experience had enabled him to work with great efficiency in the capacity of agent or contractor for supply of the army. He had discharged this duty on several occasions and always to the satisfaction of the general he served. To him according to a great military Commander of the time the India Government owed gratitude for marching its army on the field when the Commissariat failed.[199] For these services he had been suitably remunerated by the profits he made from them. His contracts in the Punjab campaign amounted to 42 lakhs of rupees of which before the end of 1848 when the main army entered the Punjab he had received 14 lakhs in payment and by the end of April 1849 when the army went into cantonements he had received upwards of 20 lakhs. In 1850 Jothi Prashad made a demand for the cost of supply of 76,830 bullocks at Rs. 3,77,512, he was able to hire only 29,055 head of cattle but received payment for fictitious cattle to the amount of Rs. 2,48,763. Criminal proceedings were launched against him by order of Lord Dalhousie, in spite of the opinion of the Deputy Commissary-General endorsed by the Military Board, that those charges against Jothi Pershad were unworthy of credit, for Lord Dalhousie held that the Commissariat Department was not the proper authority to advise Government in the matter as in case Jothi Pershad was found guilty, it would be implicated as his accounts had been passed by the Department. The pleading of the military authorities that Jothi Pershad during a campaign after the battle of Chillianwallah had supplied everything to the army to the extent of two lakhs was countered by the evidence furnished by the

198. Lord Dalhousie in his Minute, 6th February, 1852, in Home Public Proceedings, Imperial Record Department, MSS.

199. Sir Charles Napier in Defects of the Civil Government.

Commissariat Department itself that he had been paid in advance. Government, Lord Dalhousie contended, was independent of Jothi Pershad's money, having had enough cash in all the frontier treasuries to pay for the Punjab campaign. As soon as he was threatened with criminal proceedings, Jothi Pershad proceeded to Calcutta, commenced a civil suit against Government and tried to intimidate Government by the threat that continuance of the prosecution might force him to make revelations against European officials of the Commissariat. In the criminal proceedings Jothi Pershad was acquitted.

Reform of the Commissariat.

The case of Jothi Pershad is memorable not only because it illustrates the career of a great Commissariat contractor but because it roused Lord Dalhousie to reform of the Commissariat Department and it formed a point of dispute between two great principals the Governor-General and the irate Commander-in-Chief Sir Charles Napier and drove nails into the coffin of the contract system in the administration of the Commissariat. But the history of the Commissariat in India according to a high authority is the history of the fortunes of a score of Jothi Pershads.[200] Sir Henry Lawrence had also advocated the conversion of the Commissariat Department into a civil establishment as was the case in the royal army in England, the civil district officers being called upon to supply at fixed prices, a few inspecting officers one for each province being all the military element required.[201] As a result of the recommendation of the Commissariat Commission of 1853 the control of the Commissariat was taken away from the Military Board, individual responsibility and authority were secured by placing the Commissariat under a single officer the Com-

200. Sir H. M. Lawrence in Essay on Army Reforms in Essays, Military and Political.

201. *Ibid.*

missary-General of the army.[202] The Accounts Branch of the Department which was its weakest point was strengthened and reformed by the appointment of separate officers of audit. Persian accounts were displaced by English accounts, hired cattle were substituted by animals bred and maintained by the Department. Care was taken in the selection and promotion of officers. The clothing of the army from 1855 was to be provided for by the State.

Later history of Commissariat.

After the mutiny the Commissariat system continued. But in 1885 a single Commissary-General-in-Chief was appointed. And in 1896 with the abolition of the presidential armies went their Commissariat Departments. The year 1900-01 saw the transformation of the Commissariat Department into a Supply and Transport Corps. Up to 1905 the Supply and Transport Corps was under the Military Department. The Military Supply Department as a result of the reforms of 1906 became responsible for the supply and storage in bulk of all provisions and stores and for the requisition and provision of transport animals and attendants, while the executive control of the corps, the administration of transport units when formed and questions relating to the distribution of stores to troops were transferred to the Commander-in-Chief.[203] The executive supreme head of the Supply and Transport corps was the Quarter Master-General. It is a long way from the old Commissary-General and the contract system to the Quarter Master-General and the departmental organization of the supply services of the Indian Army. In spite of failures and breakdowns, the latest occurring during the campaign in Mesopotamia during the Great War, the Commissariat was one of the notable inventions of the Army in India. Early in its history as throughout it realised the truth of Dumouriez " saying that the question of provisions is as essential to a general as the military part of his work ".

202. Lord Dalhousie, Minute Feb. 1856.
203. Imperial Gazetteer, Vol. IV, ch. XIX.

Peculiarities of recruitment.

Other characteristic experiences of the Indian army system were connected with recruitment. The raising of Irregular forces was a common recruiting expedient. They served temporary purposes, were cheaper, easily disbanded after the purpose was served. Lord Lake raised large levies in Upper India in the first Mahratta war and they were disbanded by Lord Cornwallis. It happened also in Lord Hastings time and Lord Amherst's time after the second Mahratta war. The most famous of the Irregular forces raised in the hey-day of the Company's rule was Skinner's Horse raised and commanded by the greatest Eurasian of Indian history. It was Lord Lake that allowed him to raise this force which did noble service in General Monro's retreat and at the siege of Bharatpur ;[204] he was granted by Lord Cornwallis the honorary title of Lieutenant Colonel and later the honour of a Knight Commander of the Bath. But beside Skinner's Horse there were other irregular forces like the Rohilla Corps, the Scinde Horse of Colonel Jacob on the Frontier. The Irregular system was a great relief to Indian finance, [205] as the great levies which the nature of Indian warfare demanded in those times could be quickly reduced when peace returned. In 1826, there were 8,247 Irregulars in Madras, 8,843 in Bombay and 65,849 in Bengal. [206] Lord Cornwallis, however, much he admired them was afraid of their expense and reduced it from about £5 lakhs to 3 lakhs per mensem. [207] Many regiments of irregular horse had been raised before the Mutiny under the famous Silladar system. Wellesley and other Sepoy-Generals had a weakness for it. The Scinde Irregular Horse reminded an Indian General of Cromwell's Iron-

204. Badenoch—State of Indian Army, ch. I, London, 1826.

205. Sir Charles Trevelyn in Evidence, 7th March, 1872, Report on East Indian Finance Minutes 1873, Vol. III.

206. Buckland—Dictionary of Indian Biography.

207. Cornwallis to Lord Lake, 7th August, 1803, in Correspondence, ed. by Ross, Vol. III.

sides.[208] The Mutiny destroyed faith in it. But its merits soon revived it. Under this system the sepoy was expected to provide his own horse and arms. One great advantage of the Irregular force system was that it had a large proportion of native officers, the number of British officers being three or four to a regiment.[209] These native officers were generally cadets of old families, the gentry of the country, although there were officers who had risen from the ranks.

European and Indian proportions.

The proportion between European and Indian troops was throughout the days of the Company's rule governed by circumstances and considerations of economy rather than by policy. In 1793 there were 18,763 European soldiers and 69,661 natives, in 1809, 31,387 Europeans and 154,117 natives, in 1830, 36,409 Europeans and 157,067 natives.[210] The importance of keeping up the strength of the native forces was realized by experienced administrators. Although men like Lord Cornwallis, General Wellesley and Sir John Malcolm insisted on the maintenance of a certain proportion of European forces, they fixed their faith in the security of peace and order in India on the maintenance of a well proportioned, well-organized and contented native army. A too exclusive dependence on European troops would, according to one of them, date the downfall of British Empire in India. Indian finances, the scope for employment of Indian military talent, the whole tone of the army itself would be evidently jeopardised by the disproportionate employment of European forces in India.[211] The absence of any Reserve from 1858-79—India was the only country in the world without reserves, according to

208. Views and Opinions of General John Jacob.

209. Lord Lawrence's Evidence, 27th June, 1873, before Select Committee on East Indian Finance in Minutes of Evidence, 1873, Vol. III.

210. Return in Appendix I in Report of Select Committee on East Indian Affairs, 1832, Vol. VI, Military and Appendix.

211. Letters of Sir John Malcolm dated 15th February, 1832, in Appendix B to Report of Select Committee on East Indian Affairs, 1832.

Lord Lytton—was another peculiarity of Indian Army organization and seemed to increase the cost of the army for India had to pay in peace time for the whole cost of the army it would require in war. Also in Company days the sepoy regiments were more mixed than after the Mutiny. The same consideration of policy has influenced the caste and class composition of Indian regiments of post-Mutiny days.[212]

The services of the army to civil administration—Soldiers the first administrators of the Company.

It is not merely on account of the peculiarities that it developed but much more on account of its great services to civil administration that the history of the army in India deserves to be celebrated. The army was commissioned in the early days of the Company not only with the conquest but with the administration of new territory. Conquered territories had to be defended, its inhabitants had to be kept in tranquillity, its revenues had first to be realised by the troops that had added them to the Company's sovereignty. The jungle Terai in Bengal peopled by the Kols, Santalis and other primitive tribes were conquered and settled by Captain Burke in Warren Hastings' time.[212a] Military commissions for the administration of Malabar, the Ceded Districts and the Mysore Territories were set up after the end of the Mysore Wars over one of whom was placed the great General Wellesley. Major Malcolm was sent out in 1819 to settle and administer the territories of Central India including Malwa.

Civil departments served by the Army—the Political Department.

Not only the administration of newly conquered territories but whole departments of the civil government owe

212. Despatch of Government of India, Military Department, Simla, 22nd May 1879.

212a. Warren Hastings in Bengal by Monckton Jones.

their creation or early life to the army. First among the departments of government to owe their existence to the army was the Political Department. Macaulay has made us familiar with the origin and significance of the term 'political' in the history of the affairs of the East India Company. He pointed out that the only branch of politics about which the functionaries of the Company busied themselves in the early days was negotiation with the native princes. When the Company turned from commerce to politics, it was in diplomacy that its servants exercised themselves. As the officers of its armies were the nearest in place and work to the Native princes and as the ordinary servants of the Company, the Writers, the Factors and the Merchants could not be spared from the commercial business of the Company, it was its military servants that were entrusted with the business of diplomatic negotiation. It was the military officers of the Company that were detailed to the tasks of obtaining allies, or negotiating treaties or discussing questions of war or of peace with the country powers. They were at hand and proved to be the handymen of the Company in its infant steps towards empire. Major Brown was Warren Hastings' agent in negotiations with the Nawab of Oude and the Emperor at Delhi the purpose of whose mission at Delhi was " to collect the materials for a more complete authentic knowledge of Shah Alam's Court and of the independent chiefs and states whose territories border on his."[213] Col. Upton was sent by the Government of Fort William in 1775 to negotiate a treaty for the cession of Salsette and Bussein. Captain, later Colonel Kirkpatrick was sent as Resident at Gwalior, Persian translator with Lord Cornwallis in the Mysore War, mediator in Nepal until then never visited by an Englishman between the Nepalese and Chinese in 1793, Resident at Hyderabad in 1795 and after meeting Lord Mornington at the Cape became his Military Private Secretary and Secretary of the Political Department. His brother Captain later Major and Colonel

213. Cambridge History of India, ch. XXXII.

Kirkpatrick was the Marquis of Wellesley's Resident at Hyderabad from 1797 to 1805. The great Wellesleyan policy of neutralizing the influence of France at the Hyderabad Court was translated into action by this Kirkpatrick. His activities and correspondence make one doubt whether the Marquis of Wellesley owed his ideas on the subsidiary system to himself or to his forceful agent.

Sir John Malcolm who as Lieut. Malcolm had learnt Persian and Indian History and had sent reports on the States of Hyderabad and Mysore and British relations with them and thereby attracted the attention of the Marquis was in 1795 appointed assistant to the Resident at Hydrabad setting his foot on a ladder that was to take him to the highest posts in the gift of the Company. Diplomatic missions to Persia in 1800 and 1806 and 1816 and the Residency at Mysore, treaty negotiations with Holkar, and Balaji Row Peshwa, work as Governor-General's Agent with the rank of Brigadier-General with Sir T. Hislop's army in Central India in 1827 and in the settlement of Central India, leading in the end to the Governorship of Bombay make up one of the finest records of service rendered by a military officer to the civil government of India. Major Lyner was sent at first by Lord Teignmouth in 1795 by the Marquis in 1801 to check the attempt of the French to secure a footing in Burma. In the Marquess of Wellesley's time almost all the important Residencies were occupied by military officers, Captain Kirkpatrick at Hyderabad, Col. Palmer at Poona, Col. Collins at Gwalior, Col. Close whose extraordinary skill in the country languages and experience in the manner, customs and habits of the natives of India induced the Marquess of Wellesley to choose him to be Resident at Mysore, Col. Scott at Lucknow, Major Bannerman at Travancore.[214]

Between the years 1805-45 a number of Residencies and Political Agencies were filled by military officers—Col. Walker, Resident at Baroda, 1802-07, Governor-General's Agent in

214. Marquis of Wellesley's Despatches, ed. by Martin Vols. I & II

Gujaret, 1809-12 and Major Low at Lucknow, 1831-42, Captain Tod, later to become Colonel and the *laudator temporis acti* of the Rajputs as Political Agent for the Western Rajputana States (1818-22), Lieut. Col. Lockett, Agent to Governor-General for Rajputana States, Captain Masson, Commissioner with Baji Row, Lieut. Col. Stuart, Resident at Hyderabad,[215] Henry Russell[216] the most promising young man the Marquis of Wellesley knew who had lived 20 years in Hyderabad, 10 years as Resident there (1811-1820) during the Mahrattah-Pindari Wars, Col. Mackeson, Political Agent in the Afghan War in the Khyber and at Peshawar, 1837-42 of whom Lord Dalhousie wrote in his epitaph "to lose him would have dimmed a victory, to lose him by the hand of a foul assassin is a misfortune of the heaviest gloom for the Government which counted him among the bravest and the best,"[217] Sir William Nott, Resident at Lucknow in 1842, Sir George Pollock, Resident at Lucknow in 1893, Major Broadfoot, Agent to Governor-General in North West Frontier. (1842-1844) "the right hand man of Lord Hardinge in the Sikh negotiations." In 1836, Lord Auckland[218] admitted "there would always be a large number of military officers in the Political Department." Complaints were heard in 1845 from the Civil Service arising out of their late exclusion from employment in the Political Department.[219] In 1849 in the Bengal Establishment there were 37 military officers in the Political Department of whom 3 were Residents and 6 Agents to the Governor-General, in the Madras Establishment there were 12 of whom 2 were Residents and one was Commissioner for the Government of Mysore, in the Bombay

215. Political, Miscellaneous, 169-A, Proceedings 1821 and Foreign Department Political Orders, 1832, Vol. I, Imperial Record Department, MSS.

216. Buckland—Dictionary of National Biography.

217. Buckland—Dictionary of Indian Biography.

218. Minutes by Governor-General, Lord Auckland, dated 1st June, 1836, Home Public Proceedings, January to June, 1836—Imperial Record MSS.

219. Tucker, Memorials of Indian Government, p. 66-67.

Establishment there were 23, who included 2 Residents and six Political Agents.[220]

The last decade of Company rule was illustrated by the career of half a dozen officers who singly would have illustrated the diplomatic or administrative annals of any decade in the history of the world. Herbert Edwardes, after fighting at the battles of Moodki and Sobraon became first assistant to Sir Henry Lawrence, Resident at Lahore, organised the Revenue Settlement of the northwest of the Punjab, took to the battlefield again against Moolraj and the Sikhs, appointed Commissioner of Peshawar in 1851, kept the North West frontier safe during the Mutiny and raised the body of troops which under Nicholson was to help in the winning back of Delhi. Harry Lumsden who also won his spurs in the Sutlej campaign of 1845-46, wounded at Sobraon, was appointed assistant to Sir H. M. Lawrence at Lahore, formed the celebrated Corps of Guides which was to play a memorable part in frontier warfare, originated the khaki uniform for the Indian army, organised peaceful relations with the frontier tribes, was sent on a political mission to Kandahar in 1857-58 and retired with the rank of Major-General. Eldred Pottinger came out in the artillery in 1827 to explore and obtain information in Central Asia. Disguised as a horse dealer and later as a man of religion, he traversed Afghanistan, helped the Afghans against the Shah of Persia and saved Herat by "his skill, vigour and personal courage in its defence". Appointed Political Agent at Herat, he was one of the hostages sent to Kabul during the Afghan rising till the relief in 1842 by General Pollock. James Outram entered the Indian army at the age of 16, a Nimrod in his time, in 10 years in at the death of 191 tigers, raised a Corps of Bhils in Khandesh, appointed Political Agent in Mahikanta in 1838, took part in the Kabul campaign of 1838-39, appointed in 1839 Political Agent at Hyderabad in Sind and in 1841 in Upper Sind. Differing from Sir Charles Napier and Lord Ellen-

220. East India Register and Army List, 1849.

borough on the question of the annexation of Scinde he advocated the cause of the Amirs of Scinde in India as well as in England. Distinguishing himself by his heroic defence of the Hyderabad Residency in Scinde on February 15th, 1843 against 8,000 Baluchis he was promoted Lieutenant Colonel and awarded a companionship of the Order of the Bath. Appointed Resident at Satara in 1845 and in 1847 at Baroda where he exposed Baroda Kutput he was removed by the Government of Bombay but reinstated by Lord Dalhousie who appointed him to the Residency at Lucknow in December 1854, Chief Commissioner of Oude when Oude was annexed on his recommendation. Placed in command of the Persian War in 1856-57 he was made a Grand Commander of the Order of the Bath. Playing in the Mutiny a part consistent with his past military record he deserved by his conduct of courtesy and chivalry the title of the Bayard of India which Napier had given him in 1848. After the conclusion of the Mutiny Outram became Military Member of the Governor-General's Council. Sir Henry Lawrence fought in the first Burmese War, 1826, in the first Afghan War, 1838, was appointed Resident in Nepal 1843-46 was appointed during the first Sikh War Agent to the Governor-General for the Punjab. Although opposed to the annexation of the Punjab, he was appointed first Resident at Lahore, succeeded in getting the surrender of Kashmir to Gulab Singh, was appointed first President of the Board of Administration of the Punjab and Agent to the Governor-General and when the Punjab Board was broken up in 1853 was transferred to Rajaputana as Agent to the Governor-General and later Chief Commissioner and Agent to Governor-General in Oude and died in the heroic defence of Lucknow which he had organised, " trying to do his duty " as ever in his wonderful career. John Jacob who fought in the Afghan and Scinde Wars became Political Superintendent of Upper Scinde in 1847, was engaged in the pacification of the hill tribes, gave a name to a frontier town, negotiated a treaty with the Khan of Kelat in 1854, officiated as Commissioner of Scinde in 1856, took part in the Persian War of 1857,

raised two regiments of infantry, equipped according to his own ideas and called 'Jacobs' Rifles and left behind him a name that is remembered for the pacification and settlement of Scinde and Baluchistan frontiers.[221] Robert Sandeman who joined the 33rd Bengal Infantry, later Probyn's Horse and the 11th Bengal Lancers, saw service in the Mutiny. Appointed to the Punjab Commission by John Lawrence, placed in charge of the frontier districts of Dera Ghazi Khan, negotiating a treaty with the Khan of Kelat in 1876, appointed Agent to the Governor-General in Baluchistan, 1877-92, he gave his name to a frontier policy and system of administration.

The transfer of the government from the Company to the Crown saw no diminution in the strength of military officers in the Political Department. In 1861 in the Bengal Establishment there were about 21 military officers of whom there were 2 Residents and 3 Agents to the Governor-General, in the Madras Establishment there were 11 Political Agents and Assistants to Political Agents, in the Bombay Establishment there were 18, 2 Residents and the others Political Agents and Assistants to Political Agents.[222] In 1865-66 in the Central India Agency of the 8 agents and assistants 6 were military officers.[223] In 1875-76 in the Rajputana Agency almost all the Political Agents were military officers, the only civilian being A. C. Lyall, the Agent to the Governor-General.[224] In January 1881, 120 out of 222 (which included officials in the Mysore and Berar Commissions and therefore performing administrative and not political duties) were military officers, in 1890, 154 out of 245, in 1900, 114 out of 175, in 1936, 130 out of 165 were military officers in the Political

221. General John Jacob, by Shand.

222. The Indian Army and Civil Service List, January, 1861.

223. Report on the Political Administration of the Central India Agency of 1865-66.

224. Report on the Political Administration of the Rajputana States, 1875-76.

Department.[225] In 1902,[226] 26 out of 36 Residents and Political Agents were military officers, in 1910,[227] 38 out of 58, in 1936, 5 Residents, 16 Political Agent including agents to Governor-General, one Under Secretary, Foreign and Political Department, were military officers.

In the latter part of the Crown era some of the most famous diplomatic work lies to the credit of military members of the Political Department. Warburton son of a military officer and an Afghan lady, niece of the Amir Dost Muhamed, came out to India in the Royal Artillery, appointed to the Punjab Commission in 1870, served as Political Officer in the Khyber (1879-97) in the Khyber Rifles and wielded great influence with the Frontier Afghans. Col. Deane entered the English Army in 1874, entered the Punjab Commission in 1885, appointed Chief Political Officer with the Chitral Relief Force, Political Agent at Malakand, Political Resident in Kashmir in 1900 and Chief Commissioner and Agent to the Governor-General in North West Frontier Province. H. M. Durand entered the Bengal Engineers in 1820, went with the army to Kabul in 1838-39 became Lord Ellenborough's Private Secretary, was first at the battles of Chillianwallah and Gujerat, became Political Agent at Gwalior and Bhopal and after the Mutiny became Foreign Secretary to the Government of India, 1861-65 and Military Member of the Governor-General's Council and Lieut-Governor of the Punjab in 1870. Sir Francis Younghusband who joined the 1st Dragoon Guards in 1882 and had travelled widely in Manchuria and Chinese Turkistan and the Pamirs was appointed Political Agent at Hunza, and British Commissioner to Tibet in 1903-04 and negotiated a treaty at Lhassa.

225. Half yearly list of officers holding Foreign Gazetted appointment, 1890-1900, and Quarterly List of the Foreign Department, 1st July 1936—Government Publication.

226. List of principal Officials in India, 1900—Official Publication.

227. List of principal Officials in India, 1910—Official Publication.

The Army and the Police.

After new territory had been conquerred by the army, its rule was generally in the hands of military officers. Even after civil administration had been set up, the maintenance of law and order was largely in the hands of the army. In Madras the native troops were sometimes used as police in the middle of the 17th century.[228] The early Company practice of sending out the military in aid of the civil power in the ordinary day to day administration of the country was probably a legacy of Moghul rule in which "the frequent detachment of a military force to every quarter of their territory was indispensable to keep the country in subjection and annually to collect its revenues".[229] The Company's Government experienced at first the same necessity, which was reduced only when a separate police service was raised. The employment of military troops in the maintenance of the peace of the country was frequent towards the end of the 18th century. The Supreme Government at Calcutta in 1806 recommended that military forces should be restricted to the service which occasioned its employment after which they should be remanded to its established station. The magistrates were instructed to avoid application for military aid, excepting in cases of indispensable necessity. The employment of the troops was not to be considered to be among the ordinary measures of enforcing obedience to the laws. In spite of the orders of 1806 the native troops continued to be the police force of India,[230] the Barkandazes or armed attendants of the magistrates being totally inadequate if not supported by the regular troops. The police work of the military was so extensive and frequent that it was rare for even half a battalion

228. Love, Vestiges of Old Madras, I, 142, 145.

229. Lord Moira's Judicial Minute, 2nd October, 1813, in Papers relating to Police etc., in Bengal in Parliamentary Papers, 1817.

230. Report of Police Committee, 24th December, 1806, Madras Judicial Selections in Selections of Paper for records of East India House, Vol. II, 1820.

to be found at headquarters. Their police duties were numerous—occupation of dependent stations, detachments with treasure which was in constant transit, escort of stores periodically despatched from Calcutta to the several provinces, custody of prisoners transmitted from different parts for trial before the Courts of Circuit and guard of jail vans.[231] In Bengal there were for a number of years early in the 19th century certain regiments called "provincial battalions" attached to the police, a sort of military police.[232] They were found to be useless, inefficient as a police force, and a failure when their military mettle was put to the test. They were done away with by Lord William Bentinck.[233] In Bombay in 1820 military guards employed on civil duties numbered upwards of 600 men and, including the Northern and Southern Kandesh, not short of a complete battalion.[234] In the Punjab on the morrow of the conquest, the police establishment consisted of the preventive police with a military organization and the detective police with a civil organisation. The military preventive police consisted of six regiments of foot and 27 troops of horse, each regiment having its own native commandant, the whole force being superintended by 4 British officers, and Police Captains. Its number was 8,100 men, 5,400 infantry and 2700 cavalry, Sikhs predominating in one regiment and Muhammadans in the other three. Both arms of the service were regularly armed and equipped. The infantry furnished guards for jails, treasuries, frontier posts, and city gates, escorts of civil officers and for treasure in transit. The cavalry were posted in detachments at the civil stations and smaller portions at convenient intervals along the grand lines

231. The Marquis of Hastings' Summary of the Operation in India and their results and Appendix to Report of Select Committee on Indian Affairs, 1832, Vol. I.

232. Evidence of F. J. Halliday, 14th May, 1853, before Select Committee on Indian Territories, 1853, Minutes of Evidence.

233. Halliday, in *op. cit.*

234. Selections from the Minutes etc., of Mountstuart Elphinstone, ed. by G. W. Forrest.

of communication in the Punjab serving as mounted patrols.[235] The conquest of the Punjab led to the formation of the Punjab Police Battalions.

The conquered province of Scinde also was endowed by Sir Charles Napier with a military police on the model of the Royal Irish constabulary. In Scinde the Lieutenant or Captain of Police of a district was the head of the preventive as well as the detective establishment whereas in the Punjab the detective police was under a civil officer and the head of the whole police of the District was the Civilian Deputy Commissioner.[236] Sir Charles Napier's military police consisted of 2,400 cavalry and infantry clothed and drilled like soldiers and spread all over the country. The cavalry a sort of gendarmerie connected the stations of the rural police patrolling all over the country, assembling to attack robber bands which were thus destroyed.[237]

On the morrow of the Mutiny more than one of the northern provinces resorted to the formation of military police. In Oude where a large body of military police had been raised during the Mutiny a body of military police consisting of 55 cavalry and 12 infantry the former 793 and the latter 600 strong were raised by Major Bruce, recruited from Sikhs, Pardesis, Jats, Afghans, Kurmis, Chamars and other sturdy peoples without distinction of caste or creed.[238] In the North West Province at the close of 1858 the military police consisted of 101 European officers, 16 Non-Commissioned Officers, 5,537 horses and 19,247 foot. In 1859-60 the military police of the North West Province had heavy work to do which included the putting down with the aid of force from the native states of Mewar, Jaipur and Baroda the Mina

235. Rickett's Report on Civil Establishments and salaries, 1851.
236. Rickett's Report on Civil Establishments, etc., p. 643.
237. Life and opinions of Sir Charles Napier, Vol. IV, 1849.
238. First Report of Administration of Oude, Parliamentary Papers, extracted in Annals of India Administration, Vol. IV.

marauders.[239] Military police were organized in the province of Agra after the mutiny. Smaller battalions of military police existed in Bengal[240] after the Mutiny and were used for the suppression of riots and violent breaches of the peace. In 1858-60 the military police in Bengal consisted of 10 battalions of infantry, 2 squadrons of cavalry, beside the Sambalpur battalion and the Kooki levy with an average strength of 700 men, recruited from the tribes of the North West Province under the command of an officer called the Inspector-General.

The new police forces officered by military men.

Even when after the Crown took over the administration steps were taken to establish a civil police system throughout the country, the organizers and heads of the new police forces were military officers. In the Punjab, Major Hutchinson in 1861-62 organised the new civil police and was its first Inspector-General.[241] In 1867 instructions[242] were issued by the Government of India to provincial governments to reduce the military element to the minimum absolutely necessary for the duties which in some of the wilder districts could not properly be performed by a purely civil constabulary. The proportion of military men officering the new police forces was at the same time ordered to be reduced.

In 1907 military police totalled 20,000 and were maintained in unsettled frontier tracts in Bengal, Assam, Burma and the North West Frontier Province. Three quarters of the force was maintained in Burma and though under the local government was organised in battalions under military officers and largely recruited from the martial races of Northern India.[243] As late as 1908 the Mewar Bhil Corps was

239. Report of Administration of North West Provinces, 1859 in Annals of India Administration, Vol. IV.

240. Imperial Gazetteer, Vol. IV, Ch. XII, 1907.

241. Report of Administration of Punjab Territories, 1861-62.

242. Summary of measures in the administration of Sir John Lawrence, 1864-68, Official Publication, 1869.

243. Imperial Gazetteer Vol. IV, Ch. XII, 1907.

converted from a regiment of the regular army into a battalion of military police. In 1909 the military police battalion was reorganised in the Andamans and the Nicobars. And all over India a quasi-military force has been in existence since 1886. In that year Lord Dufferin's government disturbed by the large number of serious riots on the occasion of the great Hindu and Mahomedan religious festivals and by the inefficiency of the ordinary police in dealing with these forces advised local governments to organise the formation of semi-military reserves armed and disciplined on the same principle as the Irish Constabulary which might be kept at certain centres and made use of when serious trouble occurs in any large town.[244]

Traces of the military origin of the Indian Police remained long after the police became thoroughly civil. Of the first civil police in Bengal it was noted that the military men that were first appointed as Superintendents of Police were useful in drilling their men but as a rule without experience in the management of a body of men not to be employed in the fighting of battles but in the prevention and detection of crime in a peaceful country. The Indian Police has been successful in the suppression of dacoits and organised crime rather than in the prevention and detection of ordinary crime, the detective agency often proving incompetent, supine or dishonest.[245] That the police force is centralized, imposed on the people from above rather than a local growth is also due to the military origins of the police in India.

The Army and Indian Survey.

An important department which serves not only military but civil purposes that was created by army officers was the Survey Department. It was the military motive that led to its creation. "So much depends" wrote the Court of Direc-

244. Summary of the principal measures of the Viceroyalty of the Marquis of Dufferin and.....Calcutta, 1888.

245. Imperial Gazetteer, Vol. IV, Ch. XII, 1907.

tors in 1767[246] "upon the accurate survey both in military operations and in coming at a true knowledge of the value of your provinces" that they took the initiative and appointed Captain Rennell to be the first Surveyor. The first officers appointed to serve under Captain Rennell were also military officers. The great work of Rennell was the Bengal Atlas finished in 1779-1781 and the Memoir of a Map of Hindustan made him the greatest geographer of his age and procured him the honour of burial in Westminster Abbey. To have produced in 1788 a descriptive geography of India[247] which took in its sweep the Punjab and Kashmir was a feat worthy of the greatest geographers of history. Col. Wellesley in 1799 complained of the absence of a Surveyor-General and his office where the plans and maps of the officers who made surveys could be examined and arranged and urged the appointment of such an officer.[248] Since then the heads and chief officers of the Survey of India have belonged to the army. Col. Lambton revolutionized the survey methods then in vogue and placed them on a scientific basis. He began the work of the Great Trigonometrical Survey of India in 1802. In 1818 the Trigonometrical Survey which till then had been within the jurisdiction of the Madras Government was transferred to the control of the Government of India. Col. Lambton was to the day of his death in 1823 at Hingarghat in the Central Provinces engaged in his great work of the triangulation.[249] Col. Colin Mackenzie of the Madras Engineers, commissioned by Cornwallis to examine the geography of the territory ceded by Tippoo in 1792 was appointed Surveyor-General of Madras in 1810 and Surveyor-General of India in 1816, and is remembered by his famous collections of manuscripts. Col. Sir John Everest continued the work of

246. Imperial Gazetteer, Vol. IV.

247. Memoir of a map of Hindustan in the Moghul Empire, by James Rennell, ed. 1788-1792.

248. Arthur Wellesley to H. Wellesley, 2nd Aug., 1797, in Supplementary Despatches, ed. by his son, Vol. I, 1858.

249. Imperial Gazetteer, Vol. IV.

Lambton, introduced the Gridiron system into the operations of the Trigonometrical Survey and has given his name to the proudest mountain peak of the world. Sir Henry Lawrence earned his laurels in his survey work in the North-West Provinces and earned the title of Gunpowder Lawrence for not only the methods of his profession but for his bursts of activity.[250] Till 1818 the Surveyor-General was under the Military Board but in that year he was brought under the Public Department.[251] In 1878 the three branches of the Survey department—trigonometrical, topographical, revenue—which had hitherto been under separate Superintendents were unified into one department called the Survey of India. In 1904 a Committee appointed to report on the state of survey maps in each province and the measures required to keep them up-to-date recommended that cadastral and other like Surveys should be left entirely under the control of local governments as had been the case in Madras and Bombay.[252] The Survey of India has continued to be confined in the highest cadre to military officers—Royal Engineers and Indian Army Officers. In 1936 the Surveyor-General, 4 Directors, 14 Superintendents and 7 Assistant Superintendents were military officers.

By gathering and scientifically consolidating knowledge of the topography and geography of all parts of India these great officers did work that has not only added to the scientific knowledge but has accrued to the political advantage of India. They have taught the people to know their country as they never knew it before—its features, its physical build, the manner of its figure, its boundaries, its magnitude, the altitude of its mountain peaks. By the work it did in the delimitation of its political boundaries as in the work of Sir

250. Life of Sir H. Lawrence in Lives of Indian Officers by Kaye.

251. Resolution of Vice-President in Council, 5th June 1818, Home Department Publication, 1818, Imperial Record MSS.

252. W. S. Meyer, Memorandum presented to Royal Commission on Decentralization, 1909.

Thomas Holdich on the North-West Frontier of India or the Russo-Afghan Boundary Commission of 1884,[253] it gave edge and definition to the patriot's love of the land of India. By teaching the officers of the Revenue Department survey work it has contributed to the effectiveness of land revenue administration. In their lonely wanderings, in forest, swamp and deserts, beset by malaria and the fear of wild beasts, with their triangles and sub-triangles, their "series," baselines and arcs, the officers of the Survey of India have contributed not a little to the political unification of India.

The Army and the Indian Road.

Not only was the country surveyed by the army, it was furnished with its first means of communication. The modern road system of India owed much to the operations of the army. It is said that the first portion of the famous Grand Trunk Road from Calcutta to Benares was made by Captain Charles Rankin under the government of Warren Hastings.[254] Fair weather roads were made by and for the use of armies on the march but they were maintained only as long as they were required by the army and thrown into neglect when armies did not want them. The mountainous nature of the tracts where the armies of Cornwallis and Wellesley operated in the Mysore and Carnatic Wars required roads to be made for the army's march. One such road was made for the use of General Wellesley's artillery up the Bhore Ghat between Bombay and Poona.[255] General Wellesley[256] realised the importance of the road for the army and frequently advised the making of roads for the passage of his armies especially for the carrying of heavy artillery—although the

253. Sir Thomas Holdich in Dictionary of National Biography, 1922-30.

254. MacGeorge, Works and Ways in India. ch. II.

255. *Ibid.*

256. Supplementary Despatches of Duke of Wellington, ed. by his son, Vol. I, 1858.

availability of the pack-bullocks of the Brinjaris made the road less necessary than the cart or the carriage would have made it. Captain Read who was commissioned by Lord Cornwallis suggested that the corps of Pioneers could not be better employed than in repairing the high roads used by merchants.[257] Although the armies of the early wars made the best of the roadless conditions that confronted them as soon as the army authorities had time to look round them they realised the importance of roads for the army. In 1814 roads in northern India in the territories where Lord Hastings conducted his wars of which many were near completion were under the superintendence of the Quarter-Master-General. Some of the branch roads were not less than 200 miles in extent with numerous bridges over streams till then impassable for long terms through the casual swelling of waters.[258] The definite construction of the Grand Trunk Road from Calcutta to Delhi and on to the north west was undertaken in the regime of Lord William Bentinck. The Grand Trunk Road was mainly built for the use of the army in the first instance and was called the Gun Road by the people of those days. The military motive predominated in the making of the roads of the Punjab soon after its conquest. Military roads belonged to the first sort of roads classified by the Punjab Board of Administration. The first roads of the British in the Punjab converged on Karnal the frontier post whence watch was kept on the Sikh States. The establishment of Ludhiana cantonment in 1809 had opened out the road via Ambala and Sirhind subsequently extended to Ferozepur, the second cantonment guarding the Sutlej. A road from Hansi through the Sikh States of Jind, Patiala and others was also found built about 1840 for military considerations.[259] The

257. Captain Read in his Report to Lord Cornwallis in the Baramahal Records.

258. Lord Hastings in his Survey of the operations of India with their results from 30th April, 1814 to 31st January 1823.

259. Trevaskis—The Land of the Five Rivers, Chapter V.

section of the Grand Trunk Road from Lahore to Peshawar along which the army of the Punjab was marched received the special attention of Lord Dalhousie.[260] In spite of the great engineering difficulties presented by the rivers to be bridged, the defiles to be passed, the torrents to be spanned, the mountain sides and crests to be cut through, the whole line was traced, surveyed and built before the Board's rule came to an end. Other roads in the Punjab built in this period which also served at first military purposes were those from the Beas to Lahore, from Lahore to Ferozepore, the Trans-Indus-Derajet line, from Attock to Kalabagh via Rawalpindi and the one leading through the Kohat pass into the Peshawar valley.[261] After the Sepoy Mutiny the military necessity of improving the road system of India which had been brought home to the authorities by the operations of the armies in these campaigns served to increase the mileage of roads in India. The bridging of the Indus at Attock was undertaken by means of a tunnel under the river. But this project was abandoned for the combined road and railway bridge which began to be built in 1870.

The Army and the Indian Railway system.

The railway system of India owes some of the peculiarities of its development to the army. The project of a railway in India to be laid with government help was first discussed in the regime of Lord Hardinge. He urged the grant of help to the project of a railway line between Calcutta and Delhi on the ground that on military considerations alone the grant of one million sterling or an annual grant of 5 lakhs of rupees may be contributed to the great line when completed from Calcutta to Delhi and a pecuniary saving be effected by a diminution of military establishments.[262] In his opinion the

260. Report on administration of the Punjab, 1849-50 to 1850-51—(1853).

261. *Ibid.*

262. Quoted in MacGeorge Ways and Works in India, Chapter VI.

reason for such assistance arose from the military and political advantages to be derived from the lines when completed.[263] He gave his approval to the Grand Trunk Line now the East Indian Railway on this ground. The carriage of troops or military stores was one of the conditions on which the Government accepted the guarantee system.[264] Lord Dalhousie's improved strategic distribution of military forces led him to plan the railway system of India for the defence of the country. He would consolidate the newly annexed territories of India by his railway and increase the striking power of his military forces.[265] The North Western Railway appeared to the maker of the Punjab "the most important line in the Peninsula, for the Punjab section of the line in a military and political point of view would be more consequence than perhaps any other part of the railway for, following generally the line of the Grand Trunk Road it would bind together the series of first class military stations held by the Indian army; it would connect all of them with the most salient point in Peshawar of the most important of the several frontiers by which the British Empire in the East is bounded.[266] The Punjab Railway system as it developed soon after the Mutiny was built for strategic reasons in advance of commercial and industrial requirements.[267] The alignment of more than one railway line like that between Madras and Raichur or between Secunderabad and Wadi which avoided many of the chief towns of this part of the Madras Presidency served strategic rather than commercial purposes. The Indus Valley Railway although it subsequently served commercial purposes was first built for strategical reasons.[268] The net cost of

263. Hardinge by Viscount Hardinge in Rulers of India Series.
264. *Ibid.*
265. Hunter's Lord Dalhousie, Chapter X.
266. Report on Administration of Punjab Territories from 1854-55 to 1855-56.
267. Trevaskis—Land of the Five Rivers, Chapter V.
268. Mallet's life of the Earl of Northbrook.

military lines—there was no question of their paying their way—was Rs. 95,272 in 1885-86 and rose to Rs. 612,269 in 1893-94.[269]

The Battle of the Gauges.

The battle of the railway gauges was largely a military battle. The action of Lord Mayo's Government in adopting the metre gauge of 3 feet 3 inches was opposed to military opinion for the reason that it was not adequate for the transport of troops and munitions and materials of war. Although the metre gauge was adopted thanks to the support of the Home Government, Lord Northbrook effected a compromise by which the Muttra, Punjab and Indus Valley lines were gained for the broad gauge. In 1873 Col. Roberts, Quarter-Master-General raised a strong protest against the break of gauge of the frontier railways and drew attention to the confusion that would occur if the troops and munitions of war were brought by the broad gauge railway more rapidly than they could be carried forward.[270] In 1879 during the Afghan War General Kennedy, Director of Military Transport complained that the railways were not forwarding troops and military stores to the front with sufficient despatch. At Jhelum, an officer found "an enormous area of land, many acres in extent crowded with military stores, carts, baggages, tents and war material of every description piled one on another in the utmost confusion, 16 trains arriving a day each adding to the confusion." Col. Roberts' protest led to a complete change of policy with regard to the Frontier railways. The battle of the gauges had to be fought on the floor of the House of Commons. A resolution was moved in March 1873 that it was contrary to imperial policy to allow a break of gauge in the railway communication between the important frontier line of Peshawar and the main railway system of

269. Report of the Royal Commission on the Administration of the Expenditure of India Volume IV.

270. Molesworth—Battle of the Gauges—Asiatic Review, May. 1914.

India. The arguments used were mainly military, that Peshawar was the Metz of India, that 5000 miles had already been constructed on the 5 feet 6 ins. gauge at a total cost of £90,000,000, that the line between Lahore and Karachi, the nearest port of shipment from England and where in any emergency stores and troops would arrive most speedily from England had been constructed on the broad gauge and finally the advantage the Germans had derived in the Franco-Prussian War from unbroken gauge.[271] The Indus Valley railway 500 miles long and other frontier lines originally constructed on metre gauge have had to be changed to the standard gauge.[272]

The Army and Indian Sanitation.

Even more beneficient activities of the Government are traceable to the army. The history of organised sanitation in India begins with the report of a Royal Commission in 1863 on the state of sanitation in the army. In commenting on the health of the troops this Commission laid stress on the evil effects on the army of the insanitary conditions of the country and of the general population. Sanitary Boards or Commissions were appointed in each Presidency principally for the army but also for the care of the health of the general public. Similarly the general medical service of the Government of India began in military origins. The Indian Medical Service was and is primarily a military service and its members were and are commissioned officers of the army. At first corresponding to the three Presidential armies there were three district branches of the Indian Medical Service, the Bengal service having been created as far back as 1764 to afford medical relief to the troops and recruits of the Company, the Madras and Bombay Services having similar beginnings. With the amalgamation of the Presidency armies into the Indian Army in 1896, the Indian Medical Service also became one.

271. Hansard, Vol. CCXIV, 1873.
272. Molesworth—Battle of the Gauges—Asiatic Review, May 1914.

The fame of the Indian Medical Service outside India is due to the work of one officer, Major Ross who discovered the malaria mosquito during his service in India. An army Veterinary Department preceded the Civil Veterinary Department with which it was absorbed in 1907.

The Army and Land Revenue.

Departments where one would have least expected the army to flourish witnessed the activity of military officers, Land Revenue administration had no terrors for the military officers of the 18th century. We need not linger over the military farmers of revenue of Warren Hastings' creation for Burke has said all that could be said against them, over Col. Hannay, farmer-general, civil officer and military commander of Burratch and Gurrackpore or Major Osborne who having suffered in his preferment by the sentence of a court martial was appointed to the administration of the revenues of Oude, or the other military purveyors of revenue complained of by the Nabob Vizier to the Governor-General, for the employment of military men as farmers of revenue, as masters of markets and gunges, this departure from the military character and from military duties introduced that peculation which tainted the army and desolated the dominions of the Nabob Vizier.[273] The work of Captain Read and Col. Munro for the Ryotwari system of Madras is an oft told tale. Captain Robertson organised the land revenue in the Poona collectorate soon after conquest of the Mahrattas in 1820. Lieut. Wingate did the survey of the Poona district. Col. Pottinger did settlement work in the Dekhan and Col. Jacob did similar work in Scinde. Lieut. Col. Barwell was employed in the Land Revenue Department of the Bombay Government for 12 years and Lieut. Col. Sykes was Statistical Reporter to the Government of Bombay. Military men were used in Land revenue administration because they were known to be qualified for

273. Speech of Burke, 5th June 1794 in Speeches on the Impeachment, Vol. II, Bohn's edition.

the work. Lord Cornwallis had wanted the services of Captain Read and Col. Munro because they knew the languages and were familiar with the lives and customs of the people. It was thanks to his military collectors, Lord Cornwallis thought that the Ceded Districts of the Madras Presidency turned out to be much more productive than they were expected to be.[274] But Lord Wellesley in 1799 while acknowledging with satisfaction the great services of Lieut. Col. Read and other military officers in the administration of the revenue was decidedly averse to the systematic employment of military collectors and assistants and urged that all appointments made under the immediate urgency of the case be revoked and proposed that in the room of military assistants gentlemen from the civil service be invariably chosen for those situations.[275] The Court of Directors had also to take notice in 1804 of this employment of military officers in the revenue and reminded the Madras Government of an Act of Parliament according to which all civil offices of the Company's Service must be filled by civil servants and directed that no military officer be in future appointed a revenue collector until it shall have been fairly ascertained that the vacancy could not be supplied from the civil line of the service.[276] But the practice of appointing military officers to the Revenue Departments of newly conquered provinces continued, circumstances getting the better of the policy of Government. Most of the Collectors appointed in the Punjab, Scinde, Central Provinces soon after their creation were military officers. Major Lawrence, Lieut. Lumsden, Lieut. Edwards proved to be as good collectors of revenue as they were soldiers and diplomatists.

274. Cornwallis Correspondence Volume II, Letter to Dundas, December 10th 1792.

275. Extracts from Minutes of July 1799 published in Appendix M. to Report from Select Committee on affairs of East India Company, 1832.

276. Extracts from Revenue Letter to Madras, 2nd May 1804 in Appendix M to report from Select Committee on affairs of East India Company, 1832.

The Army and Indian Forests.

The Forest Department in India owes its foundation to an army officer. In 1848 Lieutenant, later to become Major General, James Michael, was appointed Forest Officer in the Annamalais on the recommendation of Captain Frederick Cotton. From that year till 1855 General Michael was actively engaged in carrying out the first experiments made in India in working and conserving Government forests. It was his successful conduct of that experiment that led to the foundation of the Forest Department. [277] Forest Surveys have been made by officers of the Survey Department. [278]

The Army and Indian Irrigation.

The great irrigation systems of India were constructed by officers of the army belonging to the corps of Royal Engineers. The history of modern irrigation in the Madras Presidency began in 1853 with the visit of Lieut. Col. Baird Smith to all the great works of irrigation either in existence or to be constructed and with his Report submitted to Lord Dalhousie. [279] Captain Blane however, had been appointed in 1817 to restore the Western Jumna canals. The early canals from the Indus were built by Captain Baker. Sir Proby Cautley an artillery man has made the Ganges canal famous as a work of irrigation and beneficient with its gift of water to the thirsty lands of the Upper Ganges, and Jumna Doab. The Betwa canal owes its inception to Captain afterwards Major General Strachey. In the South the Cauvery, the Kistna and the Godavari systems owe their creation to the confidence and faith in himself and his ideas of Captain afterwards General Sir Arthur Cotton. Col. Dixon in 1835-36 initiated the system of storage tanks in Rajputana. All the senior officers in the Irrigation services in Northern India in the period 1852-76 were Bengal Sappers—Turnbull, Morton,

277. Asiatic Quarterly Review, January 1890.
278. Imperial Gazetteer, Vol. IV.
279. Annals of Indian Administration, 1858.

Crofts, Brownlow, and Moncreiff household words in the Irrigation service of the times were all army men. Of these Brownlow was to be Inspector-General of Irrigation in India and Scott Moncreiff went to win laurels in another land of irrigation made by a river, in Egypt of the Nile. The Corps of Royal Engineers by the work they have done for the Irrigation of India have scattered plenty in the land.

The Army and Inland Navigation.

Even the development of Inland Navigation was induced by military considerations. The improvement of the navigation of the Godavari was recommended in 1859 on the ground among others that if the effectual military occupation of the country is a necessity the claims of the Godavari as a great highway for the safe, speedy and cheap transport of troops and the munitions of war would have to be considered.[280] Masulipatam then was the Arsenal from which the great military stations of Hyderabad and Nagpur would derive their supplies of Commissariat and Ordnance stores. An alternative to railway transport, so easily rendered useless in times of war, would be of great military utility. With the preoccupation of the army being directed elsewhere, the military motive for the improvement of the navigation of Godavari weakened, and no other motive has taken its place.

The army and Public Works Department.

The organisation and personnel of the Public Works Department were for a long time military.

The first public works executed by the Company were in and around their forts. The Military Boards at the different Presidencies were in charge of the public works to be done in and for the forts and cities that grew around. The Presidential army system influenced the organization of public works and there were three Public Works Departments cor-

280. Captain Haig's opinion, Parliamentary Papers—The navigation of Godavari, 1859.

responding to the three armies. In Madras and Bombay the limits of the civil and military administration were co-extensive but in the rest of the country the various civil governments had no share in the control of the public works which were conducted direct by the Government of India through the agency of the Bengal Military Board. At a time when civil engineers on account of the remoteness of India from England and the lack of prospects of pay and continuous employment did not consider it worth their while to come to India all civil engineering was virtually in the hands of the military.[281] In 1832 Bengal had 32 engineer officers out of 37 in the Public Works Department, Madras had 28 out of 29, Bombay had 16, all engineer officers.[282] It was Lord Dalhousie that in 1854 took away civil public works from the control of the Military Board and a Public Works Department was formed for each province. Up to 1854 the control of all military works throughout the Punjab generally and of all great public works in the Cis and Trans Sutlej States was vested in the Military Board in direct subordination to the Government of India. Since May 1854 all engineering works whether civil or military or public were placed under one department headed by a Chief Engineer subordinate to the Chief Commissioner.[283] From 1854-85 the Military Works Department of India had been a branch of the Public Works Department. Then at the instance of the Commander-in-Chief the Military Works Department was constituted and placed under the Commander-in-Chief with Royal Engineers officering it under an Inspector-General of Military Works. But the military element persisted till recent times. In 1872 in Bombay there were 77 military officers in the Public Works Department in

281. Sir Henry Lawrence in Essays—Military and Political.

282. Return of Staff in Appendix No. 41 to Report of Select Committee on affairs of East India Company, 1832, Volume VI (Military and Appendix).

283. Report of John Lawrence—Chief Commissioner of the Punjab on the Administration of Punjab Territories, 1851-53 to 1855-56.

Madras 65, and 220 under the Government of India.[284] In 1895 under the Government of India there were 18, in Bengal 2, in N. W. Provinces 7, in Punjab, 10, in Madras, 9, in Bombay, 8, in 1920 under the Government of India (Railways), there were 38, in the United Provinces, 8, in the Punjab, 4, in Bombay, 2, in Madras, 1.

Military men in civil employ.

The large employment of military men in almost every department of civil administration in the early days of the Company will remind the historian of the practice in the Roman Empire till the time of Hadrian when civil servants had to undergo military careers, a purely civil service being open to the Equestrian order only after the time of Hadrian.[285] And their persistence in some branches of the civil administration down to modern times is to be explained by the fact that the men fitted the circumstances and the circumstances called for this type of men—the civil servants of the Company taking some time to shake off their old mercantile character.[286] Their peculiar competence for employment in the Political Department is easily acknowledged—their military habits and behaviour were congenial to those of the chiefs to whom they were accredited. Dundas[287] was of opinion that military men were the best of all Governors for India. This experience in military affairs enabled them to act in conjunction with the troops of the States not to speak of their knowledge of the languages of their country.[288] The records of the Company would in the opinion of Sir John Malcolm prove in the most incontestable manner that in the

284. Army and Civil List, 1872; India Office List, 1895; India Office List, 1920.

285. Jones—The Roman Empire Story of Nations series.

286. Kaye's Life of Sir John Malcolm.

287. Dundas to Cornwallis, 22nd July 1787, Cornwallis Correspondence edited by Ross, Volume I.

288. Letter of Lieut. Col. Salmond, 24th February 1832. Appendix B, Report of Select Committee on affairs of East India Company, 1832.

various situations civil and political which military men had been called upon by emergencies to fill during the days of the extension and consolidation of the Company's forces in India they had rendered the greatest service.[289] The reason given by high authority for the large employment of military men in the Political Department in the early years of the 19th century was that as the commercial, judicial revenue and financial establishments open a large field for the industry and talents of the civil servants the number of those that had qualified themselves for political situations was not sufficient to meet the demand of this branch of the service. This cause had operated even before the vast extension of political influence that took place in the time of the Marquess of Wellesley. Such employment had given these military men opportunities of acquiring a competent knowledge of the interests, views and powers of the different States—an advantage which only seemed to strengthen the tendency to employ them.[290] A technical cause, the lack of gradation in the Political Department, seems to have brought military men into it.[291] In 1823 the want of civil servants to supply the increased establishment of revenue officers in the western provinces of Bengal was noticed as well as the necessity for employing military instead of civil servants in the political department.[292] In 1832 Bengal had 112, Madras had 41, Bombay 12.[293] In 1849 in the Bengal establishment there

289. Letter of Major General Sir John Malcolm, 13th February 1832, in Appendix B to Report from Select Committee on affairs of East India Company 1832. Volume VI, Military and Appendix.

290. Minute by Governor-General dated 19th March 1801, Foreign Department, Memoranda, 1800-1810, Volume II, Imperial Record Department, MSS.

291. Minute by Governor-General, *Ibid.*

292. Harrington's Minute, 18th June 1823, Bengal Judicial Selections —Selection of India Papers, Judicial Selections, Volume IV.

293. Appendix to Report from Select Committee on affairs of E.I. Co., 1832.

56 military officers in civil employ, of whom 7 were Deputy Commissioners and 2 Superintendents of Police, in Madras, the Governor Major-General Sir Henry Pottinger had 43 military officers in his civil administration, in Bombay there were 34 of whom one was a Secretary to Government and another was a Collector.[294] Lord Ellenborough raised the employment of military men in civil employments to a regular policy. When Lord Ellenborough left England he was told that he would find a lack of instruments but that they were to be got from the military more than for the regular service.[295] He showed prejudice against the civil service; he removed the whole establishment of the Saugor and Narbada territories and substituted young subalterns some of them without experience in the administration of civil affairs.[296] In his prejudice against the civil service he went almost as far as the Roman Emperor Septimus Severus who on his deathbed (200 A.D.) advised his sons to heap riches on the soldiers and treat the rest of their subjects with contempt.[297] The selection of military men, complained the Court of Directors for important offices held by civilians can hardly fail to impair the efficiency of the civil service in India. This policy was one of the reasons for his recall.

This extensive employment of military men in civil service was objected to on military grounds. Brilliant men were detached from their regiments to the detriment of the efficiency of the regiments, officers by employment in civil duties became disqualified for reversion to military posts, young subalterns appointed to civil positions could not have learnt the duties of the military profession. The Duke of Wellington in 1828 wished to have an end put to this practice for the sake of the army as the regiments were

294. East India Army Register and Civil List for 1849.
295. Quoted in Durand's Life of Sir H. M. Durand, page 60, Volume I.
296. St. George Tucker, Memorials of Indian Government, pp. 339-349.
297. Quoted in Durand's Life of Sir H. M. Durand, page 60, Volume I.

left with an insufficient number of officers.[298] This military criticism found picturesque and forcible expression in the mouth of Sir Charles Napier who found in this policy another of his many grievances against the civil power of his time. He found that the officers of the Indian army looked at their regiments merely as stepping stones to lucrative civil appointment.[299] No fewer than 443 officers of the army had been withdrawn from their regiments and placed in civil appointments. Later Commanders-in-Chief have also had to complain of the appointment by the civil power of military officers to civil appointments. The proportion of military officers employed in civil departments continued to be high down to recent times. In 1861, there were 174 military officers in civil employ, in Madras 92 in Bombay 67.[300] Lord Canning commended the practice of giving civil employment and the prospect of it to officers as it gave them a much greater interest in and knowledge of the country placing them in situations of real responsibility and trial, sharpening their intellect making them readier, hardier, and more self-reliant and therefore eventually, better soldiers than they could otherwise have been.[301] In 1872 there were 135 officers in the employ of the Government of India, 60 in that of the Central Provinces, 62 in that of North West Provinces, 108 in the Punjab, in Bengal there were 68, in Madras 107, in Bombay there were 71.[302] In 1895 there were 11 in the Government of India Secretariat, in the Central Provinces 25, in North West Provinces 16, in the Punjab 31. Towards the end of the century there were still a few names found in the civil service lists of the Punjab, the Central Provinces and

298. Lord Ellenborough's Diary edited by Lord Colchester, Vol. I, page 222.

299. Napier's Defects of Indian Government, Civil and Military.

300. Indian Army and Civil Service List, 1861 and 1872.

301. Papers relating to European Military Officers in India—Parliamentary Papers, 1856.

302. Indian Official List 1895.

Berar and Assam. Although the practice of recruiting military men to civil posts was abolished, a few names were found in the early years of this century in the police, the civil veterinary military finance and army departments. While in the medical, public works, survey of India the military element persists not for the sake of service itself but for military reasons.[303] It required the decisive opposition of Lord Morley to prevent a military officer being appointed to the High Court of Lahore. In the Political department, the military proportion still continues to be respectable. And that the need for military officers may recur elsewhere is proved by their employment in the recent governorship of Sir John Anderson in certain districts of Bengal notorious for revolutionary crime.

Provinces made by the army.

Not only departments but whole provinces have been made by the army. General Wellesley had shown the way when to connect the newly conquered territory of Mysore he constructed roads, improved the drainage and constructed sanitary works in the towns,[304] reorganized the civil and military establishments put native officials like the famous Purniah in positions of responsibility. In the so-called non-regulation provinces army officers were entrusted with the whole business of government. These non-regulation parts of India were territories conquered in the course of the 19th century where the habits and customs of the people were comparatively unsettled or where the inhabitants of the neighbouring tracts were turbulent or predatory, where therefore the ordinary Regulations that prevailed in the territories of the old Presidencies could not be introduced, where the rulers had to be vested with more discretionary authority than in the old territories and where per-

303. Report of Royal Commission on the Public Services of India, 1916, paragraph 28.

304. G. W. Forrest, Life of Wellington in Sepoy Generals from Wellington to Roberts.

sonal rather than institutional rule was more needed. In those territories it was considered advisable to have military men in civil charge. The United Provinces of Agra and Oude, the Saugor and Nerbuda territories, later the Central Provinces, the Punjab, Scinde and Assam supported for long government which was of a quasi-military character or manned largely by men taken from the army.[305] Civil and criminal justice and revenue law were administered by them and all of them by the same men. The rulers of the non-regulation provinces were judges, revenue collectors, thief-catchers, diplomatists commissary officers, and sometimes even recruiting sergeants and sepoys all in one.[306] They ruled for the most part in a patriarchal fashion, by rule of thumb rather than by code of law, by common sense rather than by theory—in camp rather than in cutcherry with the four doors open—*char darwaza-kulah* as Sir John Malcolm put it. Lord Auckland in 1836 refused to yield to the demand to have the military men in civil employ in those non-regulation districts displaced by civil servants.[307] The quick and decisive methods of administration used by these military rulers of the non-regulation provinces tempted Lord Dalhousie to exclaim once. "It is not a thing that may be said in public, but I would give a great deal that the whole of India should be non-regulation."[308]

The army made the Punjab and Scinde.

There were two provinces which owed their making to the army. They were the Punjab and Scinde. As in the case of the imperial provinces of the Roman Empire the military character of the government of Punjab which down to the end of the 19th century included the frontier districts also, was an administrative necessity. The circumstances of the

305. Rickett—Report on Civil Establishments and Salaries, p. 948.

306. Kaye, History of the Sepoy War, Volume I.

307. Minute by Governor-General Lord Auckland, 1st January 1836 in Home Public proceedings, January—June 1836 in Imperial Record Mss.

308. Quoted in Hobson Jobson Glossary, by Yule.

conquest, the character and habits of the people, the military situation of the province dictated that administration should be of a military character. The first rulers of the Punjab were able army officers. At the head of the administration was Sir Henry Lawrence. He gathered around him officers who were each to secure fame as soldier-statesmen—Herbert Edwardes, John Nicholson, Macgregor and Taylor. Of these John Nicholson's work was the most romantic. Appointed Deputy Commissioner twice in the Punjab, his second tenure lasted 5 years and was spent on the outskirts of civilization bringing a wild and lawless people under the influence of his character and the vigour and justice of his rule, turned into a demi-god like the heroes of old, "standing in a class all alone" acquired the native name and worship of Nikel Sen, reducing Bannu into such a state of good order that in the last year of his charge there was not only no burglary, murder or highway robbery but no attempt at any of these crimes.[309] The proportion of military to civil officers in the Punjab Commission was high in 1854-56. Of 5 Commissioners, 1 was a military officer, of 21 Deputy Commissioners 12 were military officers, of 17 Assistant Commissioners 14 were military officers. All the three revenue surveyors and all but one of the 6 Assistant Commissioners; and all but one were military officers among the officers of the Commission deserving members in John Lawrence's Report to Government.[310] In 1861-62[311] of 7 Commissioners 3 were military officers, of 26 Deputy Commissioners 19, of 41 Assistant Commissioners, 26 were military officers.

To the army it is that the Province of Scinde owed not only its conquest but its organization under British rule. The conqueror of Scinde Sir Charles Napier ruled it for five years.

309. Life of John Nicholson in Lives of Indian Officers by Kaye.

310. Report on the administration of Punjab Territories 1854-55 to 1855-56.

311. Report on administration of Punjab territories, 1861-1862.

As soon as the military occupation began in 1842, he established a civil government in all its branches, economic, financial and judicial and organised a centralized military police. He laid the foundation of modern Karachi, which he called his hobby, built a mole for it foresaw its possibilities as no other of his contemporaries did. As in Cephalonia where he had been Governor he devoted himself to the development of the resources of the land. Realizing that water was the great need of Scinde he planned and built an Irrigation Department.[312] At the age of 63 he spent himself in the detailed administration of the province. He made all the collectors and sub-collectors keep diaries of all orders they issued and records of abstracts of all letters they wrote or received. These he religiously read to know and check what was being done by his officers. He read the records of all trials and of the examinations of witnesses before trial. Inefficient or corrupt Kardars and policemen he "smashed" by dozens. A lieutenant of police who levied money from a village and had flogged the spokesman of the village was sent a prisoner to the centre of the village where his uniform was stripped and the two dozen lashes he had inflicted on the villagers was repaid to him in kind. A Kardar of great power and influence was once discovered cheating; he was put to work in chains paid a fine of money equivalent to £500 and lost his Jaghir of 8000 acres.[313] Sir Charles Napier's administration of Scinde was more economical than it would have been under a full-fledged civil service. While civilians would turn up their noses at salaries of Rs. 700 a month, soldiers would jump at them.[314] Napier has poured contempt over the expensiveness of the "Politicals"—the four silver sticks containing 600-800 rupees that used to be carried in state before Outram, the political agency records that required 150 camels to move from Hydera-

312. Life of Napier in Sepoy Generals from Wellington to Roberts by G. W. Forrest.

313. Life and Opinions of Sir Charles Napier, Volume III, year 1846.

314. Life and Opinions of Sir Charles Napier, Volume III.

bad to Karachi, the 150 dozen of claret ordered up to Afghanistan for the fortification of the politicals at government expense. The bulk of the officials under Napier were military men. Except an Assistant Secretary at Karachi and half-a-dozen officials in the mofussil all the officers of the Scinde administration convenanted and uncovenanted, were men from the army. Not only the Police and the Survey but the Collectorates of Karachi, Hyderabad, and Sukkur, and the Secretariat at Karachi were officered by Captains and Lieutenants.[315]

The army's services to civilization—The Backward peoples.

The army has not only administered and governed territories that it conquered. Its officers have won by the arts of peace many of the peoples of India to civilization. They have brought about the pacification and civilization of many a backward and aboriginal tribe. It was these military officers with their love of sport and adventure and with their direct and irregular methods that could penetrate and establish any influence among the wild tracts which these children of nature inhabited. The Khonds of Orissa have been preserved. and civilized by the work of Lieut. Macpherson of the Madras army in the years 1837-45. His policy of raising an Irregular Police and a Khond battalion from among them was an effective way of introducing a life of law and discipline among them and starting them on the road to civilization.[316] He suppressed the custom of Meriah sacrifices by methods all his own. He persuaded them to give up the tribal practice of female infanticide in the hill tracts. Instead of shooting them down for their risings as he was advised to do by the older school of administrators he persuaded them to enter into

315. List of all officers.....in Civil employ in Scinde in 1847. Report on the administration of Scinde—Return to an order of House of Commons, dated 1st July 1850.

316. Lieut. Macpherson's Report—Memorials of service, ed. by his brother and Hunter's Orissa.

agreements to give up human sacrifices and put them on their honour to keep their agreements. He allowed them to sacrifice buffaloes, monkeys and other animals with all the ceremonies formerly used on occasions of human sacrifice.[317] Like most great reformers he was reported against but emerged vindicated from an enquiry. Although later he sank into the routine respectability of a Resident at Bhopal and Gwalior working with the famous Dewan Dinker Rao, Macpherson's name is an honoured name in the annals of civilization among the hill tribes of Ganjam and Orissa. The pacification of the tribes in the Cosseah and Jayantiah Hills in 1862 was due to another army officer and a valuable report made by Captain Newton, Deputy Commissioner in charge of the Hills led to the settlement of those parts and the establishment of regular government.[318] Hall of the Bengal Army did similar work for the Mers inhabiting the hills near Ajmere. He civilized this turbulent race, raised a Mer crops which remained loyal in 1857. He succeeded in suppressing the habits of female infanticide, slavery, sale of women, murder and dacoity which had flourished among them.[319] Major later Colonel Dixon continued the work of the settlement of the Ajmere Mewar district. Having subdued the people he laboured to attach them to him by justice, moderation and kindness. He executed works which according to his Government were most creditable to the energy and skill of the able officers who planned and executed them and the Governor-General-in-Council wanted him to explain the power by which he converted tribes of plunderers into communities of industrious agriculturists so that others may read and learn from his report.[320] Col. Evans and Col. Outram worked among the Bhils of the Ajanta Range in Northern Kandesh.

317. Letter of Captain Macpherson, 2nd June 1842 in Memorials of service in India being his Memoirs edited by his brother.

318. Annals of Indian Administration, Volume VII, 1862-63 Serampore.

319. Dictionary of Indian Biography edited by Buckland.

320. Rickett's Report on Civil Establishment and Salaries, page 774.

Those predatory peoples were induced to settle down into peaceful cultivation, lands were assigned to them, tools supplied and money advanced for setting them up. Irregular troops were formed among them, led by British officers, and employed to preserve the peace of the districts, they had once disturbed. Under the influence of military officers the Mers abandoned their predatory proclivities and turned to agriculture, from cattle lifting to cattle raising. The Mewar Battalion and the Bhil corps formed by Outram played an important part in the civilization of those peoples. The Minas owed much to Col. Macdonald. Similarly Col. Jacob preserved the peace of the Scinde frontier by the settlements of land that he gave to the Baluchis and Afghan frontier tribes that bordered on Scinde.

Towns and cities created by the army.—The Bazaar.

To an India bereft of towns and cities the army has added a considerable number. Many of the towns and cities of modern India took their rise in the camps of the Indian army. Some of them are traceable to the Bazaar which was a creation of the army. The Bazaar was born in the wake of the Company's armies on the march. It was made somewhat like the canabae of the Roman Empire. It was created by the military commander to secure a constant supply of food, grains, fodder and other requirements of the army in its campaigns as they could not be supplied from the already existing public stores which could not meet the great demands of an army on the march. These bazaars were recognised to be as necessary to the success of a military operation as the fighting men for without their assistance a military commander could neither move his army nor fight.[321] Cornwallis caused a bazaar to be opened at Vellore. The bazaars provided the Brinjaris, the unofficial transport corps of the 18th

321. Letter of Cornwallis to Dundas, October 29th 1791—Cornwallis Correspondence edited by Ross, Volume II, Chapter XIII.

century with a constant supply of loads for their cattle.[322] General Wellesley brought the bazaars under effective military control. He placed all the dealers in the bazaar that rose in the wake of his armies under the control of the Brigadier Quartermaster-Generals and regimental bazaars were placed under battalion officers. He also framed a code of rules for the imposition of duties and the fixing of prices, the sale of liquor, and for the appointment of officials and servants, Kotwals, Choudaries and Dubashees for the Grand (Headquarters) Bazaar and the Regimental Bazaar.[323] In the time of Elphinstone in Bombay there was a Bazaar Master to protect the camp dealers[324] and Regimental Bazaars were found useful to battalions and detachments moving from one station to another to supply grain and other articles to the sepoys. In Bengal at that time it was customary to have a quarterly examination of the state of the Bazaars, that would direct attention to the abuses or neglects that might spring up in such establishments.[325] At about the same time in Madras regulations were passed for the better order and discipline of military bazaars. The Scinde Irregular Horse created one such bazaar. In Scinde it was thought that the supply of two strong cavalry regiments was equal to the transactions of a large town.[326] Jacobabad originated in one such bazaar where diverse persons had established themselves who supplied tatoos, camels, as required for hire by the army. As the market was entirely free, the bazaars were popular and well patronised.

322. Letter of Cornwallis July 11th, 1791, Volume II.

323. Memoranda on Bazaars by Arthur Wellesley, December 1796 in Supplementary Despatches by his son, 1858.

324. Selections from the Minutes etc., of Mountstuart Elphinstone by G. W. Forrest, Minute dated 25th August 1820.

325. Minute of Elphinstone dated 2nd November 1829 in Selections from the Records of the Bombay Government, 1820-27.

326. General John Jacob—Views and Opinions, page 29.

The army and Indian Industry.

To the army India owes the establishment of certain industrial factories. The manufacture of cordite has founded the suburbs of Kirkee and Aravankadu while munitions factories have been established at Cossipore, Ichapur. In 1924-25 there were 22 ordnance factories in India.[327] During the South African War, and the Great War India supplied munition, and war materials in large numbers.[328]

The Indian Cantonment.

Similarly the cantonments of India which also arose out of the camps, stations and posts occupied by the army have given rise to some of the largest towns in British India. Bangalore, Secunderabad, Kirkee, Deoli, Mhow, Nazirabad, Rawalpindi, Peshawar, are among the larger of the towns and cities that rose from the cantonments of the army. These cantonments had begun to be important enough in 1809 to have regulations passed for their administration. By a regulation[329] passed in that year the police and maintenance of peace within the limits of cantonments and military bazaars was vested in the officer commanding the troops quartered at such places. Another regulation in 1810[330] allowed non-military persons to reside in cantonment areas but land in cantonment areas was to be kept appropriated exclusively for the use of troops. The regulation of 1810 provided not only for the maintenance of law and order and the protection of government land in can-

327. Statistical abstract of British India 1915-16 to 1924-25.

328. Lord Curson in Speeches on Financial Statement, 1902-03 and Report on Mesopotamia, 1919.

329. Regulation III of 1809—quoted in Lincoln's Administration of Cantonments.

330. Bengal Regulation XX of 1810 followed by others for Madras and Bengal, also Madras Regulation of 1820 in Code of Regulations ed. Campbell, Vol. I, also Minute by Elphinstone, 2nd November 1821, in Selections from the Records of the Bombay Government, 1820-1821.

tonment areas but also for other matters affecting the protection and welfare of non-military persons as well as of the troops. A Military Cantonments Act was passed in 1864[331] for the civil administration of military cantonments, provided for appointment of cantonment magistrates, a superintendent of police, administering civil laws and regulations but subject to the control and direction of the commanding officer. This Act was followed by others in quick succession in 1866, 1867-79, 1889. In 1924 an Act was passed taking into account the progress in the increasing association of the people in the government of the country. This Act was to serve the interests of the civil community and of the troops but as was made clear in the Legislature,[332] the interests of the troops would come first. Under this Act in every cantonment there would be a Cantonment Committee or Board for the administration of the affairs of the non-military areas of the cantonment. The cantonment magistrate who till then had been the most important authority in the cantonment was to disappear and his magisterial duties were to be performed by judicial officers appointed by the Government of India and his administrative duties allotted to the Secretary to the Cantonment Board. Although the Cantonment Board is to be composed of a proportion of elected members, the cantonment is not to have the political or constitutional status of a municipality. When the area occupied by the civil community was clearly and definitely divisible from that occupied by the troops, the former was to be allowed to develop into a self-governing unit under the civil administration.

The Supreme Folly of the Army in India.

How much the army has influenced the administration of India is proved not only by its service but by its follies. We

331. Act XXII of 1864.

332. Lord Rawlinson's speech in Council of State, 14th February, 1924.

have seen the part played by the mutinies of the Indian army in the 18th century and early part of the 19th century as illustrations of the relations between the army and the civil power. But the greatest of them all the Sepoy Mutiny of 1857 left behind it ruinous consequences that have dominated the subsequent development of Indian policy and administration. It has hovered like an evil spirit darkening and fouling the course of Indian Government. It forms the Great Divide in British Indian history. *Divide at impera* began to be for the first time the principle of Indian government. With regard to the organization of the army itself the disappearance of the government of the Company led to the amalgamation of the King's and Company's forces. It has changed the composition of the army itself. Whereas the Company's forces of the 18th and 19th centuries were composed of mixed companies and regiments composed of different castes and communities within each Presidency, the armies after the mutiny have been composed on the " divide at impera "[333] principle, each regiment being composed of companies of different communities and castes and each company composed of the sepoys of the same community and caste.[334] Because the Bengal army had covered itself with shame largely on account of the pampering treatment it had received from its officers and the military administration, the Hindustanis of northern India once commended by the commanders of the 18th century, have been increasingly excluded from the Indian army to the increasing admission of those communities like the Sikhs and the Punjabis who had helped in the subjugation of the rebel forces. And this in spite of the fact that men like General John Jacob, Sir Charles Napier, Henry Lawrence, Bartle Frere had on the eve of the Mutiny pointed out the dangers of the caste composition of the

333. Report on the Organization and Expenditure of the army in India, 1879-1880.

334. *Ibid.*

Bengal Army. By reason of this practice John Jacob had said " a native soldier in Bengal is far more afraid of an offence against caste than of an offence against the articles of war."[335] In the Byzantic Empire tax-payers, especially land revenue payers were excluded from the army lest the Fise should suffer by the withdrawal of large numbers from agriculture. It was not this fear, but the fear of a repetition of the Mutiny that excluded the people of the plains of northern India from the army. Because the proportion of the native troops to European soldiers had been inordinately high about seven to one before the Mutiny, it has since then been kept at two to one. Because here and there the sepoys had been helped by the country people and although the mutiny was no national but largely a military revolt, this proportion of European troops has been maintained to preserve the internal security of the country.

The Sepoy Mutiny and Political Life.

The blight cast by the Mutiny on the civil life of the country was just as devastating. Extensive disarmament of the people and the denial of the privilege of keeping arms was one of the immediate consequences of the Mutiny.[335a] An Arms Act passed against the opposition of statesmen like Sir Bartle Frere who wanted only the trade in arms to be limited by licence or permit as in Scinde and feared that universal disarmament would be an instrument of frightful oppression gave the Government the power to disarm people . As in the Byzantine empire the mass of the population was excluded from the use of arms. The same result followed here as there for the historian of that empire records " this circumstance was the cause of that unwarlike disposition which has been ever a standing reproach from the days of the Goths to those

335. Quoted in General John Jacob's Life by Shand.

335a Act XXXI of 1860 quoted in Life and Correspondence of Bartle Frere by Martineau, Volume I.

of the Crusaders.[336] This policy of universal disarmament is certainly attributed to the Sepoy Mutiny, as before it, statesmen like Mountstuart Elphinstone argued in 1820 that beside the advantage of arming the people for purposes of police it would be useful even in cases of war and commotions as the bulk of the people even if disaffected would be likelier for the sake of their property to employ their arms against predatory enemies.[337] To complaints that the disarmament was done even in the territories where the people had shown no hostility, the reply[338] was given on behalf of the Government that the measure was not one of punishment but prevention. An enquiry into the working of the Arms Act four years after it was introduced showed that it had mitigated crime all over the country, and that no European or natives of approved loyalty had been disarmed, but it had led to the multiplication of wild animals. An Act was therefore passed in 1866 to enable local officers to carry arms on certain conditions. The idea that the stability of British rule rested on the strength of the military arm was the legacy of the Sepoy Mutiny to the British theory of government in India.

The Army in Indian National Life.

Even if the Sepoy Mutiny had not occurred the power and influence of the Army in the political and constitutional system of India would have been great. The Sepoy Mutiny has only given extraordinary strength to that power and influence. The facts and circumstances of India's internal and international position have determined that the numerical strength and military efficiency of the army should be the maximum attainable by the resources of India. British rule has modernized the army in India. The infantry has since the

336. Finlay—History of Greece, Volume, II.

337. Quoted in Life of Mountstuart Elphinstone by Colebrooke.

338. By Sir Charles Wood in the House of Commons, June 10th, 1860, Hansard, Volume CLV, 1860.

first days of the Company been the more numerous and the decisive arm of the military forces of the country relegating the cavalry which had been the dominant arm in the times of the Moghuls and the Maharattas to a subordinate and subsidiary position. The firearms and engines of artillery by progressive development have strengthened the efficiency of the army of India. The army has been furnished with a scientifically organised and equipped Staff Corps. The dominant political theory of the Government of India that the integrity of British rule should be safeguarded in the interests of the people, with their consent if possible, without their consent if the worst comes to the worst has required that the physical force necessary for that purpose should be maintained at the highest level of efficiency. The army authorities have been able to get all that they require for the maintenance of this efficiency—with or without protests from the rest of the Government. The presence and power of the Commander-in-Chief and of another Military member till recently in the Governor-General's Council were guarantees that at all times the interests of the army would be safeguarded and that sometimes the interests of the army would be predominant. The fight put up by Lord Kitchner to make the Commander-in-Chief the sole military adviser of the Government of India, his commanding position, and the military careers of some of his successors like Lord Rawlinson and Sir Charles Munro have made the position of the Indian Commander-in-Chief comparable to none else in the world except perhaps to that of the Chief of General staff in some of the military States of Europe. Its budget forms the largest slice of the expenditure of the Government of India absorbing almost half the revenues of the central government. These causes, added to the great service rendered in the past and at present to Indian national defence, have added to the power and prestige of the army in India. Although the supremacy of the civil power has been vindicated more than once and is now a permanent principle of the Indian constitution the army continues to be a predominant factor in the determination of military policy and

the arrangements of military administration. Its constitutional position even under the Government of India Acts of 1919 and 1935 is still what it was before. Its budget, its organization, its policy are not subject to the vote of the Indian Legislature. The constitutional position of the army still cuts away a large slice of administration from the purview of parliamentary government in India. The saying of Sir Charles Trevelyan[339] that if the State does not control the military expenditure, the military expenditure will control the State has been proved by recent constitutional history in India. And the greatest problem confronting the constitutional statesman of the future is to find a proper place for the power and activity of the army in the parliamentary government that has been introduced in India. To such a statesman, the history of the army in India under British rule teaches more than one lesson. The success and popularity of the army in India in the first two centuries of British rule was due to its being recruited from all communities and classes. The Indian Army was much more popular and national before the Sepoy Mutiny than it has been after. The armies of the East India Company that first won empire for the British in India,[340] the coast armies as they were called were recruited from any community of men that was willing to send recruits to the army—Muslims, Vellalas, Kavarais, Balijas, Naickers, Kariars and Paraiahs and Christians. The Hindustanis of the north contributed to the armies that won the victories in the Mahratta and Pindari Wars. Their bravery and efficiency and loyalty have been celebrated by men like Bartle Frere, John Jacob and Outram, that knew them well. The need for the nationalization of defence no doubt led to the abolition of the presidential organization

339. Minute by Hon'ble Sir Charles Trevelyan, 22nd July 1863 in Minutes of Evidence before Select Committee on East Indian Finance, Appendix No. 14, 1873.

340. For an account of the Madras Army see the Life of Sir Neville Chamberlain by G. W. Forrest.

although the dangers of such centralization have been realized by generals and statesmen.[341] But the policy of British rule after the Mutiny has favoured the recruitment of the army from one particular corner and a few communities in the north. The danger of such confined recruitment is obvious and was once before sensed in British Indian history. The rumour that the Government contemplated a large addition to the Sikh troops and would thus become to some extent independent of those by whom the empire had hitherto been extended and maintained was certainly one of the causes of the Mutiny.[342] Machiavelli's warning against the danger of complete dependence on "auxiliaries and mercenaries" is strengthened by Indian experience as by European history.

The divorce between the citizen and the soldier that has thus resulted can never be a source of strength to any State. In the later Roman empire the complete separation between the citizen and the soldier rendered any successful movement in favour of reform hopeless.[343] Another lesson that the history of that empire held for India was when the disbanding of the provincial militia of the Roman army in Justinian's time laid the empire open to the invasions of the Avars and the Arabs. The history of another empire, that of the Osmanlis, shows how the demilitarization of whole classes of the subject population, and dependence on one or two classes alone, lends to the abnormal influence of the army in the counsels of government. The history of the army under British rule teaches us, on the other hand, that the Indian army must ever be large and kept at the highest level of technical and administrative efficiency. The country is too large and the forces of disorder from without and within are too numerous and strong, the dangers to peace too imminent

341. Sir F. Haines in Life by R. S. Rait, Bartle Frere in Life by Martineau; see also Report on Organisation of Army Expenditure in India, 1879.

342. Life of Canning by Cunningham in Rulers of India Series.

343. Finlay—History of Greece.

for India to contemplate the maintenance of any but the largest army it can afford. Its organization and administration, so also does its history show, must correspond to the system of government that may obtain at any time. Presidential autonomy tolerated presidential armies, civil centralization has led to centralization of the administration of the army, the supremacy of the civil power has led to the due subordination of the military. Alike by positive teaching as by warning the history of the Army in India calls for its construction on foundations that are at once national and constitutional.

CHAPTER III

LAND REVENUE AS MAKER OF ADMINISTRATION

"The Revenue of the State is the State."

BURKE

Revenue the object of the Company.

The primary object of the East India Company as we have seen, was from the first the acquisition of a large revenue. This large revenue was early necessary for the fulfilment of its commercial obligations to the Proprietors of its stock. The acquisition of the Diwani of Bengal, Bihar and Orissa in 1765 by *Firman* of the Mughal Emperor introduced them to the collection of revenue from land. Coming to India with the object of acquiring profits by means of commerce and ready to go to war with the country powers to extend the area and the objects of that commerce, they suddenly and without asking for it, discovered a new mine of revenue open to them by the act of Shah Alam. Seeing in it a possible source of increasing wealth that would supplement the gains of commerce, they added the acquisition of revenue from land to other motives that persuaded them to territorial acquisition. Warren Hastings as a matter of fact complained in 1771 that revenues from the Diwani did not answer the expectations of the Company.[1] That is why probably he looked to further territorial acquisitions for improving the yield from the revenue on land. His experience of the Diwani and the dual system that Clive had established to give effect to it led him to urge on the Company more direct assumption of authority and responsibility for the collection of revenue. Although it does not appear

1. Letter in Monckton Jones, Warren Hastings in Bengal, page 138.

he says in 1773, that any considerable addition is likely to be made to collections by the acquisition of the hill districts of Rajmahal yet they could contribute to the maintenance of peace and tranquility in the interior parts of the province.[2] The acquisition of new territory with a view to adding to the revenue or to reducing the cost of administration operated in the mind of Lord Cornwallis. Although he desired Cuttack to bridge the gap between the Bengal and Madras provinces of the Company on the west he thought that any territory which could be got in that part of India either by negotiation or by force would only add to the cost of administration unless the whole country of Guzerat could be thrown in. The revenues of the Coimbatore country would have made the proportion of gains from the defeat of Tippoo greater than was expected and the other alternative, the Barahamal, Salem and Dindigul would have been just as profitable.[3] He was gratified to hear that the Malabar country, as soon as it recovered a little from the distractions of the Mysore War,[4] would yield a revenue nearly equal to the amount at which it stood in Tippoo's schedules.[5] Col. Munro[6] urged advance to the Kistna for then the revenues would be tripled. The Nepalese War of 1818 was brought about by the revenue and property disputes between Zamindars on the border between Nepal and British India—as long as these lands were barren forest lands, no one worried about them but as soon as they became cultivable and cultivated they became objects of possession and causes of war. "Your

2. Letter of Warren Hastings, November 10, 1773 in Monckton Jones, Warren Hastings in Bengal.

3. Letter of Cornwallis to Dundas, November 7, 1789 in Correspondence ed. by Ross, Vol. I, Chapter XI.

4. Letter of Cornwallis to Dundas, March 17, 1792 in Correspondence ed. by Ross, Volume I, Chapter XI.

5. Letter of Cornwallis, March 24, 1792 in Correspondence ed. Ross, Volume, II, Chapter XV.

6. Letter quoted in Auber Rise of British Power in the East, Volume II, page 176.

finances will declare war whether you like it or not " said Lord Ellenborough to Sir Charles Hardinge on the eve of the Sikh War. In his famous farewell Minute of 1856 Lord Dalhousie recorded that by the several territorial acquisitions made in his time a revenue of not less than £4,000,000 was added to the revenue of the Indian Empire. In the province of Berar and the neighbouring districts of Nagpur the British Government had " secured the finest cotton tracts which are known to exist in all the continent of India ". It has been calculated that while the gross revenue of British India in 1792-93 was £8,225,628, in 1868-69 it had risen to £51,657,638 and this was the financial measure of the acquisition of the greater part of the North-West Provinces, all the Punjab and Scinde, the Central Provinces, Berar, Assam, Orissa, Oude and parts of Bombay and Madras.

Land revenue has grown with the growth of the territorial possessions of the Company.[7] At the commencement of the 19th century it amounted to £7,331,100, in 1810 it rose to £13,000,000, in 1840 to £13,158,000, in 1850 to £17,395,000, in 1856-57 to £19,080,000.

The first administrative task.

The collection of land revenue was the first administrative task undertaken by the Company. When it acquired the Diwani of Bengal, Bihar and Orissa by virtue of the Firman of the Moghul Emperor granted in August 1765 and when in the following year the President of the Council of Fort William, Lord Clive took his place as Diwan and opened the *pooneah* in open Durbar it was the collection of revenue from land that was inaugurated.[8] This land revenue was from the time the Company became owner of land one of the more important sources of its revenue and

7. Lord Stanley in House of Commons Debate on East India Loan, February 14, 1859, Hansard Volume CLII, 1859.

8. Fifth Report from the Select Committee on Affairs of East India Company, ed. Firminger, Volume I, page 3.

from the time its trade began to decline, it was the main source of revenue. Land revenue from the beginning of the 19th century was to the Indian revenue what the excise and customs were to English revenue.[9] Its paramount financial importance and its connection with the interests of the people was recognized from about the time the Company became a sovereign power.[10] The revenue was beyond all questions the first subject of the Company's government, that on which all the rest depended, and to which every other was made subservient.[11] In some of the provinces that came into the possession of the Company in the course of the 19th century and that lay far in the interior, remote from the coast which was the scene of the first settlements of the Company the land could not but be for long the only source of any considerable revenue. In the " ceded and conquered " provinces of Agra or the Punjab or the territories that later came to be the Central Provinces, reliance could be placed only on the land revenue and not so much on customs and excise duties. The consumption of valuable produce and expensive manufactures was too limited in these new and backward provinces to admit such lines being productive.[12] Their importance made the importance of those that collected and administered this revenue. Ever since the Company began to collect the land revenue itself, the officials

9. Report of the Principal Collector (Col. Munro) of Ceded Districts to Board of Revenue, 15th August 1807 in Selections from Records of East India Co. Volume I, 1820, Bengal Revenue Selections.

10. Minute of Board of Revenue, 5th January 1818—Madras Revenue Selections in Selections from Records of E. I. House, Vol. I, 1820.

11. Harington in Analysis of the Laws and Regulations, Volume II.

12. Report of Board of Commissioners on the Ceded and Conquered Provinces, 13th April 1806. Bengal Revenue Selections in Selections from Records of East India House, Volume I, 1820.

that collected it were the most important.[13] The best, the "crack" men in the service were those that had the least arrears of revenue. The Governor-General-in-Council in the early years acted as if Bengal "was an estate which yielded a large rental but wanted none of the responsibilities of government."[14] A larger proportion of the revenue was spent on the collection and administration of revenue than upon civil and criminal justice. It took sometime for the English in the words of one of their historians"[15] to cease to be the publican and become the governor of Bengal."

First step in direct revenue administration.

At first, as we have seen already, the Company did not undertake the immediate management of the revenue as it appeared doubtful whether the European servants of that time generally possessed sufficient knowledge of the civil institutions and of the interior state of the country to qualify them for the trust. It resorted to the farming system which it found in operation under the rule of the Mughals who probably brought it from their Central Asian homes as a similar method of collecting revenue, that of selling to the highest bidder the right to collect the government revenue had obtained there. And even when it undertook the collection of revenue itself and directly, it resorted to the assistance of native dewans and dubashes[16] with provincial councils and occasional inspecting committees to supervise them.

The origins of the Zamindari System.

When the governments of the Company in Bengal and Madras took up the administration of the revenue they found in existence here and there officials that collected revenue for the Moghul rulers of the country. Some others were

13. Hunter's Annals of Rural Bengal.
14. Hunter's Annals of Rural Bengal.
15. Hunter's *op. cit.*
16. Hunter's *op. cit.*, Farming System.

once such officials but with the fading away of the authority of the Moghuls had settled down into the position of proprietors of the land. Still others were descendants of old princes and rulers of the country.[17] A fourth class was made up of those that had collected the land tax of the East India Company with or without supervision of the Company's Supervisors or Collectors and who by 1787 had acquired the status of Zamindars.

It was out of these two latter classes that Lord Cornwallis created the Zamindars of Bengal. They were to be proprietors of the lands of which they were found in possession and the revenue that was due from these lands was to be settled in perpetuity and not subject to revision at periodical intervals as had been the case before except in the settlement of 1772 which was for five years the others having been annual.[18] Cornwallis was not the inventor of the permanent settlement, and the debate between permanent settlement and periodical revision was at least twenty years older. Warren Hastings' Council itself had raised the question in November 1772 when they proved themselves alive to the superiority of hereditary Zamindars to temporary farmers as an agency for the collection of revenue.[19] But the Court of Directors having considered the different circumstances of letting the lands on leases for life or in prepertuity did not " for many weighty reasons think it then advisable to adopt either of these modes." Soon after Sir Phillip Francis arrived in India he asked the question *apropos* of a proposal of Warren Hastings about the accurate valuation of the land whether it was meant " to exact from the people the utmost

17. M. R. D. Mangles in Evidence, 28th March 1873 before Select Committee on East Indian Finance, 1871—Minutes of Evidence, 1871 for Madras, Caldwell—a Political and General History of the Tinnevelly District and Mackenzie—Manual of Kistna District.

18. Harington's Analysis of the Laws and Regulations, Volume II.

19. Letter of President and Council, 3rd November 1772 quoted in Harington's Analysis.

revenue they can pay, or should they content themselves once for all with such a revenue as the services of the Government constituted as it was then indispensably required ".[20] Elsewhere than in Bengal and by other hands than Cornwallis offices had been converted into lots of land, tributary rajahs and great revenue and police officers had been made landholders whereas former governments had charged already existing landholders with police and revenue duties.[21]

Among the arguments put forward for the acceptance of the principle of Permanent Settlement the most important were that the farmer system had the most prejudicial effects upon the character of the government and that of all the evils of unsettled principles of administration none had been more baneful than frequent variations in the assessment.[22]

Revenue authorities and the Board of Revenue.

The development in the administration of land revenue in Bengal, Bihar and Orissa which had been reached on the eve of the promulgation of the law of permanent settlement came to a definite stage. The principal authority in the revenue administration, after the Governor-General-in-Council who exercised a general control over this as over other branches of the executive government was the Board of Revenue. It was vested with " the superintendence of the settlement and collection of the public revenue payable for the lands ".[23] Composed of four to three or two members,

20. Mr. Francis' Minute, 5th November 1776 in Selections from Records of East India House, Bengal, Revenue Selections, Volume I, 1820.

21. Report by Mr. Thackeray on Ganjam in Madras Revenue Selections in Records of East India House, 1820.

22. Letter of Court of Directors quoted in Harington's Analysis, Volume II.

23. Regulation 2 of 1793 (Section 29) quoted in Harington's Analysis, Volume II, Third Part, Section II.

the Board was to "see that the officers under their authority perform their assigned duties with regularity, integrity and assiduity" and they were required to punish the officers under them, as far as the powers vested in them for the purpose may allow, for disobedience or inattention to regulations. To enable the Board to control all public officers it was invested with powers of investigation, punishment, summoning them to the Presidency, fining them to the extent of a month's salary. The Board were also authorised to require the personal attendance of proprietors, farmers, dependent talookdars, under-farmers or ryots or native officers employed under a Collector for the purpose of adjusting any settlement or examining any accounts or enquiring into any matter coming within their cognizance. Such persons neglecting to appear by the time required could also be fined by the Board. The Board had the right to issue orders to its subordinate officers for the settlement of *khas* lands and the usual bundobasty perwanah to the proprietor or farmer of lands.[24] The collection of the revenue was committed to the Collectors but the Board of Revenue were to see that the revenues were realised by the stipulated periods. They could grant temporary suspension of the demands of revenue but not beyond the current year nor could any remissions of balances be made without the special authority of the Governor-General-in-Council. The Board of Revenue was also constituted a Court of Wards in 1797[25] for the management of lands and estates of minors, females and other landholders who were incompetent to the management of their own estates, being reduced to ruin by the misconduct of the agents to whom the management of their concerns was committed. The Board was to see that minors received an education suitable to their rank and circumstances in life so as to qualify them for the management of their own concerns. It was also to manage the estates of

24. See also Campbell's Modern India.

25. Harington's Analysis of the Laws & Regulations of India, Volume II.

those that had disqualified themselves by their irresponsibility and inefficiency in the management of their estates. A series of Regulations were framed from 1791 to 1805 providing for the administration of the estates of such persons by the Board of Revenue. Collectors or other persons appointed by the Board of Revenue and responsible to the Board of Revenue were appointed as managers of the estates of these wards of the Board.

The Board of Revenue was also directed to furnish the Governor-General-in-Council with such annual, monthly or other accounts as they were or may be required to submit to him as well as to observe all special orders from the Governor-General-in-Council. They were forbidden to give land directly or indirectly to Europeans or to make any grant of Malguzari[25a] or lakharaj[25b] land. Although restrained from making any new general rule, they were authorized to submit proposals for new Regulations.[26]

Although the need for native assistance in the shape of a Dewan or other principal native officer to help the superior revenue authorities disappeared when the revenue ceased to be collected at the Presidency, the Board of Revenue continued to have a staff of native ministerial servants whose duties were not particularly defined by any regulation being left to the discretion of the Board and its Secretary.

The Commissioners of Divisions.

In addition to the Board of Revenue in Bengal supervising the work of subordinate district officials were commissioners of the divisions into which the districts of that province were grouped. The need for the creation of this office was felt in 1829 in the time of Lord William Bentinck. The reason for this addition in the hirearchy of revenue administration was that the Board was burdened with much more detail and judicial work than it could manage.[27] The territorial extent

25a. Paying quit-rent.
25b. Rent-free land.
26. Harington's Analysis, Vol. II.
27. Baden Powell—Land Systems of British India, Volume I.

of a Commissioner's division was so arranged as to make him easy of access to the people and frequently to visit the different parts of his respective jurisdiction. At first he had civil and criminal jurisdiction, of the former of which he was relieved in 1835 and of the latter a little later. The Commissioner supervised the work of the collectors in police matters also, the police jurisdiction of the Commissioners replacing in the Upper and Lower Provinces of Bengal that of Superintendents of Police who had been established some years previously but who were abolished by 1829.[28] The work of Commissioners, however, depended on the state of the Board of Revenue. If the Board was efficient and active the Commissioners found themselves bereft of authority and became mere channels of communication as they did in the early 19th century and spent their time filling forms and statements and reports and letters.[29] The office of Commissioner no doubt contributed to the efficiency of supervision and control but it hardly increased the contacts of Government with the people. The duties of Commissioners were as varied and as numerous as those of Collectors of a Bengal district—only they were of a supervising and appellate character.

The Collectors under the Zamindari system.

The officials who were directly to organize the collection of revenue from the Zamindars and other landholders under the Permanent Settlement were the Collectors of districts. The revenue of each district was placed under the immediate superintendence of a covenented civil servant of the Company styled Collector of the revenue of the zillah or district. He had generally an assistant, sometimes two assistants, also covenanted servants. The Collectors and their covenanted assistants were to take the oath of office prescribed by Act

28. W. S. Meyer—Memorandum on British Administration in India presented to the Decentralization Commission of 1909.

29. Shore—Notes on Indian Affairs, Volume II.

of Parliament[30] for servants of the Company employed in the collection or management of the revenue and were entrusted with a seal of office. They were required to keep a regular diary of their official transactions in the English, Persian, Bengali, or Hindustani languages recording and attesting them with their official signature at the time they take place.[31] Their chief duties[32] were to collect the amount of revenue assessed upon the lands of the Zamindars, to prosecute for recovery of the dues of government from these and other lands, to act as managers of the estates under the Court of Wards. They were also to assess the dues on *Khas* lands and to collect other revenue due to government as the Abkari and Salt and Customs and later the Licence and the Income-Tax.

When the Collectors were first appointed on the eve of the Permanent Settlement they enjoyed magisterial and judicial as well as revenue powers. This union of powers, so ran the Collectors' Regulation of 1787[33] enforced a degree of responsibility upon them which calls for the exertion of all their abilities, zeal, and application as the happiness of the individuals under their authority, the prosperity of the country at large and the interests of the Company which are inseparably connected with the two former objects depend in a good measure upon their management." They were adjured to rise above " a languid and literal adherence to the rules prescribed for their guidance " and to pursue a line of conduct upon a more enlarged scale." But Lord Cornwallis[34] felt that as Collectors of revenue they should not exercise judicial powers. For a brief period between 1831-37 the duties of magistrate and Collector were united in the same person.[35] In 1837 the Collector lost for a time his magisterial powers on account of the pres-

30. Geo. III Chapter 52, Section 61.
31. Harington's Analysis, Volume II.
32. Harington's Analysis, Vol. II.
33. Regulation II of 1793.
34. Harington's Analysis, Volume II.
35. Cambridge History of India, Volume VI, Chapter II.

sure of revenue work. But in 1859 the magisterial and revenue duties were again united in the Collector and they have remained there ever since.[36]

Collectors' Dewans.

The Collectors of the districts continued to have at their side dewans as principal native assistants whose duties with those of the other native officers were defined by specific rules. The Collectors' Dewan was abolished by a Regulation of 1813.[37] But till their abolition the Dewan and all other native officers under the Collector were to act agreeably to his orders and such rules as he may prescribe. The chief of these other native officers was the Kazanchi or Cash-keeper and the Keeper of the native records. Beside the native officers immediately attached to the Collectors there were in all districts where the number of "separated talookdars" i.e., proprietors independent of the Zamindar or other proprietors of small estates had been found to require help, Tahsildars or native collectors were appointed who received the revenue payable by the landholders within their respective tahsildari divisions and remitted the amount to the Collector's treasury. In the Lower Provinces of Bengal these Tahsildars were merely agents responsible only for the actual collection and they were appointed for the convenience of the "separated talukdars" who had been required[38] to pay their revenue in future direct into the Collector's treasury except in districts where from the number of talooks or other cause this mode would be inconvenient in which case it was provided that Tahsildars or native Collectors were to be appointed to receive the revenue of the talooks in such districts."

36. W. S. Meyer's Memorandum on British Administration in India presented to the Decentralization Commission.

37. Regulation 15, 1813—Harington, Volume II.

38. Section 14, Regulation 8 of 1793—Harington, Volume II.

Tahsildars who were found in existence about 1812 went out of existence in Lower Bengal soon afterwards. Since then a Bengal Collector has had no Tahsildars.[39] For local investigation if they are required he employs special assessors or native deputy collectors.

But in Benares where they were allowed a commission on the revenue funds entrusted to their management amounting in the first instance to 12½ per cent and later from 1807 to 10 per cent on the annual amount collected by them Tahsildars were declared[40] responsible to Government for the regular realizing of the annual amount of the *jumma* assessed on the *mushuhurry* lands (whose rents are fixed) within their respective Tahsildaris, the revenue which is not paid *huzoori* or immediately to the Collector, as well as for the annually ascertained revenue *jumma* of those lands that may remain *aumani* (managed directly by Government) ; such responsibility on their part being considered as rendering them liable to make good to Government, from their own property whatever deficiencies in the collection of the *jumma* may have arisen either from their wilful neglect or inattention or from direct embezzlement, to which purport engagements were to be taken from them by the Collector. In the provinces ceded by the Nawab Viziers of Oude and the Upper Provinces of Bengal,[41] Tahsildars or native Collectors were appointed to collect the public dues from these lands, for the payment of revenue for which settlement may not have been concluded with the Zamindars or other actual proprietors and generally to collect the revenues of such lands as the Collector may deem it expedient to place under them. The practice of payment of commissions on collections realized by the Tahsildars in these parts was discontinued in 1801 and permanent monthly salaries were introduced.

39. Campbell's Modern India.
40. Section 6, Regulation 6 of 1795—Harington's Volume II.
41. Regulation 27, 1803—Harington Volume II.

The Canungo

Between the Collector and the village servants came in Bengal and the provinces deriving its land system from it the Canungo. The office of Canungo which was a legacy from Moghul rule and continued down to the introduction of the Permanent Settlement was abolished by Lord Cornwallis. His reasons were, apart from the saving of expense, that public assessment on the lands being fixed throughout the country, and the details of it being introduced in the specific engagements concluded with the landholders as well as in the records of the collectorships and of the Board of Revenue, and the rights of the landholders and cultivators of the soil whether based upon ancient custom or on regulations which have originated with the British Government, having been reduced to writing, the Canungos were no longer necessary to explain rights of the former description and they were wholly unacquainted with the latter. The courts of justice could be trusted to elicit information about the rights and obligations of individual landholders or ryots. Evidence of local customs and usages could be secured from inhabitants of respectable character rather than from the mofussil Canungos "whose official attestations and declarations have long since fallen into contempt and disregard in the eyes of the people from having been made invariably the cloak of every species of fraud and abuse." These officers were therefore dismissed by Cornwallis as being not only useless but because their continuance woud be prejudicial to the country. But an historic office like that of the Canungo that had built itself into the administrative fabric of this part of India could not long be kept out of Bengal. The evil consequences of the abolition of this intermediary office, the accumulation of arrears of government revenue, the little protection given to ryots, the destruction of their rights led to a demand for the revival of the office of Canungo. It was introduced in Benares and in the "ceded and conquered provinces" of Agra and Oude in

1808.[42] In Bengal it was reintroduced in 1819.[43] But the Canungos in Bengal could not be fitted into the new Zamindari System. In 1827, it was found that the Canungos did not fulfil their function of protecting the rights of the ryot and of the Government. Only in the Chittagong district where there are no Zamindars, the Canungo has survived working under the Tahsildar.[44]

In Orissa alone where the settlements are temporary village settlements they have survived.

The Patwari.

Patwaris or Village Accountants have had a slightly more fortunate history. They had been abolished with Canungos by Cornwallis and had become mere Zamindari servants.

Although the Patwaris or Village Accountants were private agents and officers of the landholders, rules were framed insisting on the appointment of a Patwari in every Zamindari village in the interest of the ryots and on the production by the Patwaris of all accounts relating to the lands, produce, collection and charges of the village, to furnish every information that may be required regarding them.[45] Patwaris were revived as government servants by the Regulation of 1819 that attempted to revive the Canungos. That they led a sickly existence is shown by the fact that provision was made for their appointment and the performance of their duties in 1872. But the system was condemned by officers in Bengal proper as being vexatious and irritating to the landlords, useless for all practical purposes, wasteful of government money and opposed to the modern traditions and customs

42. Harington's Volume II.

43. Regulation I of 1819 quoted in Baden Powell Land Systems of British India, Volume I.

44. Baden Powell Land Systems, Volume I, Book II, Chapter V.

45. Regulation 8 of 1793, Regulation 27 of 1805 and Regulation 29 of 1803 Harington's Vol. II.

of the landowning classes[46] and Government was not tempted to revive this post.

Government control over revenue officials.

The control of the Government over its native officers was secured apart from powers of dismissal and minor punishment by demanding security from them against the due discharge of their duty of collecting and accounting for the dues to the Government. Instances having occurred of Sezawals, Tahsildars, Ameens and other native officers employed under the Collectors withholding the public funds or official papers in their possession as well as of their neglecting to attend on the Collectors for the purpose of adjusting their accounts, rules were enacted in 1794[47] for the Lower Provinces in 1800 for Benares and in 1803 for the " ceded and conquered provinces " enabling the Collectors to take security for the personal appearance of these officers, the security binding himself to procure the appearance of the officers for whom he binds himself, to apprehend defaulting officers and convey him to the jail of the Dewani Adalat of the Zillah, to attach such part of the real and personal property of the officers as he may deem sufficient. Rules were also framed in 1804[48] regulating the confirmation of the appointment, resignation removal[49] of native officers and the Board of Revenue was given the power of ensuring the efficiency without reporting their proceedings for the sanction of Government. In Madras Acts have been passed in 1894 and 1914[50] securing the control of Government,

46. Official Report of 1883 on the Land Revenue System of Bengal quoted in Baden Powell Land Systems of British India, Volume I, Book II, Chapter V.

47. Regulation 3 of 1794, Regulation 5 of 1800 and Regulation 33 of 1803—Harington's Analysis.

48. Regulation 5 of 1804, *ibid.*

49. Regulation 5, 1804 and 8 of 1809 in Harington's Analysis, Vol. II.

50. Proprietory Estates Villages Service Acts of 1894 and 1914.

over village officers in Zamindari estates and the Zamindars' treatment of them.

Over the superior officials, the Commissioners and the Collectors, the supervision and control was not always perfect. There was the Commissioner early in the 19th century, who by his friends was considered a good-natured simpleton, agreeable in private life but whose public character was held in low esteem, over head and ears in debt to Calcutta agents as well as to natives in his own jurisdiction, " considerably under the thraldom of his servants who reap a tolerable harvest from those who wish to pay a visit, or gain access to the Commissioner on public business," whose notions of public business consisted in keeping matters tolerably quiet in the police department and securing the full amount of revenue out of the poor people so as not to attract the notice of superior authorities to his inefficiency, the dread of which haunted him as a nightmare, who when he toured, put the purveyance system into full play, who was a tool in the hands of two or three natives in his office who initiated and dictated to him most of his orders."[51] There was again that crack collector " who once placed a man up to his neck in water and shut another up without food in order to force them to pay a high rent.[52] Nor should we forget the magistrate who brought a baker from another district to bake bread for him but who not finding his new district to his taste asked for his discharge. He was promptly clapped into jail and kept there for a considerable time baking bread every day for the Collector and Magistrate.[53] The dependence of the higher officials on their native subordinates due to their ignorance of the language and the customs and usages of the people was held to account for the general bribery and corruption that prevailed in the Zamindari tracts.[54] The " want of grasp and

51. Shore, Notes on Indian Affairs, Volume II.
52. Shore, Notes on Indian Affairs, Volume II.
53. Shore, Notes on Indian Affairs, Volume II.
54. Shore, Notes on Indian Affairs, Volume II.

of acquaintance of the district officers with the condition of the population" was noted even after the government passed into the hands of the Crown.[55]

The Zamindari system and native agency.

One consequence of the system of administration of land revenue in Zamindari tracts under the Permanent Settlement was that there was no need to employ native officials on a large scale even in subordinate grades. Except Collectors and Assistant Collectors and Sub-Divisional Collectors and their office establishments there was no room for the employment of any large executive staff. In Bengal there have been no sub-divisions of districts corresponding to the taluks and tahsils of other provinces and thus an important source of employment of native officials has never been dug there. The Permanent Settlement was opposed to any extensive indianization of the revenue service—it did not require that knowledge of the vernaculars and intimate acquaintance with the habits and usages of the people that more direct and more periodical systems of land revenue assessment required. Warren Hastings[55a] report that the ablest servants of the Company were not completely equipped with knowledge of the native languages and the ancient revenue processes and methods related to the period of the periodical settlement and was out of date in the period of the permanent settlement. And the examples of revenue officials profoundly learned and widely experienced in the revenue system of the country—Grant and John Johnston and John Shore—belong to the period before the Permanent Settlement. It was so in Bengal from the beginning. In fact Cornwallis was opposed to any extensive employment of natives in the revenue service of the Company.

55. Bartle Frere quoted in Life and Correspondence by Martineau, Vol. II.

55a. Warren Hastings' Minute, 4th July 1786 in Bengal Revenue Consultations in Selections from Records of East India House, Volume I, 1820.

He thought that all the regulations for the reform of that department would be useless and nugatory if the execution of them depended upon any native whatever.[56] And it was so when the system was extended to newly conquered provinces. The multiplication of European agency in the "ceded and conquered provinces" of Agra and Oude was advocated as a means of improving the public revenues and protecting the people from abuses like *Tulubhara, Shearque Bheta* and *Nazzerana*[56a] to which they are subjected at the hands of native officials."[57] European officials could have no personal interest in the land or its possession, while the Tahsildar under the farming system looked to his situation as the means of providing for his family a landed property beside enabling him to provide for a number of poor dependents.[58] And the native officials that were employed received low salaries till about the middle of the last century. The native officials in the Collectors' and Judges' offices received in the first decade of the 19th century in the Upper Provinces of Bengal Rs. 10 to Rs. 30 a month with the exception of the native head of the office who received Rs. 50. This was considered by a contemporary to be a mere pittance. Tahsildars and Deputy Collectors received only Rs. 250 a month.[59]

As Europeans could not be brought down to the subordinate establishments of the Revenue, Eurasians were recommended to be employed as Record Keepers in 1821 "as a faithful execution of duty might be much more certainly

56. Earl Cornwallis to the Court of Directors, August 2, 1789 in Cornwallis' Correspondence edited by Ross, Volume I, Appendix XXVIII.

56a. Perquisites of Office in Mughal times.

57. Revenue letter to Bengal, Ceded and Conquered Provinces, 7th June 1815 in Selections from Records of India House, Volume I, 1820, Bengal Revenue Selections. Letter from Board of Commissioners, 30th May 1815, *Ibid.*

58. Explanatory statement by Board of Commissioners, 30th May, 1815, *Ibid.*

59. Shore, Notes on Indian Affairs, Volume II.

expected from half-caste than from the natives and as there was true policy in employing that class of persons in all convenient services."[60]

Government and people in Zamindari system.

The administration of land revenue in the permanently settled Zamindari tracts brought Government and government officials into varying degrees of contact with the different classes of people. The Zamindars and the officials of their estates came into direct contact with the Collectors and his subordinates. But as the revenue administration developed in the course of time this impression of the revenue administration on this class also grew in strength. At first indeed the administration was simple and burdened by little detail. When John Shore was commissioned by Warren Hastings to "settle" the provinces of Dacca and Bihar all the instruction that he received from his superior on the eve of his departure was "You know your business Shore and good luck to you."[61] But the volume of settlement work grew since those early days. Collectors in Zamindari tracts had to "settle" waste lands, *deara* lands, i.e., islands thrown up in rivers—not to speak of Government *khas* lands. In Bengal the Settlement Officer has followed the Madras and Bombay rule and enters in the register the name of the person in possession leaving disputes to be settled in the civil courts. In the North West Provinces he takes evidence and records a formal decision his orders being liable to be changed by a competent court. Elsewhere in Upper India, in Oude, in the Central Provinces and the Punjab his decisions have been judicial proceedings. The settlement officer also does the survey in Upper India as well as the classification of soils, the making up of the record

60. Revenue Letter to Bengal, 2nd May 1821 in Bengal Revenue Selections in Selections from Records of East India House, Volume III.

61. Memoirs of the Life and Correspondence of Lord Teignmouth, Volume I, page 75.

of rights in Zamindari as well as in ryotwari tracts by means of his field map and field register.

But once the settlement work was finished and if he did not do any settlement work, the Collector, through revenue work had little knowledge of the people and little hold over them. It was possible for revenue officers in Bengal in the early days after Permanent Settlement not to know the number of villages or to have little or no information on the state of cultivation, population, description of people, the employments, trades, manufactures of the district.[62] In Madras indeed the Collectors' Regulation of 1787 had required every Collector to complete, exclusive of the official records, a distinct account of the different perganahs noting the state of the population, cultivation, the conduct of the Zamindars towards their tenants, the customs and usages and to transmit these accounts periodically to headquarters.[63] As under the Permanent Settlement all revenue was paid into the district treasury, and there was no attempt to register either the tenures and the holdings of cultivators or any changes in the ownership of lands Bengal Collectors did not enjoy the assisance of tahsildars or of any subordinate revenue staff. Tahsildars had been abolished in Bengal, Bihar and Orissa in 1802. All orders from headquarters to outlying parts of the districts were conveyed only through the corrupt and oppressive police.[64] In 1808 when the number of Tahsildars was reduced in Bengal with a view to reducing expenditure, the contact between the Zamindars and the revenue authorities became more infrequent as the Zamindars did not care to go to the Collector's office six or seven times a year. In permanently settled estates in Bengal in the first quarter of the 19th century the Collector seldom heard of any feuds until there

62. Galloway, Observations on the Law and Constitution of India, 1825.

63. Harington's Analysis, Volume II.

64. Cambridge History of India, Volume II, Chapter II.

was an arrear of revenue and the law of sale produced evils of its own.[65] The Collector is not supposed or required to know anything about the interior of his district. He just sits for the receipt of revenue. It is only in the Khas Mahals, or estates owned by Government where he has all the details of management that he comes into frequent and intimate contact with the people.[66] An oppressed tenantry was referred by Collectors to civil courts. Many of the defects in the administration of Bengal were attributed at the beginning of the 19th century (the cause and the result have persisted ever since) to the measurable distance between the officials and the natives. As illustration it was recorded by an official observer[67] that there was scarcely a native in Bengal who could think of sitting down in the presence of an English gentleman in striking contrast to what took place on the West Coast. The lack of communication between the Collector and the higher officials and the common people was held to account for the bribery and corruption that flourished in the early part of the 19th century.[68] Official reports and not direct meetings with the people were the only sources of information about the state of affairs in these tracts. The absence of subordinate officials like Tahsildars in charge of tahsils in Bengal has still further widened the hiatus between Government and people. That has been the position of the Collector in Bengal *vis a vis* the Zamindars and the people. As a Bengal Collector[69] put it in the beginning of this century. he loomed like Fate in the background and was as little heeded in every day life. system seemed to be governing over the heads of the people.[70]

65. Mr. Hugh Stark's Evidence, 24th February 1832, before Select Committee on East Indian Affairs in Minutes of Evidence Revenue.

66. Campbell's Modern India, 1858.

67. Sir Henry Strachey quoted by Elphinstone in Selections from the Minutes, etc., edited by G. W. Forrest.

68. Shore—Notes on Indian Affairs, Volume II.

69. Carstairs—The Little World of a District Officer, 1912.

70. Carstairs *op. cit.*

The Collector and the people in recent years.

Although the Collector's revenue work does not bring him into direct contact with the cultivators of the lands of the Zamindari, or with the tenants and the ryots, other duties that have been thrown upon him in recent years have established some touch between him and the common people. The collection of agricultural statistics, the submission of weekly reports about rainfall, weather and prices, the trade and commerce of his district give him some opportunities of acquiring knowledge about the life of the people. But all this may be indirect knowledge, as it can be acquired in the office. The inspection of subordinate revenue offices and officers, the rule requiring Collectors to be on tour not less than 90 days in the year, the inspection of schools, dispensaries, police stations, registration offices keep him cognisant of the life of his district. The collection and administration of the other great sources of revenue—the Excise, Opium and Salt—give him more direct and deeper insight into the conditions and circumstances of the social life of the people. Like Duke William in Normandy with his salt pans and fishing rights[71] the Bengal Collector asserts the authority of government over the people. Through the exercise of governmental rights over wrecks and treasure trove, the Collector makes his presence felt in the district.

The Government and the Zamindari tenants and cultivators.

Although the revenue officials had on account of the system of administration fewer opportunities of knowing and working for the people they were not deprived of all powers of interfering between the proprietors of land and his tenants and cultivators. It was no part of Lord Cornwallis policy that the Zamindars should be a law unto themselves once Permanent Settlement was decreed. "If" he said "after having declared the Zamindar proprietor of the soil, in order to be consistent, we have no right to prevent his imposing new

71. Haskins—Norman Institutions.

abwabs or taxes on the lands in cultivation" he would not accept such an interpretation of his intentions. And the Regulation was considered in a judicial decision in a famous case, the Rent Case of 1865, to teem with provisions quite incompatible with any notion of the Zamindars being absolute proprietors.[72] If the tenant or cultivator was made to pay more than the rent agreed on, he had a right to apply to Government for protection.[73] But the hope and intention of the founder of the Permanent Settlement was not realised in the years immediately after it was introduced. In 1819 a successor of Lord Cornwallis complained that the system subjected almost the whole of the lower classes throughout Bengal to most grievous oppression.[74] From 1793-1859 a number of Regulations were passed giving relief to tenants in the matter of leases, the law and practice of distraint, and sales.[75] A series of Tenancy Regulations and Laws have protected the tenantry of Zamindari tracts against the exactions and ill treatment of the landlords. As early as 1802 Zamindars in Madras were required to enter into engagements with ryots for a rent either in kind or money and within a reasonable period of time grant them a *putta* or *kaul* defining the amount to be paid and to grant regular receipts for discharges in kind or in money made by the ryots. But the sanction for this rule of law was a suit in the Zillah Adaulat Court filed by the aggrieved ryots.[76] The obligations were imposed in 1802 on

72. Quoted in Campbell, Tenure of Land in India in Probyn's Systems of Land Tenure.

73. Minute of Governor-General, February 10, 1790. Selection from the State Papers of the Governor-General of India—Lord Cornwallis—edited by Forrest, Volume II—also Minutes, September 18, 1789 in Correspondence, Volume I, Appendix XXX.

74. Governor-General Lord Hastings' Minute. 31st December 1819 in Bengal Revenue Selections from Records of East India House, Volume III.

75. Baden Powell—Land Systems of British India, Volume I, 632-640.

76. Section 14 of Madras Regulation XXV of 1802—Madras Code, Vol. I.

Zamindars to support the regular and established number of Karnams in the several villages of their Zamindari, who were to be appointed from time to time, the hereditary principle being observed as far as possible and who were to obey all legal orders issued by them, but could not be removed from their office except by a sentence of a Court of Judicature.[77] And Collectors or the Adaulats could also after 1802 call upon Karnams of Zamindari villages to produce accounts and records for assessing the public revenue upon the portion of the estates which it may be necessary to distrain in consequence of attachment of arrears of revenue.[78] But in spite of all these endeavours of Government to protect the tenantry. it is true that on the eve of the first piece of tenancy legislation after the Crown assumed the Government of India " the right of the Bengal ryots had passed away *sub silentio* and they had become to all purposes tenants-et-will."[79]

Tenancy Acts due to Administration.

The first Tenancy Act was passed in 1859 abolishing the landlord's power to compel attendance of ryots at their offices, providing for settlement of rent disputes and questions of abatement and enhancement, compelling issue of receipts for rent and the prevention of exaction of excess rent, modification of distraint, creating a new class of tenants whose rents were fixed, granting a right of occupancy to another class of tenants. The Act of 1869 was a slightly amended edition of that of 1859. How unsatisfactory the behaviour of Zamindars to tenants was even as late as 1870 is shown by the revelations about the Darbhanga Estate in 1860 when it had to be placed under the Court of Wards—" the villages leased to farmers most of them

77. Section 11 of Madras Regulation XXV, 1802, Madras Code, Vol. I.

78. *Ibid.*, Section 12-16.

79. Report of Court of Directors, 1858 quoted in Memorandum on some of the results of Indian Administration during the past 30 years of British Rule in India, 1889.

relatives of the Raj servants, security of payment never taken from the farmers, *pattas* and *kabuliyats* seldom given or taken, correct rental of villages nowhere recorded, patwari papers seldom forthcoming, the estate destitute of roads and bridges, the palace neglected and in ruins, its courtyards quagmires, its environs a hopeless waste of jungle, pools and filth".[79a] The Tenancy Act of 1885 was preceded by an elaborate enquiry made by a Rent Law Commission in 1879. Its object[80] was to give protection to the tenants without interfering with the rights of landlords. By defining the position of the various classes of tenants and landlords, the conditions under which rights of occupancy in the land could be acquired and maintained, the manner in which rents were to be regulated, enhanced and relaxed, the conditions under which evictions could take place by imposing penalties for illegal exactions, laying down rules regarding compensation for improvements, allowing Government to order surveys and preparation of records of rights, the Act of 1885 undoubtedly did much to prevent the landlord from abusing the rights of his position. But it must be remembered that all this legislation for tenants has taken place on the repeated representation of district officers, on the recurrence of formidable combinations on the part of ryots and by agrarian outrages for which excuses were found by magistrates and judges.[81]

The Act of 1885, based upon a system of fixity of tenure at judicial rents, purported to give the tenant the same security in his holding as he had enjoyed under the old customary law, to give the landlord a fair share of the increased value of the produce of the soil and to lay down rules by which disputes between landlord and tenant could be reduced to simple issues and decided on

79a. Report quoted in Baden Powell—Land Systems of British India, Volume I, Book II, Chapter VI.

80. Strachey—India, Chapter XXII—also Memorandum on the Results of Indian Administration during the past 30 years of British Rule in India, 1887.

81. Cornwallis by Seton Karr, Chapter III in Rulers of India Series.

equitable considerations.[82] In Oudh the Act of 1868 secured the rights of occupancy tenants and the Rent Act of 1887 entitled tenants at will to make improvements on their holdings and entitled them on ejection to receive compensation for any subsisting improvements which they had made within 30 years preceding this ejectment, and declared every such tenant to be entitled to retain the holding for a period of 7 years the rent being settled in accordance with the provisions of the Act.[83]

The results of tenancy legislation have varied from province to province.[84] The extent and character of the tenant rights declared or created by these tenancy laws were not the same everywhere. They are said to be strongest in the Central Provinces where the old tenures were like the ryotwari system of Bombay, less important in the Punjab where the bulk of the land is occupied by proprietory brotherhoods, and the holdings of rent-paying tenants are correspondingly small, weak in Oudh where the position of the Talukdars was exceptionally strong, in 1858 Oudh having 15,000 occupancy tenants and tenants with certain privileges as to permanancy of tenure and enhancement of rent as against 2½ millions of tenants at will." The position of tenants and occupiers of land in every province has become better and more secure. Even in Bengal tenancy legislation has strengthened the position of the ryots. Though perfection has not been reached, yet the principle that tenants have rights and ought to be secured by law is an accepted principle of Indian policy.

Financial jurisdiction over Zamindars.

Not less than protecting the tenants and cultivators against the tyranny of the Zamindar was it the policy or in-

82. Alfred Lyall quoted in Life of Marquess of Duffrin and Ava, Volume II.

83. Canning by H. S. Cunningham in Rulers of India Series.

84. Memorandum on the Results of Indian Administration during the past 30 years of British Rule in India, 1887.

tention of Lord Cornwallis to free them from all further financial obligations or restraints. The right of the Zamindar to levy duties on goods or merchandize purchased or sold within the limits of their estates was, much more upon goods passing along the public roads, questioned at the very start of Permanent Settlement.[85] That was a privilege, Lord Cornwallis reminded the Zamindars of his time, which the State alone is allowed to exercise. The Bazaars, Hats, and Gunges that were held in the estates of Zamindars offered opportunities for collection of all kinds of duties which were resisted and done away with.[86] The Chokies put up by Zamindars on the banks of rivers to collect duties on boats were also abolished.[87] Nor did Lord Cornwallis contemplate that the Zamindars would be free from other forms of taxation just because they had been allowed to pay a fixed amount of one kind. Salt, opium, customs, abkari and stamps have been other sources of revenue in Bengal as elsewhere and which according to a finance minister of the early 19th century yielded ample revenues in his time.[88] The Permanent Settlement has not stood in the way of new taxes being imposed in Bengal like the Income-tax, the Licence Tax and the new Tariff duties of recent times. Irrigation, Road and Education Cesses in spite of opposition culminating in petitions to Parliament of the Zamindars[89] have been other assertions of the right of the State to tax Zamindars and other holders of permanently settled estates.

85. Minute of Governor-General, February 10, 1790—Selection from State Papers of Governor-General, Lord Cornwallis, edited by Forest, Vol. II.

86. Letter of Court of Directors quoted in Minute of Governor-General, February 10, 1790, *ibid.*

87. Minute of Governor-General, Feb. 10, 1790, *ibid.*

88. Tucker, Memorials of Indian Government, page 135.

89. As e.g. in the case of Education Cess in 1872, see Hansard, June 27, 1871, CCVII, 1891.

Checks on Zamindars' autonomy.

Other rights than the right to tax had the Company's Government brought home to the Zamindars. In the anarchic autonomy of the later Mughal administration the Zamindars of Bengal as elsewhere had acquired the right and exercised the duty of looking after the police of the tracts placed under them. The Zamindar made himself responsible for the policing of his lands. Through the village *Mukadam* or *Mundul* and peons he maintained the peace of his Zamindari, apprehended murderers and robbers and house breakers and other disturbers of the public peace and, if he failed to produce the robber or the thief, was answerable to the injured person, for the thing stolen.[90] Rajah Cheit Singh of Benares, immortalised in the parliamentary debates on the impeachment of Warren Hastings undertook police responsibilities for the Zamindari of Benares. Warren Hastings while denying that the Zamindar was ever a magistrate agreed that he was answerable for the peace and good order of the country. The estate servants and ancient militia of the country under his charge and distributed throughout the Zamindari enabled the Zamindar to watch over its internal quiet.[91] In the Madras Zamindari also, in the Northern Circars revenue and police went together at first. Former governments had entrusted the police to the revenue officers on the ground that a good revenue management makes for a good police. The substitution of a Government police for the ancient Zamindari police was one of the innovations that led to the frequent trouble of Zamindars' rebellions in the Circars.[92] In fact, in the case of the Hill Rajahs of Ganjam the combination was considered "indispensably necessary." With their low *pescush* and

90. Fifth Report, Volume I, (Firminger's edition), page 77.

91. Bengal Records 1 to 39 quoted in Monckton Jones' Warren Hastings in Bengal, Chapter 1.

92. Mr. Thackeray's Report, 15 February 1819 in Madras Revenue Selections in Selections from Records of East India House, Volume I, 1820.

original constitution and tenure they were bound to keep up a police establishment. Being the natural channels of influence and control over their lands they were the only efficient "captains of the borders."[93] Similarly in the Carnatic the Poligars had been originally police officers of the Telingana princes.[94] In the "ceded and conquerred provinces" of Agra and Oude also the Tahsildar was found performing police duties.

Police under the Zamindari system.

In all these Zamindari tracts the early governments of the Company allowed the Zamindars to look after the police in their lands and estates. Soon after the assumption of direct government by the Company in 1772 the settlement of the revenue and the general management of the police were placed in the hands of Zamindars or official descendants of the subordinate officers of the preceding government.[95] But the Zamindari police system of the last days of the Mughals was not such a success as to recommend it permanently to their successors. Robberies and other breaches of the peace were found to be promoted by collusion between the perpetrators of these crimes and the police officers kept by the landholders and farmers of land.[96] On the introduction of the Permanent Settlement in 1793 Lord Cornwallis[97] deprived

93. Mr. Thackeray's Report on Ganjam in Madras Revenue Selections in Selections from Records of East India House, Volume I, 1820.

94. Mr. A. D. Campbell's Evidence, 14th April 1832 in Minutes of Evidence, Report of Select Committee on Affairs of East India Company, 1832.

95. Judicial letter to Bengal, 9th November 1814, in Papers relating to Police, etc., in Bengal, etc. Parliamentary Papers, 1819.

96. Preamble to Regulation 22, 1793 quoted in Harington's Analysis, Volume I, Section IV, also Warren Hastings' Minutes in Judicial Letter, etc.

97. By Regulation XXII of 1793, Fifth Report, Volume I, Edited by Firminger, page 78 also Judicial Letter to Bengal, of Nov. 1816 on Popularity of Police in Bengal, etc., Parl. Papers, 1819.

the Zamindars of police authority and introduced a new police system according to which the country was divided into police jurisdictions of 10 coss or 20 miles square, each in the charge of a Darogah with an establishment of armed men selected and appointed by the Magistrate of the Zillah. The old village guards of Bengal, the Poorbeas, the Pykes, the Choukidars and others who still got their subsistence from the village were placed under the authority of the Darogah. The landholders and farmers of land were ordered to disband their police establishments and freed from all responsibility for robberies and other crimes committed in their estates unless it could be proved that they had connived at them.[98] By 1807 this Darogah system of police had scattered the armed robber camps and plundering bands and broken up the old system of organized pillage into more isolated though still widely spread gang-robberies by dacoits."[99]

In the district of Benares the authority of the Zamindars was utilised and by special Regulations[100] made efficient. The Zamindar and the Tahsildar were vested with functions of police officers with rules for their guidance like those established for the Darogahs of the Lower Provinces. Police establishments similar to that of Benares were set up in 1800 for the " ceded and conquered provinces " of Agra and Oude.[101] The Zamindars, farmers and other holders of land of those parts of British India were not to be exonerated from the duties and responsibilities imposed on them by the terms of their revenue engagements and by the ancient and established usages of the country for the prevention of robberies and other disorders and for the maintenance of peace and good

98. Regulation XXII of 1793—Harington's Analysis.

99. W. W. Hunter in Bengal Manuscripts Records, Volume I, 1782-1793.

100. The Regulation XVII of 1785—Harington's Analysis, Regulation XXXC of 1803.

101. Fifth Report, *op. cit.* page 79, Volume I, by Regulation XIV of 1807.

order within their limits.[102] The Tahsildari system, as it was called, of Benares and the "ceded and conquered provinces" was found inefficient, insufficient and uncontrolled by the district magistrates.[103] According to the Regulations[104] in force in the Benares and the ceded and conquered provinces in the first decade of the 19th century landholders and farmers were required with the assistance of their pykes, choukidars pasbanas and other village watchmen to give at all times their utmost care and vigilance to prevent affrays, assaults and all other acts of violence and breaches of the peace within their respective estates and farms as well as to apprehend and deliver over to the police officers persons who may be found in the act of committing a breach of the peace within their respective estates and farms." Zamindars and farmers defaulting from these police duties were liable to forfeiture of their estates and farms or to pay fines to Government. In spite of all these Regulations the Tahsildari system of police of Benares and the "ceded and conquered" provinces failed. And the failure was attributed to the insufficient establishment of police officers maintained by the Tahsildars, to the inadequate control of these police officers by the magistrates, to the frequency of alterations in the extent of the police jurisdiction on account of changes in the extent of the estates.[105]

The Darogah system introduced by Lord Cornwallis for the Lower Provinces of Bengal continued till 1801. But the failure of the Darogah system to put down the depredations of the dacoits[106] and the blackmail of the *goondas* which had become rampant since 1792 forced the Government to call in the aid of the Zamindars to help in policing the districts. This

102. Fith Report, *op. cit.*, page 80, Volume I.

103. Harington's Analysis, Volume I, Section IV.

104. Regulation IX of 1808, VII of 1810, I of 1811, III of 1812 and VIII of 1819—Harington's Analysis, Volume I.

105. Harington's Analysis, Volume I.

106. Bengal Manuscripts Records edited by W. W. Hunter for frequent references to their duties in the period 1785-1807.

failure was acknowledged to be due to the fact that without the aid of the Zamindars and the heads of villages both of whom were excluded from any concern with the police regulations of 1793, these regulations could not be properly enforced.[107] The pykes who had hitherto enjoyed at a small rent tracts of land in consideration of police services excited serious disturbances in the Jungle Mahals of the Zillahs of Midnapore, Birbham and Burdwan and even organized the most cruel and wanton outrages on the more peaceful inhabitants and laid waste the country.[108] Once more in 1801 revenue and police duties were united in the Zamindars.

In Madras the Government found they could be independent of the landlords on this matter and in 1802 the police tenure on which certain lands were held was abolished unless this police tenure was specially provided for in the *sanad-i-milkyat-i-istamrari*.[109] But the common law duty of Zamindars to aid and assist the officers of Government in apprehending and securing offenders of all descriptions and of giving information to the Magistrate of the robbers or other disturbers of the public peace was confirmed.[110] Even in 1824, Madras had no reason to love the Zamindari system for the districts in which gang robbery and plundering were most prevalent were parts of the Northern Circars and were occasioned by want of governmental control over the petty hill chiefs in the vicinity of convenient hills and in jungles nearby.[111] But the substitution of a government police for the ancient constitution of the Zamindari police was alleged to be one of the innovations that led to the frequent troubles of Zamindars' rebellions in the

107. Judicial Letter to Bengal, 9th November 1814 in Papers relating to Police in Bengal, etc. in Parliamentary Papers, 1819.

108. *Ibid.*

109. i.e. deed of recognition. Section 5 of Madras Regulation XXV of 1802 in Madras Code.

110. *Ibid.*, Section 15.

111. Minute by Sir Thomas Munro, 31 December 1824 in Madras Revenue Selections, Selections of papers from Records of East India House, Volume III, Part II.

Circars in the early 19th century. Former governments, an advocate of the Zamindari police system regretted, knew that only revenue officers could conduct the police, that in fact a good revenue management makes for a good police, they therefore had always entrusted this duty to the Zamindars and extracted it from them.[112] Especially was it necessary in the case of the hill Rajahs who kept up and in fact by their low *peshcush* and original constitution and tenure were bound to keep up a police establishment for they were the natural channels of influence and control over their territory, the only efficient captains of the borders. They therefore hated the new police brought by the Government which could not be efficient in their despite.[113] The Zamindari police system failed in Madras, but a little headway had been made against the Phangars (Thugs of the south) the Irular and the Yanadis. Lord William Bentinck in 1817 approved of the recommendation made by a Police Committee in 1810 that the superintendence and control of the police should go back to the Collector and the Tahsildars and that the village police should be established in the Zamindari areas also.[114]

In 1807 for Benares and the " ceded and conquered " provinces the Tahsildari system was superseded and something like the Darogah system of Bengal was established with a Kotwal as superintendent and an establishment of Darogahs, Jemadars, Burkundazas and Choukidars. The responsibility of the Zamindars for the crimes committed in their districts was expressly reserved. In 1807 in Bengal although the cooperation of the Zamindar was to continue, the appointment of a superior officer of police called the Superintendent of Police who was to act with the zillah and city magistrates marked another stage in the evolution of the Police in Bengal.

112. Mr. Thackeray's Report, 15 Feb. 1819 in Madras Revenue Selections, Selections from Record of East India House, Volume I, 1820.

113. Mr. Thackeray's Report on Ganjam in *op. cit.*

114. Judicial Letter to Fort St. George, 29th April 1814 in Papers relating to Police, etc. in Bengal etc. in Parliamentary Papers, 1819.

The failure in Bengal of the revenue police system as it was called by Lord Hastings called for the trial of a new system. The Thanadari system was introduced in 1815 and a stipendiary police establishment was found indispensable to reduce the spirit of violence and lawless rapine which seemed to prevail under the collusion if not overt support of the landholders and farmers of every district."[115] But even under the Thanadari system the hired force of a Thana was found totally insufficient for the protection of the country and the prevention of crime, " in its collective strength, it could scarcely venture to resist or pursue a gang of armed robbers, and was inadequate to give individual protection against common theft and burglary beyond individual police stations." The former village institutions of watch and patrol were left untouched by the Thanadari system save that they were made subordinate to the Thanadar a portion of their support being converted from land into money payments.[116] Like the later police system elsewhere in India the Thanadari system succeeded in preserving peace and order notwithstanding the frequent recourse to unpopular measures in investigation and in the apprehension of offenders. It fell short of the organized police systems of Europe, for to go farther than the suppression of dacoits and violence the police required the co-operation of the public[117] though even in regard to this class of crime an unwelcome rise in such crimes was deplored in Bengal in 1819-20.[118] In 1827 on the appointment of divisional Commissioners in Bengal the office of Superintendent of Police was abolished, the Collector-Magistrate became the head of the District Police and the functions of the Superin-

115. Lord Moira's Judicial Minute, 2nd October 1815 in Papers relating to Police etc. in Bengal etc. in Parliamentary Papers, 1819.

116. Lord Moira's Judicial Minute, 2nd October 1815, in Papers relating to Police, etc. in Bengal etc. Parliamentary Papers, 1819.

117. *Ibid.*

118. Judicial letter to Bengal, 20th October 1824 in Bengal Judicial Selections, Selections of East India Papers, Judicial, Volume II.

tendent were performed by the Commissioner. These changes were followed by a deterioration of the police and an increase of crime and dacoity.[119] In 1852 it was found that the Gomastahs, the Zamindars' agents, conspired with the police to extract money from the ryots which the Zamindars had failed to take from them, the agents sharing the spoil with the police. They connived at robberies which were frequent even on the river between Hoogly and Calcutta and every village on the bank was affected.[120] But the system continued till 1861 when on the report of a Commission the use of the landholders in the work of the police was finally done away with and the Darogahs the dreaded harpies as they were called who swooped down on a village as a vulture on a carcase[121] were done away with and a separate self-sufficient centralized police system was introduced in Bengal as in the rest of India.

As long as the Zamindari system prevailed, there was a prospect of the village organization and its officials being used in the administration of the police. But with the introduction of a central system with police officials appointed by Government and operating from outside, a hiatus opened between the central officials and the village. The jealousy of the Government towards the Zamindars and the village officials has continued down to modern times.[122] The position of village officers in Zamindari and permanently settled tracts was regulated by an Act framed in 1894.

The Zamindari system and Governmental Authority.

In spite of all these attempts at introducing the authority of government into the tracts in the possession of the Zamin-

119. Report of Indian Police Commission, 1902-03.

120. A Zamindar in conversation with F. J. Halliday in Evidence, 30th May 1833 before Select Committee on Government of India Territories, 1853.

121. Eden quoted in Carstairs—The Little World of a District Officer.

122. Carstairs—Little World of a District Officer.

dars and among the Zamindars themselves, the comparative weakness of governmental authority that the system allowed struck the observers of the system from the time of its introduction. The collection of land revenue from the Zamindars of Bengal led in the beginning and for some time after to yearly struggles between the local governmental authorities and the Zamindars, "struggles not always confined to chicanery, falsehood, and flight on the one side, nor to the utmost exercise of civil rigours on the other."[123] The Collectors' baliffs constituted an armed force and sometimes required the aid of the regular troops. Each Zamindar held his own court and kept up his private defensive police. The early Zamindari police and judicial duties would remind the student of history of the seignorial justice and police of feudal Europe. Cornwallis indeed had hoped that once the assessment was fixed and made permanent, the time and attention and application of the Company's servants wasted before on the periodical assessments would be turned to the business of general government. He also hoped that the separation of revenue and judicial officers that had been united in the same person under the old system would be effected and the laws for the protection of the rights and property of the landholders and cultivators of the soil would have better chance of being enforced.[124] But these hopes and expectations of Cornwallis were not realized in Bengal. The combination of the office of magistrate and head of the police with that of Collector no doubt extended the view of Government into every part of the Zamindars' estates. But it was the abnormal criminal life of the people that the Collector and his subordinates could control. The control of government over the Zamindars through the powers of Sale and Distraint was no doubt effec-

123. Bengal Manuscripts Records by W. W. Hunter, Volume I 1782-93.

124. Minute of Governor-General, February 10, 1790 in Selection of State Papers of Governor-General, Lord Cornwallis, Volume II Edited by Forrest.

tive. But the knowledge of the district officials of the interior was too scanty to allow of any supervision and control. The crime of dacoity which is a fairly reliable index of the incidence of governmental authority in any part of India and at any time has prevailed in Bengal at every period[125] and though it would not be correct to attribute it wholly to the system of land tenure, the Zamindari system cannot be said to have helped the Government to put it down. The appointment of a separate police alleviated but did not put down the trouble. The Zamindars of Bengal were not actively helpful to the government in the matter of administration. They were not averse to embarassing government whenever their own interests were likely to be affected by its acts. They did not like those inquisitions into their conduct and private relationships with their tenants and were known to baffle the Government in all attempts made to discover the actual conditions and rights of the great body of the people though such attempts were professedly and actually directed to the better administration of justice. In these attempts made in the first quarter of the 19th century they were successful and the results were considered to be mischievous.[126] The establishment of great Zamindars precluded the Government from becoming intimately acquainted with the tenures of the ryots and therefore with the conditions and circumstances of their lives.[127] Although justice had become centralized and a governmental monopoly, the Zamindars even towards the end of the 19th century held their own courts where they administered their own justice. They considered it a personal affront that their people should pass by their courts and seek redress in those

125. Sir George Tucker—Evidence before Select Committee on East Indian Affairs, 1832, 9th April 1832, Volume IV, Revenue and Appendix.

126. Evidence of Mr. Holt Mackenzie, 18th April 1832 before Select Committee on affairs of East India Company, 1832, Volume IV, Revenue.

127. Mr. Thackeray's Report on Ganjam, 15th February 1819, Madras Revenue Selections, Selections from Records of East India House, Volume I, 1820.

of the Government and punished those that dared. The landlords' courts were illegal and the Zamindars were punishable at law for holding them. But they had to be caught first.[128] There were and are only two limitations on the power and authority of the Zamindars—he must not have arrears of revenue and he must not offend the Collector. Once he performed his first duty, he need not have an opportunity of offending the Collector as he, having a large territory and many things to attend, to rarely troubles, a Zamindar with a visit.[129]

Nor was control realized in other parts where permanent settlement was introduced. The weakness of the authority of Government in the Northern Circars in the early 19th century was attributed to the restoration of estates to the Zamindars, the Government not receiving a single village in which direct control could be exercised over the ryots and to the transference of the village officials to the jurisdiction of these Zamindars. While in an open country long under the immediate authority of the Government, the Permanent Settlement although it might tend to conceal the real state of the country may not seriously affect the public authority adversely to the point of rebellion, yet in mountainous unhealthy tracts like the Zamindari tracts of the Northern Circars, the Permanent Settlement had the effect of weakening the authority of Government. By the creation of new Zamindars and divesting government of the sirkar lands which it had possessed soon after the Company received them from the Nizam the establishment of the authority and the maintenance of peace and order in the territory under the immediate control of Government has been made difficult.[130] The frequent rebel-

128. Carstair's—Little World of a District Officer, 1912.

129. Carstair's—Little World of a District Officer.

130. Minute by Thomas Munro, 7th January 1823 in Madras Revenue Selections in Selections from the Records of East India House, Volume III, Part II.

lion of the Zamindars of the Northern Circars gave point to the views of the critics of the Zamindari system.[131] The Company after having been sovereigns of the Circars for nearly 50 years was not able to see the authority of the Sirkar established at the end.[132] The experiment of creating a class of territorial landlords and entrusting to them the government of the people in their estates was not a success. Many of them assumed the position of petty princes and instead of contenting themselves with moderate establishments like the squires and landed noblemen of England kept the state of elephants and horses out of all proportion to their income. In Guntur the Zamindars spent on "*savari*" a sum which would have maintained about four battalions of Company's sepoys.[133] And as for the hill districts of Ganjam nothing was more remarkable than the complete Zamindari influence which prevailed and the little intercourse between the Government and the great body of people. No village people ever went near government officials either to solicit favours or to seek redress; for both, they looked to the Zamindars and when necessary to the courts.[134] This Zamindari system might have helped the development of control if the Zamindars had been left their police and magisterial duties and if they had made a responsible use of them. But what might have happened under the system if good Zamindars had been given adequate powers is an idle speculation.

131. Mr. Thackeray's Report on Ganjam, 15th February 1819, Madras Revenue Selections in Selections from Records of East India House, Volume I, 1820.

132. Letter of Elphinstone to Malcolm in Elphinstone Lives of Indian Officers by Kaye.

133. Mackenzies' Manual of Kistna District.

134. Minute by Thomas Munro, 7th January 1823, Madras Revenue Selections, Selection of papers from Records of East India House, Volume III, Part II.

The Zamindari system and centralization.

If the hold of government over the people was not close, the Zamindari system led to a process of centralization in administration which deserves to be noted. All revenue administration has been conducted at headquarters of the district or of the province.[135] Disputes and cases in regard to revenue were taken to the Collector's office. The very payment of revenue had to be made by the Zamindars at district headquarters. The grouping of districts into divisions and appointment of Commissioners in 1829 to act in supervisory and appellate jurisdiction over the work of Collectors of districts seemed only to scale upwards the work and authority of government. The system of unlimited appeal also acted as a check on local authority. It was freely exercised. Dissatisfied parties carried their cases upward as long as there was the smallest hope. Executive proceedings were as liable to appeal as judicial decisions.[136] The Collectors in Bengal were made responsible for every particular of their proceedings and supervised to "an amazing extent." For all acts beyond those of ordinary routine it was necessary to obtain the previous sanction of superior authority. By means of abstracts of correspondence, annual statements, reports from the executive officers of districts, the provincial government, was kept *au courant* of all proceedings in the district and given opportunities of check, control and direction.[137]

What the Sheriff did for centralization in Norman England that the Collector has done in Zamindari India. Like the English Sheriff who collected the revenues due to the king from the country and which consisted chiefly of income from lands and forests, the proceeds of the various feudal incidents to the Treasury at Westminister and rendered the accounts to the Court of Exchequer, so does the Collector in India collect

135. O'Malley—Bengal, Bihar and Orissa.
136. Modern India by George Campbell.
137. *Ibid.*

the land revenue and other dues from the Zamindars and remit them and account for them to the Board of Revenue. Similarly in Norman Sicily under Roger II the central *Curia* called in Arabic the Diwan was the highest financial body for the whole kingdom, kept voluminous registers called daftars in Arabic, the system of land administration presupposing an elaborate system of survey and registration of the land and its inhabitants. All the three systems led to a remarkable degree of governmental centralization.

The Zamindari system in N. W. Provinces and Oude.

In other parts than Bengal also the Zamindari system went through similar experiences. The Talukdars of Oude under the native governments were landlords paying their rents direct into the treasury at Lucknow, and having paid them lived in semi-independent state and exercised plenary jurisdiction over their estates.[138] They had their forts and guns in the old times and the assessment had necessarily to be light. Nor was there any definition of rights as between them and the persons who held under them. When the British took possession of these territories, Collectors and Deputy Collectors took the place of the old native functionaries. At first the talukdars were set on one side, the settlement was made with the village occupants for short periods of years. After the Mutiny in which Oude had taken general part Lord Canning issued his famous proclamation by which he confiscated the entire proprietary rights of the people of Oude for their general participation in the insurrection and promised restoration to all those who would tender their submission. Most of the Talukdars came in, except seven or eight great Talukdars who would not benefit by the amnesty and whose estates were escheated to Government. The Talukdars were reinstated in the position they had held

138. Evidence of Sir C. E. Wingfield, 21st April 1871, before Select Committee on East Indian Finance, 1871.

before the country was annexed.[139] It had been found during the Mutiny that the village communities rallied to the side of the dispossessed Talukdars and acknowledged them for their masters and overlords[140] and preferred to be under them to having direct relations with the Government.

The Zamindari system in Bombay.

In Bombay in the Mahratta country after Zamindars ceased to be the principal agents in the collection of revenue they were still made use of as a check on the Mamlatdars and no accounts were passed unless corroborated by corresponding accounts from them. These officers, the Deshmuks and Deshpandes still held the lands and fees that had been originally occupied by them as wages and were considered to be servants to the Government.[141] They were never set aside except when the Government sequestrated the offices as part of the heritable rights of individuals for any offence against the State. These Deshmuks and Deshpandes seem to have stood between the heads of villages and the government officers. The British government first appointed them as Mamlatdars but only for definite periods of time which did not last long. They used to sit in the Collector's office acting as umpires between it and the Mocuddums in the making of the early Mozuvar or village Jamabandi, moderating the demands of the office, influencing the Patels in admission of rightful demands.[142] But the influence of the Deshmuks and Deshpandes in Bombay disappeared with the adoption of Ryotwari. The molestations and tyrannies of which the Deshmuks

139. Evidence of Sir R. Montgomery, 21st April 1871 before Select Committee on East Indian Finance, 1871.

140. *Ibid.*

141. Report on Territories conquered from the Peshwa by Mountstuart Elphinstone in selection from the Minutes and official Writings of Elphinstone edited by Forest.

142. Revenue Enclosure in Mr. Chaplin"s Report, 20th August 1822—Bombay Judicial Selections—Selections of India Papers, Judicial, Volume IV.

and Deshpandes of Kandesh were generally guilty about 1820 not only put an end to the use made of them but prevented a recurrence to their aid in revenue administration.[143] In Bombay as in Madras the ryot was brought into direct relationship with the Government. In Guzerat after the conquest there were Khalsa lands, directly under the government like the Khas estates of Bengal, and the Girassia lands held by landowners who pay a revenue to Government which Government appears to have had the right to receive, but in which it was not usual to interfere in the internal management of the villages or to examine the state of their receipts. The British Government has asserted the right without always assuming the exercise of internal interference and it has not hesitated to enquire into the collections by establishing Talatis in Girassia and Mehvasi (inhabited by the Kolis) villages.[144]

The Zamindari system and political stability.

If the Zamindari system did not help the Government by itself to strengthen its hold over the people, the early founders and advocates of the system hoped that it would conduce to the stability of the State. One argument that was used in favour of a Permanent Settlement was that it would give the proprietors an interest in the stability of the government.[145] Lord Cornwallis hoped that the proprietors of land would be attached to the government from motives of self-interest, that a landholder who was secured in the quiet enjoyment of a profitable estate could have no motive in wishing for a change. The Permanent Settlement was recommended for the "ceded and conquered" provinces of Agra as it was expected to

143. Mr. Chaplin's Report, 20th August 1822 in Bombay Judicial Selections on Selections India Papers.

144. Mr. Elphinstone's Report on Territories conquered from Peshwas.

145. Evidence of Mr. R. D. Mangles, 28th March 1871, Select Committee on East Indian Finance, 1871, Minutes of Evidence, Volume I.

infuse into the landholders a warm and zealous attachment to the government founded on the solid basis of their own interests."[146] The hereditary Sirdars of the Bombay Deccan "being of the same nation and religion" as the common people acquired through their landed possession "an extent and permanence of influence"[147] not usual in other Zamindari tracts. The preamble to a Madras Regulation introducing the permanent assessment of land revenue declared that the object of the policy underlying the Regulation was to remove all uncertainty and disquietude and the injury to the State arising from them.[148] But these expectations were not realised. A negative kind of stability, no doubt, the Zamindari system has induced. The indirect effect of a large body interested in maintaining the existing state of things has always been considerable and is not to be minimized.[149] But the fear and dislike felt by the Zamindars for the Government of the early 19th century did not escape the observation of their official contemporaries.[150] The disorders in the form of dacoities in Bengal in that period were traced[151] among other things to the revenue arrangements which drove the upper classes to disaffection and the lower to desperation and to the removal of responsibilities for police from the Zamindars. At the time of the Mutiny the Zamindari tracts of the North West Provinces and of Bengal were not distinguished for the loyalty of the Zamin-

146. Revenue Letter from Bengal, Ceded and Conquered provinces, 17th July 1813 in Selection from Record of East India House, Volume I, 1820—Bengal Revenue Selections.

147. Life of Mounstuart Elphinstone by Sir J. E. Colebrooke, Volume II.

148. Madras Regulation XXV of 1802, Madras Code, Volume I.

149. Evidence of Mr. Holt Mackenzie, 18th April 1832 in Minutes of Evidence before Select Committee on East Indian Affairs, 1832, Volume IV, Revenue.

150. *Ibid.*

151. By Mountstuart Elphinstone in his Life by J. E. Colebrooke, Volume II.

dars. And revolutionary crime in recent years has found a much stronger foothold in Bengal and the United Provinces than anywhere else in India.[152]

On the other hand by the creation of valuable property rights, the rights of hereditary succession, the custom of primogeniture, the Zamindari system has made the Zamindars at least an element of conservatism. And the fear of disturbing these vested interests has contributed not a little to the conservatism of Government itself.

The Zamindari system, solvent of feudalism.

In one respect, however, the Zamindari system has changed the face of the State in India. It has been one powerful means for the extinction of Indian feudalism. While in other countries the growth of a powerful, centralizing monarchy or the spread of towns or the development of industry have brought about the disappearance of feudalism, in India it is Land Revenue that has effected the change. It was through the introduction of the Zamindari system that the feudal chieftain with his military and political rights and duties was transformed into the revenue-paying landlord. In Bengal many of the Zamindars created by Lord Cornwallis had been feudal chiefs of the old Moghul Emperor. Chait Singh of Benares claimed to be a feudatory chieftain but he was treated by Warren Hastings as a Zamindar. Two frontier principalities on the borders of Bengal, Birbhum and Bishampur passed in 1788 from the condition of military fiefs into that of a regular British district administered by a Collector and covenanted assistants, defended by the Company's troops, studded with fortified factories, inter-connected by a new military road and possessing daily communication with the rest of government in Calcutta.[153] Elsewhere also this

152. Sedition Committee Report, 1919.

153. Annals of Rural Bengal, Chapter II, edited by W. W. Hunter.

process of defeudalization through the Zamindari system operated. In 1805 Lord Cornwallis recommended to Malcolm that he should settle the friendly chiefs of Central India who had joined the British forces in the recent wars on Jaghir tenures.[154] But it was in Madras that this process of converting feudal chiefs into Zamindars was effected on a large scale. The Rajas of Malabar, after the Mysore Wars, from independent chiefs became the subjects of the British power. It was Lord Cornwallis' intention[155] to put them on the footing of Bengal Zamindars and prevent them oppressing the people. The net revenue expected amounted to about 20 lakhs and the opening of the commerce in pepper and other spices created inviting possibilities. Even Sir Thomas Munro, advocate as he was of an opposite system for the most part of the Presidency, was not averse to adopting the course recommended by a local officer who would have in Malabar a body of landholders, of men whose ideas not being exclusively confined to the tillage of the ground or to original occupations would be possessed of education to qualify them to be intelligent arbitrators in disputes and able revenue and public officers of government.[156] Military service of these chiefs was superseded by the obligation to pay fixed land rents, the village system which under the Malabar Rajahs had been well enough adapted to the ends of their military government, being as much as possible assimilated to that of other districts.[157]

154. Marquis Cornwallis to Lieutenant Colonel Molcolm, August 14, 1805 in Cornwallis correspondence edited by Ross, Volume III.

155. The Select Committee to Lord Cornwallis, November 17, 1792 in Cornwallis Correspondence by Ross, Volume II.

156. Sir Thomas Munro in Report on Malcolm in Madras Revenue Selections in Selections from Records of East India House, Volume I, 1820.

157. Minute by Sir Thomas Munro in Madras Revenue Selections in Selections from Records of East India House, Volume I, 1820.

The Madras Poligars become Zamindars.

The celebrated Poligars of the Carnatic of the 18th and 19th centuries were thus converted from feudatory robber chieftains into peaceful subjects. The Palliam had not been merely a Jagir or Zamindari, but a district conferred by the sovereign on a chief the holder of which, the Palaya-kara (englished into Poligar) was bound not only to pay his lord an annual *peshkush* or tribute but also to help his lord in his wars. Palliam, according to Dr. Caldwell, means a camp and Palaiyakaran means the chief of a camp.[158] He was a feudal chieftain with most of the feudal rights of subordinate sovereignty. The Palliams of Tinnevelly, Ramnad, Chittoor were thus transformed into Zamindari estates. One class of these Poligars whose Palliams were situated in jungly and frontier parts of the country had been given lands on condition that they did something to preserve internal order or police their districts. Others had received certain villages as inam from previous Hindu governments either as personal allowance from the State, for the support of their rank or as reward for their services or partly for these objects, or partly on the feudal tenure of keeping a body of horse or foot which was to be at the call of the sovereign whenever they were required.[159] Others had been renters of districts or revenue officers who had revolted in times of public disturbance and had succeeded in occupying lands to which they were continually adding by further encroachment on the territorial rights of governments or individuals during the period of anarchy in the Carnatic preceding the coming of British power. Even Patels of villages had acquired such positions and although their revenues did not exceed a few hundred pagodas yet they kept up their military retainers and normal officers of state and were regularly installed with all the forms and ceremonies appropriate to rulers of extensive territories

158. A Political and General History of the Tinnevelly District by Dr. Coldwell.

159. Fifth Report, Volume I (Firminger's edition), page 265.

assuming and exercising in their contracted spheres many of the powers of sovereignty. In the Mysore country the civil government and police of the Palliams had been left in the hands of Poligars of that country, on condition of paying a *peshcush* and of providing a military force for the service of the State. Similarly in the Ceded Districts, the Poligars held with their military retainers the country in disastrous feudal fee. The poligars of all these parts of the Presidency were converted by the policy of the Government into Zamindars.[160]

What happened to the poligars of the Ceded Districts happended to the poligars of the Carnatic and other parts of the country. They were freed from all obligations of military service to the State, the military service being converted into a money payment,[161] were no longer permitted to maintain armed forces or to police the country, their peons were converted for the most part into revenue servants, the *peshcush* or tribute was converted into a rent revisable by the Company's Collectors. But the cultivating ryots of the Ceded Districts were protected against the Poligar turned Zamindar by the rule that the rent payable by each cultivator to the landlord was arranged by the Collector with the aid of the Patel and Karnam of the village, the Poligar being prohibited from taking any part in the fixation of the assessment and being obliged to grant pattahs to his ryots and make ryotwari settlements with them.[162]

Similarly in the Carnatic country the Poligars were relieved of the military and police protection of the country. Internal defence and security and the administration of the police was taken over by the Government. The *kaval* system was used by the Poligars for the police of the

160. Fifth Report, *op. cit.*, Volume I, page 265.

161. Letter of Lord Clive to the Marquess of Wellesley, 14 September 1802 in Wellesley's Despatches, edited by Martin Vol. II.

162. Fifth Report, *op. cit.*, Volume I, page 272.

country. Every village from time immemorial had had its *kaval karars* or watchmen who were remunerated for their services by a small fee. The right of exercising this police function and of levying a still heavier fee was in time claimed by the Poligars and their dependents. If the Poligars could not appoint them as kaval karars of a village they levied an annual contribution on the kaval karars appointed by others. A still more formidable engine of oppression was the *desha kaval* or district watch which the Poligars managed in time to add to the village kaval and was probably a fee for the exercise of a wider kaval over roads and wastes.[163] The *desha caval* fees formerly collected by the Poligars were to be paid to Government, the Poligars were no longer to hold the office of tallum-caval-carar or village watchmen the village watching fees being restored to those that performed the duty of the village watchman. In 1797 after a rebellion orders were issued and carried out calling upon the Poligars of Dindigul and Malabar to demolish their forts, to abolish their military establishments and to discover their arms.[164] The Palliams of Sivaganga, Ramnad, Manaparai, Madura and Mittum were by orders of the Government of Madras converted from "the ferocious and turbulent character of the Poligar tenure into the peaceful and beneficial condition of the Zamindar". The lands of the Poligars also were permanently assessed, the rights of kaval were reserved by Government, the policing of the village territory restored to the village taliaries under the supervision of the Collector.[165]

In the Northern Circars the Zamindars belonging to the Velama, the Rachevar the Warriars(?) castes were surrounded by military tenants whose lands were held on stipu-

163. Political and General History of the Tinnevelly District by Dr. Coldwell.

164. Fifth Report, Volume I, *op. cit.*, page 284.

165. Fifth Report, Volume I, *op. cit.*, page 286.

lations of personal service and whose attachment to their chiefs were increased by a kind of family connection which subsisted between them. Beside these military tenants, the Northern Zamindars had a military force of peons, common peons paid in money and whose constant attendance was expected, and the *mocassa* peons who were paid by grants of land subject to the payment of only a quit rent, and the *manety* peons who consisted of military tenants of a higher order and who were bound to bring their adherents to the field when there was need of them. On the information furnished by a Committee of circuit and an inspecting officer and driven especially by the contumacious and rebellious spirit of the Zamindar of Vizianagaram, Lord Hobart, Governor of Madras, by a proclamation abolished the Provincial Council of the Northern Circars, displaced it by District Collectors required all Zamindars, Talukdars and other landholders to pay due obedience to the Collectors, to furnish true information about their lands. He promised them the maintenance of their just rights and privileges, but called on them to disband their military retainers. It took some time to bring about the entire reduction of the military power and independence of the Zamindars, but it was eventually done. Stipulations were made in the Cowls and Leases granted to the Zamindars for a limitation of the number of armed people maintained by them, but the effect of these stipulations was not immediate."[165a]

Feudalism in Scinde.

In quite a different part of India, in Scinde, also feudalism was got rid of by means of a land revenue system. Sir Charles Napier took effective steps to defeudalize Scinde. To the sons of the chiefs that fell in battle he gave their fathers' lands on condition that they should pay rent instead of military services. Landed proprietors were thus substituted for military chiefs. A class of Jaghirdars was created interested in

165a. Fifth Report, Vol. I, p. 286.

the maintenance of government that ensured them the peaceful possession of lands.[166]

In Central Provinces.

Later in the century in the Central Provinces feudatories were gradually transformed into landholders. At first the feudatories were semi-independent chiefs, enjoying certain political power, and paid some a nominal, and others, considerable amount of tribute to Government, which, however, was not anything like what it would have been if it were a revenue to Government. But the tribute was not fixed, it was liable to be raised under express stipulations that it might be re-settled at the end of twenty years, the object of the revision being not so much to increase the revenue as to prove to the chiefs that the revenue was revisable.[167]

Feudalism in the Deccan.

In the Deccan also feudatory Rajahs under the name of Jaghirdars were converted into landowners. These Jaghirs both in nature and history had a strong resemblance to feudal benefices.[168] A Jaghir had at first been granted to some successful warrior for his life that he might maintain troops to serve an overlord. A small portion was set aside as the personal domain of the Jaghirdar, the rest being sub-let to tenants. On his death, the grant was renewed on the conditions that the heir would pay a relief, and in course of time, they came to be regarded as hereditary fiefs. Jaghirs, according to Moghul ideas, were not absolute possessions of the holders but gave them only the right to derive the revenue

166. Life and Opinions of Sir Charles Napier, Volume III, under date 1844—also H. B. Frere's Evidence, 28th March, 1871, before Select Committee on East Indian Finance, 1871.

167. Evidence of Mr. J. H. Morris, 18th April, 1871 before the Select Committee on East Indian Finance, Minutes of Evidence, 1871.

168. Forrest—Introduction to Official writings of Monstuart Elphinstone.

from the lands which but for the grants would have accrued to Government.[169] When the military condition of tenure ceased to operate, the Jaghirdars were allowed to continue for reasons of policy. Mountstuart Elphinstone[170] pleaded for the wealthier class of the Bombay Jaghirdar being treated according to the " terms of Punderpoor ". These were founded on the ancient custom of the Mahrattah empire. They were to be allowed not only the management of their Jaghir lands but civil and criminal jurisdiction to the power of life and death, escaping the much dreaded Adawalt Courts, in other words to be treated as the semi-sovereign princes of India. The lower class of Jaghirdars would be defeudalized. But Elphinstone's policy which he realized as Governor did not meet with favour after his time. And the Bombay Jaghirdars were all of them defeudalized. Although they did not pay any revenue to Government their Jaghirs were liable to resumption and assessment under the general rules, at the pleasure of Government, when signified by order to the Collector.[171] Although the Jaghirdars were not required to perform any positive service and did not have to pay revenue yet the tenure on which they held their Jaghirs was good, political and loyal conduct of which orderly management of their lands and the people on their lands was an important ingredient.

Inams and their enfranchisement.

Similar rent free lands were those extensively granted in Bombay and Madras in the early days of British rule as reward for past service or on condition of the continuance of services imposed by former governments. These were the famous Inam lands around which controversy as to their nature and implications has not ceased to trouble the waking hours of administrators. Like the Jaghirs the Inams were for

169. Field—Law of Landlord and Tenant.

170. Life of Mountstuart Elphinstone by Colebrooke, Volume II.

171. Regulation I, 1823, Selections from Papers from the Records at the East India House, Volume III, Part II.

reasons of policy continued by the British Government. But very early the high proportion which the various classes of Inam bore to the area of government land was a matter that attracted the attention of revenue administrators like Munro when he took charge of the Ceded Districts in Madras. Suspicion began to grow that many of these Inams had been granted fraudulently or at least without proper authorization.[172] The practice of resuming Inam lands was followed from the beginning. Thus in Bellary district all Inam lands given away after 1792 were ordered to be annexed to the Circar lands.[173] An Inam Commission appointed in 1840 investigated these Inam grants and weeded out those that did not deserve for historical or legal reasons to be continued from those which could be sustained.[174] The right to resume these grants which used to be exercised by the native governments was asserted by the British Government and exercised whenever occasion arose.[175] Although these Inam lands were generally exempt from the payment of land revenue it was no part of the policy of Government to make them absolutely and permanently rent free.

Inam and Indian Finance.

These alienations of revenue in the shape of Jaghirs, Inams, Seranjams have always been viewed with longing eyes by Finance Ministers in India. Lord Cornwallis[176] asserted the right to impose such assessment as he may deem equitable on all lands alienated and paying no assessment of revenue which have been or may be proved to be held under illegal or doubtful titles, the assessment so imposed belonging to Government, no proprietors of land being entitled to it. Lord

172. Francis—Anantapur District Manual also Kelsall's Bellary District Manual.

173. Kelsall's Bellary District Manual.

174. Evidence of Sir H.B. Frere 24th March 1871 before Select Committee on East Indian Finance in Minutes of Evidence, 1871.

175. *Ibid.*

176. Regulation I of 1793.

Hastings noted that the scruples which prevented the resumption of the lands gave cause to men to admire or mock the simplicity or good faith of the actions and proceedings of Government.[177] These rights of Government as against Inam lands are all the more defensible as the services once performed are not now required, except village services of village officials like the Accountant, the Headman and the Watchman. And the Inamdar is allowed to keep his lands on payment of a quit rent.[178] And the prophecy of a famous finance member[179] that popular representative assemblies would question the right of Inam lands to be rent free has already come true. The right to enquire into and impose taxation on revenue on such alienated lands in the interests of the public exchequer and of the State has always been recognised. As a result of the resumption of rent-free lands in Bengal and Bihar by the year 1853 the State benefited to the extent of Rs. 50 lakhs per annum.[180] In Bombay about the same time about 700 villages had been alienated out of the Khalsa mahals of the Collectorates of Dharwar and Belgaum, the number of minor alienations was about 60,000 estates so that the whole burden of taxation in that part of the country was thrown upon considerably less than half the people.[181] In Bombay similar to the Inam lands were those held as Nemnuk (grants from the Huzur treasury to pay and purchase charitable donations daily or yearly) Rozindar, Warsham, religious or Charitable pensions, Devasthamas for the support of temples, Seranjams for military service.[182]

177. Minutes of 21st September 1818.

178. Evidence of Mr. R. A. Dalyell, 31st March 1871 before Select Committee on East Indian Finance, Minutes of Evidence, 1871.

179. Evidence of Sir C. E. Trevelyn, 28th February, 1873, before Select Committee on East Indian Finance in Minutes of Evidence, 1873.

180. Evidence of R. D. Mangles, 9th June 1853 in Minutes of Evidence before Select Committee on East Indian Territories 1853.

181. *Ibid.*

182. Report on Territories conquered from the Peshwas by Elphinstone.

Government and Mirasi.

Similarly, the Mirasidars of Madras and Bombay have acquired a variety or rights differing in nature and degree but all more or less connected with the proprietory possession and usufruct of the soil and its produce.[183] There were in Madras, two kinds of mirasi, official mirasi (on account of office like kaval mirasi) and landed mirasi which entailed no official service or duties. In the Deccan districts of the Bombay Presidency, the mirasi tenure was acknowledged to be ancient,[184] a mirasdar was described as a free-holder paying land-tax to Government.[185] The contention of Mirasdars in Arcot and other Tamil parts that the Mirasdar was bound to pay rent only for that part of his mirasi lands that he actually cultivated was resisted from the beginning and his duty to pay for the whole of his land was brought home to him at the beginning.[186] The right of the Government to dispose of the land of the Mirasdar for sufficient reason like long absence was acknowledged even then.[187] But the obligations of the Mirasdar to pay revenue to Government was never contested,[188] although the fees called *swatantrams* are still payable by ryots to the Mirasdars in Chingleput district and although the mirasi *swatantrams* in Tinnevelly and other districts are not recognised.

In Bombay in the Mahratta country at the time of the conquest, the opinion was prevalent that under the old Hindu

183. Mr. Ellis Pope on Mirasi in Madras Revenue Selections in Selection From Records of East India House, Volume I, 1820.

184. Mr. Chaplain's Report, 10th August 1822 in Bombay Judicial Selections in Selections from Records of East India House, Volume IV.

185. Evidence of Sir H. B. Frere before Select Committee on East Indian Finance, 1871.

186. Minute by Thomas Munro in Madras Revenue Selections in Selections from Records of East India House, Volume III, Part II.

187. Minute by Sir Thomas Munro 31st Dec. 1824 in Madras Revenue Selections in Selections from Records of E. I. House, Vol. III, Part II.

188. Maclean's Standing Regulations relating to the official Administration of the Madras Presidency, Volume II.

Governments all the lands had been held by mirasi, i.e., as a kind of free-hold.[189] And the new rulers would have allowed the mirasi tenure to continue if the Mirasdars had not abused their powers by extortion from their tenants and cultivators.

The Mirasdar was a minor Zamindar so far as his rights of property were concerned. Provided he paid his rent to Government which, not as in Zamindari tracts, was liable to periodical revision, he had the right of devolving it on his heirs and successors, and of selling it. Mere failure to pay his rent did not at first give Government the right to resume the miras. For absence from his property and on failure to pay rent the Government in Bombay in the old days had the right to make most of the field, to let it on lease for a period of three years after which if the Mirasdar still persisted in failure to pay his dues, the miras could be secured by Government. There was no species of property that Government have so much respected as miras land in the early 19th century.[190]

The Ryotwari system—Origins.

When, on the conclusion of the Mysore War in 1792 Lord Cornwallis invited Captain Read to take up the organization of the revenue of the newly conquered district of the Barahmahals he could hardly have suspected that a revenue system radically different from his favourite Zamindari system of Bengal would be the result of his choice. The Ryotwari system which was the work of the joint endeavours of Captain Read and Major Munro and the other lieutenants associated with them was the direct opposite of the system so far tried by the Company's government. It was not only their own ideas but the experience of the vagaries of the Zamindari system in the Northern Circars that led them to suggest this

189. Report on Territories conquered from the Peshwas by Elphinstone in Selections from Minutes and Official Writings of Elphinstone edited by G. W. Forrest.

190. Elphinstone in Report etc. *op. cit.*

new system for the new districts of Madras.[191] A school of historians has suggested that the Ryotwari system was the invention of Read and Munro as English feudalism is said to have been due to Spelman. Whatever may be the origins of the system, whether it was adopted from previous Indian practice or sprang Minerva-like from the heads of Read and Munro it came to be adopted as the ordinary revenue system of two provinces of India—of Madras first, and later of Bombay[192] In Madras the dismal failure of Zamindarism in 1835-47 in the districts of Guntur and Masulipatam led to the introduction of the other system[193] into these Zamindari tracts. The Cornwallis tradition had not died in Madras and Bombay, because on the conquest of the West Coast and Malabar territories the Marquess of Wellesley decided upon "the introduction of the system of justice and collection of revenue established in Bengal with so much advantage to the Government and the people.[194] The essential features of this system of raising revenue from land were that the persons who paid the revenue from land to Government were individual cultivators or proprietory ryots, with no intermediaries between them and the officers of Government authorised to receive the dues and that these dues were not fixed in perpetuity but were liable to be altered periodically. Under the Ryotwari system therefore the Government became the landlord of the ryots.

Ryotwari needs Survey.

Before the land could be made to pay any revenue under the Ryotwari system, it had to be surveyed, the boundaries of the holdings of individual claimants fixed, the area of each holding ascertained. Survey operations and a survey service

191. Baden Powell—Land Systems, etc., Vol. III, Ch. I.

192. For Bombay see Mountstuart Elphinstone Report—Territories conquered from the Peshwa in Official Writings by Forrest—Life of Mountstuart Elphinstone by Colebrooke, Vol. II.

193. Manual of the Kistna district by G. Mackenzie.

194. Financial Minute of Governor-General, June 1798 in Despatches of the Marquess of Wellesley edited by Martin, Volume I.

were essential to the inauguration as to the continuance of the ryotwari system. Read and Munro and the early settlers of Ryotwari lands were content with rather crude though field to field survey.[195] But survey was not organised till some time after the system had been introduced. A regular revenue survey in the districts of the Madras Presidency did not take place till after the middle of the 19th century. A few sporadic and defective attempts were made at first. In most the revenue demands were based at first on the statements of the village Karnams who could plunder the ryots or defraud the Government if they pleased. Especially in the case of Inam lands Government used to be defrauded as there was no registry of such lands though a provision had been made in 1802 for registering them. In 1855 the Madras Government decided that the revenue survey should be connected by minor triangulations with the ground trigonometrical survey by which greater accuracy could be attained and the work made more permanent.[196] The survey was to include Inam lands, all cultivated lands, and such land as seemed likely to be taken into cultivation. Although jungle and waste lands were not to be surveyed in detail yet as further portions of it should successively be brought under the plough from time to time, they were to be surveyed by the survey establishment of each district which hereafter should form a part of the permanent establishment of every district. Permanent boundary marks, field maps, village maps, taluk maps were deemed to be necessary. Provision was made for the appointment of a Surveyor-General later called Director and four Deputy Surveyors for the Presidency.

Survey in Madras.

The Madras survey ordered in 1855-56 was suspended for a time but it was resumed in 1858 although the area to be

195. Baden Powell—Land Systems of British India, Volume III.

196. Madras Records No. LIII in Annals of Indian Administration, 1859—Serampore.

urveyed was 38 million acres or 60,000 square miles and the otal cost of the survey was expected to be Rs. 38,40,000.[197] An Act passed in 1860 amended in 1884 provided for the lemarcation of villages and fields, for the settlement of oundary disputes and the preservation of survey and oundary marks. The topographical part of the survey epartment's work was turned over to the Imperial Survey Department in 1886 and the Provincial Survey Department as restricted itself to purely revenue survey work.[198]

Survey in Bombay.

The Bombay survey was undertaken soon after the finish f Lord Hastings' Mahratta War in 1818, first in the Deccan nd southern Mahratta country, gradually extended after 1858 o the northern districts of the Presidency. Here the progress f survey was retarded by the greater complication of the anded tenures and by the existence of various classes of niddlemen who like the Talukdars of Oude were hostile to hanges which, though they preserved to them their pecuniary, ights, interfered with their power.[199] In Bombay also the arly surveys were rough as those made by Pringle in the Pooha Collectorate. But the Bombay Survey differed from he Madras survey in that the mechanical portion of the urvey operations was made under the general control of the ettlement officers. It would appear that the Madras system f survey being done by separate and independent surveyors ad been shown to be useless for revenue purposes in Guzerat n 1820.[200] In Scinde the survey had to meet with peculiar ifficulties owing to the absence of traditionary landmarks that

197. Madras Records No. LXXIV in Annals of Indian Administration, 1862-63, Serampore.

198. Baden Powell Land System of British India.

199. Memorandum on Improvements in the Administration of India luring 30 years—1858—Return to House of Commons.

200. Evidence of Sir H. B. Frere, 28th March 1871 before Select Committee on East Indian Finance, Minutes of Evidence, 1871.

had guided the Governments elsewhere and it required to be considerably modified in many important particulars but it was completed by 1871.[201]

This revenue survey has been a costly business. Munro's first survey in the Ceded Districts cost Rs. 80,000 or about 5% of the annual revenue.[202] The survey of the ryotwari lands in 1829 took 5 years to accomplish and cost the Company about 90,000 pagodas or £36,000.[203] In the North West Provinces also the actual measurements on which the settlement depended were made by establishments working under the revenue officers themselves. But survey has contributed to a just apportionment of the revenue demand and in increased collection. In Bombay, in the southern division before the introduction of the survey, cultivation had been at a low ebb owing to high oppresive and unequal rates, much land was everywhere waste, annual encroachments had been frequent and widespread, concealment of cultivation extensive and the time of Collectors and their assistants had been taken up by enquiries into the conduct of village and district officials. The revenue survey work of Goldsmid and Wingate gratefully membered in Mahratti cradle songs making possible the measurement of land, its registration, and the fixation of the boundaries of holdings, struck at the root of these evils.[204]

Ryotwari and Settlement.

After the Survey officers had finished their operations on the land came the Settlement officers to settle the revenue due from each holding. First came the classifiers to classify the soils—they dug up the soil to the depth of a foot or two

201. A. Rogers—The Land Revenue Administration of Bombay in Asiatic Quarterly Review, January 1889.

202. Manual of the Bellary District by Kelsell.

203. Rickard's India, Volume I, Page 467.

204. Letter of Commissioners of Southern Division, Bombay, quoted in Rickett's Report on Civil Establishment and Salaries, 1858, page 378 also Martino's Life of Bartle Frere.

and classified each patch of land according to the opinion they formed of the soil. After classification of lands into wet (nunjah in Madras) dry (punjah in Madras) and bhagyat or garden land, came enumeration of the incidential surroundings and particulars of the villages, the forts, suburbs, courtyards of houses, the number and species of trees, the tanks, rivers, nullahs, ravines, hillocks, roads, barren lands, wells, topes or groves.[205] In the early days practice was allowed to vary in settlement proceedings. Thus in Bombay, some settlement officers like Chaplin and Grant contented themselves with ascertaining the extent of land under cultivation, through the information of neighbours and of rival village officers aided by the observation of their own servants. Others like Pottinger and Robertson had the lands and some villages measured, but only in cases where they suspected fraud, and others like Briggs began by a measurement of the whole cultivation of a district. Some again like Chaplin and Pottinger after settling with the Patel of the village settled with each ryot and gave him a puttah for his field and others like Grant and Robertson settled with the Patel and gave him a puttah but ascertained the amount assessed on each ryot and enquired if he was satisfied with it, and Briggs though he settled for each field did it all with the Patel taking an engagement from him to explain at the end of the year how much he had levied on each ryot.[206] On their reports the Settlement officers, after having made the necessary enquiries and on all the information and advice they could procure from revenue officials, village officers, and the ryots themselves, fixed the assessment of revenue due from each field in the village. The recommendations of the Settlement

205. Report of Sir Thomas Munro on the Mode of conducting a Ryotwari Settlement, 25th August 1802—Fifth Report, Volume III, Appendix.

206. Report of the Hon. M. Elphinstone, 25th October 1819 in Bombay Judicial Selections—Selection of India Papers—Judicial, Volume IV.

officer were reviewed by the Board of Revenue and the Government and on their approval or sanction became the assessment till the time for the next periodical revision came along.[207]

Settlement in Madras and Bombay.

In regard to settlement also the Madras system has differed from that prevalent elsewhere. The practice of the Collector making annual settlements was done away with in 1855 and the Dittam statement was altered so as to show the amount of land assessable for each ryot which would be the extent of land standing in his name in the previous year unless he signified his intention to the contrary in respect of any part of his holding.[208] The settlement is confided to a separate department. There are a number of settlement parties about five or six, a party consisting of a Deputy Commissioner of Settlement or Settlement Officer, his assistant and office establishment, with a field establishment of four head classifiers and 30 classifiers of soil the whole department being under a Member of the Board of Revenue called the Commissioner of Revenue Settlement.[209] In Bombay and other provinces settlement work is done by the ordinary revenue officers, the Collector and his subordinates in the districts through the Patel and the kulkarni.[210]

Ryotwari and Collection of Revenue.

The settlement having been made, the work of collecting the dues for each holding is the proper and the most important work of the Revenue Department. This annual demand of dues or Jamabandi as it has been called was entrusted to groups of revenue officials, the Collector taking one

207. Bartle Frere in Evidence, 24th March 1871 before Select Committee on East Indian Finance, 1871, in Minutes of Evidence, 1871.

208. Board of Revenue's letter, 4th July 1855 quoted in Ricketts' Report, page 294.

209. Baden Powell—Land System of British India, Volume II.

210. Mr. Chaplin's Report, 20th August 1822 in Bombay Judicial Selections. Selection of Papers from Records, India House, Volume IV, Baden Powell—Land Systems, Vol. III, Book IV.

group of officials and his immediate assistants others. The principal revenue officer was assisted by the principal subordinate official of the sub-division or taluk, the Tahsildar in Madras, the Mamlatdar in Bombay. With the account books and registers, numerous and voluminous and detailed brought by the village officers, the village headman and the accountant, the amount due for each holding and each ryot was ascertained and determined. This process was necessarily annual, for under the Ryotwari system the ryot is free to add to or relinquish his original holdings, reductions having to be made for certain incidents. Jamabandi work as was noted in the early days of the revenue history of Bombay and Madras was a laborious process and detailed.[211] The statement in regard to the cultivation of the field, showing the increase or decrease with their causes, the addition to or reduction in each ryot's holding and numerous classes of information were submitted to the Jamabandi officer, scrutinized and checked and passed by him and his assistants. And thus it has continued to be done. The Jamabandi as it operated in 1885[212] in Madras has come down the same in essentials to our times.

Jamabandi in 1885.

About the beginning of February every year two or three villages were selected in each Taluk and the Collector or his divisional officers went into camp at each of these places for three or four days, perhaps a week, while the Tahsildar and his establishment and the village officers and some of the ryots of the surrounding villages were collected together at the camp. There was placed before the officer making the Jamabandi an abstract statement for each village showing the settled demand of the previous fasli, and comparing it with

211. Mr. Chaplin's Report, 20th August 1822 in Bombay Judicial Selections—Selection of Papers from Records of East India House, Volume IV—also Revenue Enclosures.

212. *Ibid* and Revenue Enclosures in Mr. Chaplin's Reports of 20th August 1822.

the demand of the current one of which the accounts were enclosed.[213] If there were any complaints of over-assessment, or claims to revision, or transfer of pattahs, they were heard and disposed of, irrecoverable arrears were scrutinized the village accounts looked into, some of them compared with the taluk accounts, the demand of each village settled and the Jamabandi of the taluk completed.[214]

Ryotwari makes revenue administration detailed.

All this work of survey, settlement and jamabandi has at the beginning as in the present day made the work of ryotwari revenue administration laborious and detailed. This work began when the ploughing season began, the Patel or Headman of the village ascertaining what land each ryot wished to cultivate, permitting those who may have met with losses to relinquish a part of their land which he distributed to others who wanted more. Then came the Tahsildar round his division in the early part of the season to regulate cultivation in those villages where it was mismanaged on account of the incapacity of the Patel or impeded by disputes among the principal ryots, or to make advances to the better sort for the purchase of seed, cattle, or ploughs. Assembling the ryots in the village the Tahsildar examined them in the presence of the village officers as to the lands actually cultivated or abandoned by each and looked into the accounts of the lands occupied or unoccupied.[215] The village officials had to keep a large number of voluminous records. They had to keep registers and accounts of almost every occurrence, of every change connected with the revenue, the occupation, the cultivation, the produce of lands, the names of every ryot, the

213. *Ibid* and Revenue enclosures in Mr. Chaplin's Reports.

214. Described in Garstin's Report on the Revision of Revenue Establishments, 1885.

215. Report from Sir Thomas Munro on the mode of conducting a Ryotwari Settlement, 25th August 1802 in Fifth Report, Volume III, Appendix No. 20, Firminger's edition.

quantity, quality and actual state of every field and of their various and ever varying crops, of the extent and particulars of waste as well as of cultivated lands, the boundaries of private lands and of the village, the number and classes of trees, the number and condition of wells, tanks and embankments, together with lists of working tools, machines, ploughs, oxen, buffaloes—in short the minutest particulars connected with land and the revenue from the land.[216] At the beginning in Sir Thomas Munro's time, the village accounts and registers were to contain a statement of the land of each village, showing the quantity of Sirkar and Inami land, of dry, wet and garden; of the cultivated, uncultivated, and waste, of each class, of the assessment by survey upon each village under the different heads of wet, dry, and where there has been no survey, a statement of the customary rates of assessment and of the actual cultivations.[217]

Village and Taluq Accounts.

The village and taluk accounts were numerous and gave meticulously detailed information. They were in Madras brought to some order and within manageable proportions by the famous Sheristadar of the Board of Revenue in the middle of the 19th century—Jayaram Chetty. He came into prominence as Head English Accountant in the collectorate of North Arcot and was appointed in 1855 Special Uncovenanted Assistant in the office of the Board of Revenue on a salary of Rs. 250 a month. His forms of the accounts substituted " brevity, order, simplicity and clearness for the prolixity and repetition the utter want of system, the complexity and the confusion which had distinguished the previous system.[218]

216. Rickard's India, 1829, Volume II, page 38.

217. Revenue letter from Fort St. George, 21st June 1822 in Selections from Records, E. I. House.

218. Letter of Secretary to Government in the Revenue Department in Annals of Indian Administration, Volume II, Serampore, 1858.

His simplification[219] consisted in giving in a monthly statement, the collection in every district under the great division of Land and extra sources, comparing the current year with the past as well as the total collection under each sub-division of the extra sources with the same comparison and an explanation of all notable variations. Even after Jayaram Chetty's casting, the forms were still very numerous and full of details but this was not the fault of the accounts but must be attributed to the revenue system to which they were related.[220] Two other reforms introduced about this time were the substitution of the vernacular for Mahratti and of paper for cadjan leaves, and the abolition of the extraordinary practice of having all the village accounts transmitted to the Taluk and Collector's office. The displacement of Mahratti which had been the revenue language of the Carnatic before British Rule by the local languages was an important reform as it had tended to confine the chief revenue offices in the Taluk and Huzur cutcherries to a small section of the public servants who formed a clique bound by ties of blood and marriage and barred other communities to their share of public employ.[221] The accounts grew in number and complexity after Jayaram Chetty's time. For instance No. 3 Account which in 1855 had only 18 columns, in 1885 had 50 columns. And the number of village accounts in 1855 was 22.[222] The Taluk Accounts though not so numerous were still formidable. There were in 1858 Cultivation and Settlement Accounts, Cash account, Returns to be submitted to the Collector, Stamp accounts[223] and others. There were six appendices to the Taluk Manual

219. Board of Revenue Papers, Madras Government, 1855, Madras Record Office.

220. Letter of Secretary to Government in the Revenue Department in Annals of Indian Administration, Volume II, Serampore, 1858.

221. Board of Revenue Papers, Government of Madras, Madras Record Office.

222. Mr. Garstin's Report on Revision of Revenue Establishments, 1885, Madras.

223. *Ibid.*

of 1885 giving the details of accounts and returns to be submitted from the Taluk office.

Ryotwari and the people—The influence of Survey.

The detailed and elaborate system of revenue administration affected the individual and social life of the people brought under its jurisdiction to a remarkable extent. Every stage in the ryotwari revenue process influenced for good or evil those that came through it. The survey was a costly process and the cost was thrown on the debit side of the balance sheet of land revenue administration. Under an Act of 1860[224] Government in Madras bore the cost of all survey station stones which were not boundary marks and of all boundary marks in unoccupied ryotwari lands and the owners were to bear the cost of survey marks which defined the boundaries of unoccupied fields. Another Act was passed in 1884[225] for the better maintenance of boundaries after the completion of survey and for the recovery from the ryots of the cost of survey marks. And a survey is not made once for all for ryotwari lands. A resurvey is made when the changes in occupation and in the boundaries of lands are too numerous to be dealt with by the ordinary revenue staff or when the previous survey is considered defective. Although the Survey was a mechanical process and dealt rather with fields than with ryots, Collectors have been authorized by the Survey Acts to enforce the maintenance of demarcation and to recover where necessary the expenses incurred in the repairs of boundary marks from the owner or occupier of land.[226] Collectors or subordinates specially appointed and empowered as Survey officers were authorized to settle boundary disputes. In a country without hedges this matter of boundary has always been one of capital importance to ensure the

224. Act XXVIII of 1860.
225. Act II of 1884.
226. Acts II of 1884 and Act IV of 1897 and Act of 1923.

permanence of the settlement and in the larger interests of the ryotwari holdings.

On the other hand it cannot but be admitted that the Survey has done much to prevent confusion of boundaries, and disputes about the extent of holdings and has contributed not a little to the fixation of individual rights of property.

Influence of Settlement on the people.

The plan of making a distinct settlement with every individual cultivating land was no doubt in the first instance a most arduous undertaking. Settlement operations also unsettled men's minds—a rise in assessment was feared though it might be justified by increase in the productiveness of the holding, by changes for which the ryots were not responsible. There was always the danger that the Government officer would strain a little in favour of Government and officers who made the settlement used to be warned that they must not do more than would be considered a liberal settlement.[227] The danger of over-assessment has been present in the Ryotwari system as in any system of periodical assessments. But the Ryotwari system by imposing more details, by causing a more direct and more constant communication between revenue officials and the ryots has more easily led to the detection of it and to the means of correcting it and in practice to a more lenient enforcement of the Government dues.[228] But given the principle of periodical revision, the benefits of settlement have not been open to dispute. They were acknowledged when the first settlements were made. They gave the lesser ryots a confidence in the Government and rendered them independent of the Karnam and heads of

227. Sir H. B. E. Frere's Evidence, 24th March 1871 before Select Committee on East Indian Finance in Minutes of Evidence.

228. Revenue Letter to Fort St. George, 12th December 1821 in Madras Revenue Selections in Selections 1871 of papers from Records of East India House, Volume III, Part II.

villages at whose mercy they had hitherto lived.[229] The frauds that had before been practised by the Karnams were in a great degree prevented.[230]

Government and people under Ryotwari—more frequent and intimate contacts.

And as for the ordinary day to day administration of the revenue the Ryotwari system threw the Government and the ryots into frequent contact with each other. This contact is did not always or altogether conduce to the pleasure of the smaller body. The Government was in the position of a landlord towards tenants in occupancy—but a landlord that was also the State. However correct and rule-bound may be the attitude of the Government its authority was discretionary though not arbitrary, it was expressed summarily though not despotically. Certain incidents of ryotwari tenure gave Government the power to keep its hold on the people. The very concern of Government as a good landlord to keep its tenants contented has served to tighten its hold on the people. The practice of remission and suspension of revenue, of seasonal remissions, of "waste remitted" *tirvaikammi* (remission of the difference between wet and dry assessment on wet lands cultivated with dry crops owing to insufficiency or failure of water supply), the variety of the causes of revision, flood remission, remission of second crop charge, fixed remission (i.e. abatement of demand on account of reasons other than seasonal fluctuations) deductions made from village collections in favour of inamdars and religious institutions—all this varied and detailed system of relief to the cultivating classes has kept the large revenue staff active throughout the year and given it frequent opportunities for

229. Report of Collector of Southern Division of Arcot in Bengal Revenue Selections in Selections from Records of East India House, 1820, Volume I.

230. *Ibid.*

making the presence and the pressure of Government felt among the rural population.[231]

Opportunities of oppression.

To the subordinate officers of the revenue establishment the numerous opportunities of contact with the ryots gave them scope for the exercise of oppression and tyranny. The law itself made such coercion and even violence possible. In Madras a Collector in Company days could not arrest a defaulter without application to the civil court and could not sell his land except by recourse to the same tribunal, whereas in other parts of India a revenue officer could of his own authority cause a defaulter to be arrested or should that process fail sell his personal property or his land for the recovery of the arrears without reference to any court of law. The prevalence of torture in the Madras territory which led to the appointment and revelations of the Torture Commission of 1859 has been attributed to this defect in the revenue law and procedure of Madras.[232] The collections in the ryotwari system being necessarily in the hands of subordinates whose livelihood and prospects depended on the collections being made without arrears and in time—for the collection of revenue has always been considered to be the prime and paramount duty of revenue officers—and as they had no legal means of compelling punctual payment, they had necessarily to resort to petty violence to ensure full and prompt collection. But distraint of property and imprisonment of the persons of the ryots were not excluded from the Madras Revenue system as Munro complained in 1824.[233]

231. Garstin's Report on Revenue Establishment, 1885.

232. Rickett's Report of Commission on Civil Establishments and Salaries, 1858, page 367.

233. Minute by Sir Thomas Munro, 31st December, 1824 in Madras Revenue Selections in Selections from Papers from Records of East India House, Volume III, Part II.

Opportunities of interference.

Bungling interference was also possible. The over-zeal of a young and inexperienced Collector in the first quarter of the 19th century was reported to have thrown 50,000 bigahs of land out of cultivation in a single year in one of the Broach districts.[234] The Bombay Ryotwari concentrating as it does on the field and not on the ryots as in the Madras system and not involving so much detail that the Collector and his assistants cannot cope with, has not, it would seem, the tendency that the Madras system has to annihilate the system of village government and the power of the village officials and to substitute individualism for the old community life of India.[235] Another Collector in Madras of the Chingleput district at about the same time had proposed the confiscation of Mirasi tenures as a means of compelling the ryots to cultivate their lands.[236] A large increase in irrecoverable balances was recognised to place the ryots helplessly and hopelessly in the power of the subordinate revenue servants. The very practice of remissions so much a part of the Ryotwari system gave the subordinate officials opportunities for oppression. The Madras Government in 1860 in defence of their proposal not to allow remissions for lands not cultivated by ryots as long as they were included in the ryots' puttahs was defended on the ground that the object was to free the ryots from subservience to the inferior servants and simplify the revenue system.[237]

234. H. St. George Tucker—Memorials of Indian Government, page 186.

235. Modern India by Campbell.

236. H. St. George Tucker—Memorials of Indian Government, page 186.

237. Letter of Secretary of State, 29th May 1860 in Letters of Secretary of State to Bombay and Madras, 1859-63, Imperial Record Department.

Fraud and corruption.

As early as the first decade of the 19th century, the fear was expressed in official papers that the Ryotwari system tended to keep alive and perpetuate a spirit of intrigue, connivance and corruption, not only native officials but European Collectors having placed before them the strongest temptation to corrupt practices.[238] As early as 1829, an official critic[239] of the Ryotwari system had noted that by opening the door to frauds on the part of the peasant and corruption on the part of the public officer when the superintendence was defective, the system had a tendency unfavourable to the morals of the people. The power given to revenue officials of classifying lands into " best, middling, and worst sorts," the option given to ryots of changing the cultivation of one crop for that of another or to take waste lands into cultivation, or to give them up, were so many opportunities for the practice of bribery and peculation. The village karnam with the accounts and registers of the village in his hands, the surveyor surveying and demarcating boundaries, the Tahsildars classifying soils and helping in the assessment, the Collector's office preparing the work to enable the Collector to make the final decisions were so many stages and sources of peculation practiced over the ryotwari peasantry.[240] Sir Thomas Munro himself had realised the possibilities which the Ryotwari system threw open to the officials for the practice of bribery and corruption. As early as 1802[241] he noted that peculations in land revenue collections descended in the Ceded Districts from the Amildars to the

238. Revenue Letter from Bengal, Ceded and Conquered Provinces, 17th July 1813, Bengal Revenue Selections in Selections from Records of East India House, Volume I, 1820.

239. H. St. George Tucker—Memorials of Indian Government, page 180.

240. Rickard's India in 1829, Volume I.

241. Letter from the Principal Collector of the Ceded Districts to his Assistant, 25th August 1802 in Selections from Records of East India House, Volume I, 1820, Bengal Revenue Selections.

Patels and Karnams. The Amildar's peculations arose either from the public revenue or from private assessment. The Amildar usually would like the rents from ryots to be low because the lower they were the higher he could make his own private assessment and the less probability there would be of its being soon discovered because the Patel and Ryots partaking in the benefit would be averse to informing against him. The Patels and Karnams when they knew that the Amildar was deviating a part of the public revenue into his own emoluments always followed his example and thereby augumented the outstanding balance. They frequently went further and levied additional sums from the more substantial cultivators because they were conscious that the Amildar being himself guilty of malversation would not dare to bring them to punishment. The Patels and Karnams could hardly ever make away with any of the public money without the knowledge of the Amildar.

In 1809 we find the Court of Directors giving expression to their fear of " the common interest which the cultivators or ryots of all descriptions have to deceive the Government and the temptation to unfaithfulness to which Tahsildars and Karnams must ever be exposed."[242] The principles of no class of the natives of those times, the Marquis of Hastings records in 1815, were proof against the temptations of a situation having any concern with land or the land revenue. Though every mode and scale of remuneration had been tried, it was found that even Tahsildars were not to be trusted.[243] Exaction and embezzlement by revenue officers was rife enough in Madras in 1820 to call for a proposal to extend to revenue officers the provisions of a Regulation of 1819[244] for the

242. Letter from Court of Directors, 30th August 1809, Selections from Records of East India House, Volume I, 1820.

243. Lord Moira's Revenue Minute 21st September 1815, Selections from Records of East India House, Bengal Revenue Selections, Volume I, 1820.

244. Regulation III of 1819.

punishment of extortion by police officers and to make their offences, crimes punishable by corporal punishment, stripes, labour on the roads, or imprisonment in irons.[245] Another Regulation in 1822[246] empowered Collectors to make summary enquiry and decision in cases in which it may come to their knowledge that the public servants under their superintendence or the officers of the village establishments had embezzled the public money or made unauthorised collections or received bribes or extorted money or other valuable consideration, the punishments they were authorised to impose being fines not exceeding twice the amount of money embezzled or extorted. This regulation which granted stay of execution of Collector's punishment till sanction by Board of Revenue was received was replaced by another in 1823 the Collectors having only to submit reports of judgment passed by them to the Board of Revenue.[247] Still another Regulation in 1828 gave subordinate and assistant Collectors and Sheristadars and Tahsildars the powers given to Collectors in this matter, only their orders were subject to the revision and reference to Collectors.[248] The Karnam's opportunities were great. As an official enquirer noted in 1858 a person who cultivated 10 acres induced the Karnam to write down 8 paying for so doing the revenue of one of the concealed acres, in the absence of official supervision the revenue of the concealed acres not coming to the Treasury but way laid by the Karnam.[249] In 1855 it was acknowledgd that the whole revenue establishment from the Tahsildar downwards was corrupt, that the sums annually appropriated by the native officers was not less

245. Proceedings of Board of Revenue, 27th November in Madras Revenue Selections in Selections from Papers from Records of East India House, Volume III, Part II.

246. Madras Regulation IX of 1822, Madras Code.

247. Regulation III of 1823, Madras Code.

248. Regulation VII of 1828, Madras Code.

249. Mr. Rickett's Report on Civil Salaries and Establishments 1851.

than Rs. 20 lakhs, possibly double that amount.[250] The officers of Government drew from the people more than was ever credited in the public accounts of the amount actually received on account of the revenue, a part was embezzled and much more was indirectly received by the Taluk servants either for abandoning a part of the Government claim of the revenue or as more general or customary exactions.[251]

The Case of Casee Chetty.

The extent and possibilities of bribery and peculation under the Ryotwari system were illustrated by the celebrated case of Casee Chetty of Coimbatore. His frauds, it has been said, have been unparalleled even in the revenue history of India.[252] Casee Chetty was entered in the records of the Collector of Coimbatore as Treasurer on 1st January 1805 but did not enter the office till the following year. His post was a subordinate one which merely invested him with the charge of the money collected but gave him no share in the making of the settlements and, as he was not at first permitted, he had no opportunities to interfere in the general management of the revenue. With plans of peculation seething in his brain he was dissatisfied but not discouraged. He turned his attention to private trade. From 1806-1807 he began to write to Tahsildars to send him lists of prices of grains, oil, ghee and other articles, the Tahsildars were invited to become his agents "in forming partial monopolies in interrupting the dealings with established tenders, in extracting from the ryots the produce of their lands at a rate far below their market price." His embezzlements were of two classes, in the Collector's general treasury and in the district. The way in which he committed his vast defalcations was chiefly by overcharging the principal heads of disbursements such as tank repairs or the tobacco

250. Minutes of Consultation, 13th August 1855, in Rickett's Report.
251. *Ibid.*
252. Rickard's India in 1829

monopoly. The amount overcharged was removed to a separate chest in the Treasury appropriated for the keeping of his private money. From there he either issued it on account of his trading concerns or replaced it in the public chest in order to make up for the deficiencies produced in the kists from the districts by the Tahsildars having by his orders applied a part of their collections to carry on his private trade. His demands on the Treasury were at first moderate when the expenditure on tank repairs was the only fund for his peculations but with the addition of the monopoly of tobacco his demands were enlarged. His embezzlements from the Tank Repairs funds are sufficient to show the method of his operation. As the public mode in which these accounts were kept by the Tahsildars did not suit his views the management of the repairs was in Fasli 1217 placed under a new department composed of his own confidential agents. The country was divided into two divisions northern and southern in each of which a superintendent of repairs was appointed to whom the Tahsildars were directed to pay the balance. Both the superintendents sent their accounts to one Sarangapani Pillai who under the title of Sampath or Head Accountant directed the whole business; this man worked at the Collector's office and had two gumastahs under him but he had a private office in which all accounts were prepared, they were not left there but carried to his own house every night to prevent discovery. Even when Sarangapani was transferred as Tahsildar of Sattamangalam he contrived to help Casee Chetty in his fabrications.

It was easy for Casee Chetty with such a set of agents, with the little vigilance exercised over him, to make the tank repairs a separate department subject to no control but his own. The fabricated accounts were delivered in the Collector's office, the true ones in Sarangapani's custody were never discovered. The Tobacco monopoly gave him even larger scope for the exercise of his peculiar abilities. Together, the total of his embezzlements amounted to 4,18,316 pagodas

of which he replaced 2,04,304, the balance to his credit being 2,14,010. Other exactions were *nazzeranah* paid on succession to public offices and collected by Casee Chetty as he alleged on behalf of the Collector, Maniyam or office taxes collected from the greater part of the Patels. Casee Chetty also caught and sold elephants. He had two houses of trade one at Bhavani and the other at Coimbatore. He corrupted officials on the large scale—he would pay 1,000 pagodas to a public official who received only a monthly pay of 3 pagodas. His power over Tahsildars was close. His private dealings were so intermixed with the affairs of revenue that it was difficult to separate them, only a few confidential Tahsildars and private agents understood them, the other Tahsildars were rapidly changed from district to district or dismissed. His correspondence with Tahsildars was extensive and so delicate that he had them returned to him at the end of every month. Even the Collector's office, even the Collector's Sheristadar had to bow before him. Every appointment or reward was through Casee Chetty. He received money from every public servant and peculated from every source of public revenue. He regarded his country in the epigrammatic utterances of the Board of Revenue, as his shop and his district as commodity for his trade.[253]

The history of the case of Casee Chetty is not so depressing as a bare recital of his frauds would make it to be. The causes of such colossal frauds occurring in spite of petitions and *cootams* (meetings) of the people showed that the supervision over Casee Chetty was inefficient.[254] A more vigilant and less supine Collector (whose name need not

253. This account of Casee Chetty is taken from Report of Commissioner in Coimbatore, 26th February 1816 in Madras Revenue Selections in Selections from Records of East India House, Volume I, 1820. Also see Rickard's India in 1829, Volume II, Pages 106-109.

254. Reports from Commissioner in Coimbatore, 26th February 1816 in Madras Revenue Selections in Selections from Records of East India House, Volume I, 1820.

attain the dignity of historical mention) than the one under whome Casee Chetty had the fortune to carry on his depredations would have prevented them.[255] And the Servant Regulation which prevented Collectors from dismissing subordinate revene officials without reference to the Board of Revenue would have unnerved a more efficient Collector than Casee Chetty's.[256]

Remedies for Bribery and Corruption under Ryotwari.

Remedies for the cure of this disease of bribery and corruption were advocated even as soon as they were detected. The organization of education for the native servants, increasing the emoluments of revenue officials, the establishment of a pension fund for superannuated servants were recommended by a Board of Revenue as early as 1815.[257] A Regulation[258] was passed in 1822 empowering Collectors to make summary enquiry and decision in cases of suspected or alleged corruption and removing appeals in such cases from the jurisdiction of the ordinary civil courts because trials of appeals in such cases could not always be made with the necessary expedition nor without public inconvenience. The Servant Regulation of 1802 was thus abrogated. It is the gradual adoption of measures of appropriate education, increased salaries, expeditious supervision that have reduced the amount of bribery and peculation in the revenue administration of Madras.

255. Proceedings of Board of Revenue, 20th December 1817 in Selections from Records of East India House, Volume I, 1820.

256. Report from Commissioner in Coimbatore, 26th February 1816 in Madras Revenue Selections, in Selections from Records of East India House, Volume I, 1820.

257. Board of Revenue Report, 11th December 1813 quoted in Revenue Letter to Fort St. George, 22nd May, 1813 in Selections from Records of East India House, Volume I, 1820.

258. Madras Code of Regulations edited by A. D. Campbell.

Corruption in Bombay.

In Bombay also at the very beginning of the history of Ryotwari it was realized that the tendency to peculation and corruption of revenue servants "proceeded from their duty and interest being at variance."[259] No salary however liberal within the means of Government to allot to their native servants in compensation for the execution of the duties required of them, it was held by superior revenue officials, "would ever prove adequate to the advantages that may frequently attend their dereliction, and the less minute the scrutiny instituted or the information obtained, the more favourable were chances of their accomplishing all illicit objects without discovery."[260]

Over and over again and in province after province it has been proved that the Ryotwari system requires an honest agency.[261]

Ryotwari requires a numerous revenue service.

The Ryotwari system has from the beginning required a numerous revenue service. Even in the early days of its history in Madras "the minute and extensive process of investigation and superintendence from the individual to the village, from one village to all the villages and towns of a collectorate" required a large number of officials—native agents, the headman, accountants, peons of those villages with the tahsildars on inspection, and sub-collectors of larger divisions ascertaining the agricultural stock of each ryot, the allotment of land made to each, the management of his cultivation, the crop realised, the comparative excess or deficiency

259. Minutes of Consultation, 13th August 1855, Paragraph 11 quoted in Rickett's Report on Civil Salaries and Establishments.

260. Letter from Collector of Kaira, 20th August 1826—Bombay Revenue Selections in Selections from Papers from Records of East India House, Volume III, Part II.

261. Evidence of Sir G. F. Clerk, 5th April 1853 before Select Committee on Indian Territories, 1853.

in the produce of the season before it was submitted to the Collector for the settlement of the rent and the assessment ultimately to be paid.[262] The Ryotwari system involved the necessity, according to the Marquess of Hastings,[263] of maintaining a large body of ministerial officers who would be oppressive to the body of the public in its execution. An official critic of the Ryotwari system depored in 1828 that the Ryotwari system required the agency of numerous officers who were not all considerate, intelligent and incorruptible.[264] In 1855 the total number of the subordinate servants of Government in the Revenue and Police was not less than 35,000 with twice that number in the village establishments.[265]

Certain practices of ryotwari land revenue administration have helped to swell the number of revenue officials. For instance, in Madras the practice of levying *faisal jasti*, the charge made for government water used to irrigate land for a second crop grown on such land registered as single crop land required inspection by revenue officers on account of the fluctuation in charges. Recent governmental policy has been against fixation of charges.[266] "*Tirwai jasti*" the charge for water taken occasionally to dry land, being a fluctuating charge, as dry land has no right to water, also requires frequent inspection by revenue officers.[267] So also, *Sivai Jama*, cultivation of assessed wastes. Inspection by revenue officials

262. Letter from Court of Directors, 30th August 1809 in Selections from Records of East India House, Volume I, 1820.

263. Lord Moira's Revenue Minute, 21st September 1815, Selections from Records of East India House, Bengal Revenue Selections, Volume I, 1820.

264. H. St. George Tucker, Memorials of India Government, page 129-130.

265. Minutes of Consultation, 13th August, 1855 quoted in Rickett's on Civil Establishments and Salaries, 1858.

266. Leach's Report on Retrenchment of Land Revenue Establishments, 1933.

267. Leach *Op. cit.*

as also been necessary to see whether wet lands are eligible or remission on account of being waste, by revision, by evy of water cess. Revenue Inspectors are expected to inspect porombokes in order to see that they have not been ncroached upon, that the demarcation stones are in place nd that trees if any are not interfered with. An army of 1,000 evenue inspectors is required in Madras for inspecting crops, oundary marks, relinquishments, encroachments in connection with darkhasts and cowles, land acquisition, irrigation, onduct of village officers and petitions of all kinds, sale of yots' holdings under Estates Land Act, survey stone maintenance and sub-divisions of holdings.[268] Minor irrigation vorks which till 1837 were in charge of the Revenue department, then transferred to the Public Works Department and hen in 1878 on the recommendation of the Famine Commission replaced under the Revenue Department have created a arge staff of supervisors and overseers and necessitated requent touring of revenue officials.[269] Land records and heir maintenance also find work for revenue officials.

Ryotwari Revenue system has to be controlled.

The numbers, the character and the opportunities of the ubordinate revenue establishments required that they should e subject to strict and constant control. Check and control f the subordinates by the superior revenue officials as ever been a characteristic feature of the Ryotwari evenue administration. The Collector occupied the key position in this system of revenue organization. Even in Bengal t had been held that the conduct of revenue subordiates of all grades in the discharge of their official unctions was greatly influenced by the character and roceedings of the European officers of government under vhom they were employed and that under an active Collector f scrupulous integrity all gross abuse of the powers entrust-

268. Leach *Op. cit.*
269. *Ibid.*

ed to them may be and had been frequently prevented. In Ryotwari tracts the control and check of the Collector and the superior revenue officials was even more necessary. It was not the particular interest of native revenue officers to oppress the ryots on account of Government. But the execution of what a revenue officer of Malabar[270] of the early 19th century has called a system of oppression rendered their duties more arduous and defeated the ends intended. The Collector and his Assistants accessible from day to day and no individual approaching them being turned away without being first heard stiffened up the efficiency of that control in the very first years of revenue administration in Bombay.[271] The forms and formalities of the revenue process were an additional check, although they caused some delay.

Formality was the off-spring of the Ryotwari system.[272] To the arbitrary and despotic character of the relations between the Government and the ryots in the previous regime had been substituted a control that was formal and regular.[273] Efficiency of control depended mainly in Bombay on the manner in which the Collector employed his office native assistants without whose connivance no extensive abuses could ever long remain undetected.[274] It was to the efficient control and check from the Collector and his office that the revenue authorities of the early days looked to the reformation of the evils of bribery and corruption in the revenue

270. Mr. Graeme's Report, 30th November 1818 in Madras Revenue Selections in Selections from Records of East India House.

271. Mr. G. Brigg's Replies to Queries in Revenue Enclosures in Mr. Chaplain's Report, 20th August 1822 in Bombay Judicial Selections in Selections of Papers from Records of East India House, Judicial, Volume IV.

272. Revenue Enclosure in Mr. Chaplin's Report, 20th August 1822, Bombay Judicial Selections, Selections of India Papers, Judicial, Vol. IV,

273. *Ibid.*

274. Mr. Chaplain's Report, 20th August 1822.

service. Elphinstone[275] thought it indispensable that the Collector should give audience for at least two hours a day to all ranks of people and review complaints *viva voce* and distribute decisions and orders to the Mamlatdars as the cases required. A Collector confining himself to seeing petitions in writing would have no chance of being acquainted with the state of affairs in his district. The presence of Captain Briggs chief revenue officer of Candesh in each of the divisions of his district once a year and the utmost facility of access daily to all classes of complainants without the intervention of native agents provided the only means of diminishing the evil.[276] Also the private assessment by Amildars below the usual jumma could not be made without the knowledge and connivance of the Collector's office.

This large body of subordinate officials, if the system was not to work to the detriment of the ryots, had to be subjected to minute and constant control. The Government realised at the very inception of the system that for its adequate execution it required "a minuteness of inspection and of detail."[277] The minute scrutiny by the superior officials was the only way of increasing the Patel's power of doing good and of diminishing his power of injury in Bombay in the first quarter of the 19th century.[278] This was not always available as the European agency could not be increased beyond certain limits. In 1855 it was calculated that in Coimbatore in the Madras Presidency 2,44,011 persons paid their revenue direct to the Collector,

275. Memoir of Elphinstone in Selection from Minutes and other officers writings of Mr. Elphinstone edited by G. W. Forrest.

276. Letter of W. Chaplain, 17th October 1821 to the Chief Secretary to the Government of Bombay, Foreign Department 1832, Imperial Record Manuscripts.

277. Lord Moira's Revenue Minute, 21st September 1815, Selection from Records of East India House, Bengal Revenue Selection, Volume 1, 1820.

278. Revenue Letter from Bombay, 5th November 1823, Bombay Revenue Selections, Selection from Papers from Records of East India House, Volume III, Part II.

that even if the Collector worked day and night throughout the year and never did anything else he would have been able to give little more than 2 minutes to each case of annual settlement; that similarly the 15 Tahsildars could not give more than 10¾ minutes each for enquiry into and noting additions, relinquishments, transfers, the preparation of the Jamabandi and the adjustment of dues, payments and balances. Neither the Collector nor his Assistant nor his Tahsildar could attend to all or even a considerable portion of the ryots of his district. At that time the middle of the 19th century the annual settlement was the settlement of the monegars and the karnams. The *Azmoish* a testing of the karnam's work could have been but nominal. The karnam's accounts could not thoroughly be tested, the agency for such a duty did not exist and if the ryots did not insist on a careful revision there was no one else to call for such a testing of the karnam's proceedings as could prove them.[279]

Ryotwari and Official tours.

To keep these subordinates in trim and up to the mark, the superior officials had constantly to be on the move. Touring and camping out was an important and frequent incident in the life of the superior revenue official. In Madras the touring filled a larger part in the life of the Collector and Tahsildar than in Bombay. Under the Madras system the annual tours of Tahsildars to take engagements from the ryots for the cultivation of the season were necessary whereas under the Bombay system it was sufficient for Government to know what lands were in cultivation and this could be ascertained by an annual inspection by the village officer."[280]

279. Mr. Rickett's Report on Civil Salaries and Establishments, pages 536-537.

280. A. Rogers on Land Revenue Administration in Poona in Asiatic Quarterly Review, January 1889.

Ryotwari requires native agency.

The Revenue service under Ryotwari had not only to be numerous, it had to be native. As early as 1809 the very great number of natives who must be employed in the execution of this system was realized by the Court of Directors.[281] The detail and intricacy of the system requiring a detailed knowledge of the people, their habits and customs and a proficiency in the language required to cope with the business—Maharatti[282] at first everywhere in Bombay and in Madras at first and the local languages elsewhere and later—required the aid of native agency. Most Collectors and assistants learnt their work from native subordinates—like Bartle Frere from Narsu Lakshmanan.[283] " A swarm of subordinate native agents the Marquess of Hastings[284] acknowledges in 1813 " would have to be entertained under this system." Long before Lord William Bentinck took effective steps to increase the native proportion in the civil services of India, experienced ryotwari officers felt the need for increasing that element in the revenue administration. The advocacy by Sir Thomas Munro of the policy of the early establishment of experienced native servants " who have beyond all others from the very nature of their official duties the best means of obtaining the local information so necessary in the revenue administration " is well-known.[285] And Munro noted with satisfaction that the Court of Directors had authorized " the employment of the natives on higher salaries and in more

281. Letter from Court of Directors, 30th August 1809 in Selection from Records of East India House, Volume I, 1820.

282. Letter of J. Webb to N. B. Edmondston, June 19th 1802 in Wellesley's Despatches edited by Martin, Volume V.

283. Martineau's Life of Bartle Frere, Volume I.

284. Lord Moira's Revenue Minute, 21st September 1815 in Selection from Records of East India House, Bengal Revenue Selections, Volume I, 1820.

285. Minute by Sir Thomas Munro, 31st December, Madras Revenue Selections in Selection of papers from Records of East India House, Volume III. Part II.

important offices."[286] To him it was strange how many men of very respectable talents had seriously recommended the abolition of native and the substitution of European agency to the greatest possible extent. Such a plan to his mind would not only render the character of the people worse and worse, but the government more and more inefficient.[287] At about the same time, revenue officers in Bombay had come to the same conclusion as Munro in Madras. Chaplin[288] deplored that placing every object of ambition except that of obtaining the office of Mamlatdar or Duftedar beyond the reach of the better classes, was to induce habits of idleness and dissipation among the native establishments. Although he had no high opinion of the Mamlatdars who had been handed corrupt and inefficient from the old farming system of the Mahrattas he looked to a judicious mixing of officials imported from the south with the local element for the proper staffing of the revenue service.[289] By 1832 when in Madras the Ryotwari system had become universal except for a few Zamindari tracts native officers were found in public employment in the revenue department in larger numbers than they had been before.[290] Even the revelations of the Madras Torture enquiry of 1855 did not deter the Commission from including in the superior " moral agency " they recommended for supervising the inferior revenue establishments, many East Indians and some natives who in their opinion might as safely be entrusted with power as any Europeans. Even the Board of Revenue required large native assistance. Sir Thomas Munro urged

286. Minute by Sir Thomas Munro, 31st December 1824 in Madras Revenue Selections in Selection of Papers from the Records of the East India House, Volume III, Part II.

287. *Ibid.*

288. Mr. Chaplin's Report, 20th August 1822, Bombay Judicial Selections in Selections from Records of East India House, Judicial, Volume IV.

289. *Ibid.*

290. Mr. David Hill's Evidence, 16th March 1832 before Select Committee on East Indian Affairs, Minutes of Evidence.

that the Madras Board of Revenue required the same sort of aid in the preparation of accounts and advice in all matters connected with taxation and the improvement of the revenue which a Collector obtained by means of his native assistants.

And Munro based his argument for the extension of the native establishment of the Board of Revenue on the reasonable ground that it was only in this way that the right of the people to be taxed by their own consent, which was the work of every free country, could be realized in the conditions and circumstances of the time and the place. He cited the example of the most despotic governments which had been taught the necessity of employing in its administration the ablest of the country to prevail upon the authorities to employ intelligent and experienced natives at the Board of Revenue to assist the Board."[291] He pressed home the advantage of the Board of Revenue having such an office of native assistants by citing those derived by the Zillah Collector from his office—the expert knowledge, advice and guidance which native officers could offer.[292] Mountstuart Elphinstone was taken up with the idea of a native on the Board for " it opens a door to the employment of natives in high and efficient situations.[293] The need for expert native guidance in the Board of Revenue was so great that the appointment of a native member of the Board of Revenue was advocated by a distinguished Madras official as early as 1881.[294]

Ryotwari and Peace and Tranquillity.

The administrative system contributed by Ryotwari had a strong and close hold over the people and the country.

291. Minute by Sir Thomas Munro, 31st December 1824, Madras Revenue Selections in Selections of Papers from the Records of the East India House, Volume III, Part II.

292. Minute on Proposal for attaching a Native Establishment to the Board of Revenue, 9th April, 1822, in Minutes of Sir Thomas Munro edited by Arbuthnot.

293. In Life by Sir T. E. Colebrooke, Volume II.

294. M. A. J. Arbuthnot in Footnote to Munro's Minute *op. cit.*

To begin with, the introduction of the system in newly conquered territories tended to promote tranquillity. The peace of South Canara from the time of its transfer to British hands was attributed to the tenure of landed property and to the moderation with which the rights of the Sirkar to a proportion of the land revenue had been exercised.[295] The utility of Ryotwari in a political sense no less than a financial extent has been hailed by administrators. Lord Napier of Magdala is said to have spoken of the cultivators of the Deccan districts as being the most contented agricultural population he had seen in India.[296]

The Village system of Land Tenure.

Standing between the Zamindari and the Ryotwari systems in regard to the hold of Government over the people stood the system which was introduced into the territories that came into British possession after Bengal, Madras and Bombay. This was what has been called the Village system. When the provinces ceded and conquered between 1815-1821 and which came to be called North West Provinces were acquired, the Marquess of Wellesley intended to introduce the permanent settlement and the Zamindari system into them. Lord Minto also promised it, provided the Court of Directors were willing. But the Marquess of Hastings who toured these territories in the company of Holt Mackenzie definitely refused to recommend it and allowed the system framed by the officers on the spot. The Regulation of 1822 has been hailed as the Magna Carta of the Village system. It was allowed to grow for we cannot say it was introduced in the territories which came afterwards to be called the North-West Provinces (later the United Provinces), the Punjab and the

295. Minute of Lord W. Bentinck 1806 quoted in Revenue Letters to Fort St. George from Court of Directors, 16th December 1812 in Selections from Records of East India House, Volume I, 1820.

296. Sir H. B. E. Frere in Evidence before Select Committee on East India Finance, 24th March 1871 in Minutes of Evidence, 1871.

Central Provinces. The essential feature of this system was that the settlement made by Government was not with the individual ryot but with a village community, the amount of revenue assessed for each village being paid by those responsible for the payment, the amount to be paid by each individual owner being left to arrangements made among themselves. Each proprietor was primarily responsible for payment of his share of the Government revenue due from his portion of the estate and the whole country was made ultimately responsible for the amount due from the entire Mahal.[297] The Punjab system of revenue settlement was thus described by John Lawrence : The proprietors did not engage individually with the Government but by villages. The brotherhood of the village through its headman or representative undertook to pay so much for so many years and then having done so, they decide the amount among themselves assigning to each one his quota. Primarily each man cultivates and pays for himself ; but ultimately he is responsible for his companions and they for him and they are bound together by a joint liability."[298] But the assessment was as periodical as under ryotwari.

It had the advantage of the Zamindari system that it did not break up the communal life and organization of the village and the advantage of the Ryotwari system that the hold of the Government over the people was constant and close. Survey and Settlement and periodical assessment and Jamabandi kept Government and people in touch with each other although the number of people that were brought into contact with Government and Government officials was not so great as in Ryotwari. Over the village officials, however, the headman and the accountant, the Government had as much

297. Minute of Mr. Thomason, 19th October 1844 in Selections from the Records of Government of North West Provinces, 1856 also Regultion VII of 1822.

298. Report of John Lawrence, Chief Commissioner of the Punjab on the Administration of the Punjab Territories, 1854-55 to 1855-56.

control as under Ryotwari. In the village system also the Collector was the keystone of the arch of revenue administration. " On the unabated zeal and activity of the Collector in superintending with a wakeful and pervading eye and controlling with a firm and energetic hand the conduct of the native servants employed under their authority from those on the Huzur establishment down to the Mocuddum and Patwaris of the villages " depended the efficiency of revenue administration in the ceded and conquered provinces of Agra in the first quarter of the 19th century.[299] In settlement work especially the Collector was expected to be frequently employed, for nothing was more calculated to enlarge his views and extend his general information than this branch of his duty.[300] From a general *rukba* of the extent of parganah provided by the Kanungo and a *dowl* or estimate of its average produce, from other information received from the village to be settled or neighbouring villages or opposite parties and interests, after a consideration of the former accounts of the village, after determining with whom the Government is to engage, a question frequently of the utmost nicety, the Collector offered settlement to the village or the proprietor.[301] There was reason to believe that in the first decade of the 19th century in the Upper Provinces of Bengal the duty of the settlement was frequently left to the Tahsildars. Partiality, injustice and even fraud flowed from this devolution of the Collector's duty to settle.[302]

299. Revenue Letter from Court of Directors to Bengal, 29th June 1813, in Selections from Records of East India House, Volume I, 1820, Bengal Revenue Selections.

300. Lord Moira's Revenue Minute, 21st Septr. 1815, Bengal Revenue Selections in Selections from Records of East India House, Volume I, 1820.

301. Lord Moira's Revenue Minute, 21st Septr. 1815 in Bengal Revenue Selections in Selections from Records of East India House.

302. Lord Moira's Revenue Minute, 21st September 1815. *Op. cit.*

Less interference under village system than under Ryotwari.

The village system required less interference by public officers in the lives of the people. By an official critic of the Ryotwari system it was considered to be less vexatious and oppressive.[303] It was certainly a less expensive mode of collecting revenue.[304] In this system the ordinary function of a Collector was judicial. As long as there was no internal disorder the Collector was content to receive the sum due to the Government. When arrears of revenue arose, the Collector stepped in to make judicial enquiries. The Settlement report the village and gave him all the information necessary for him to come to a decision with the help of subordinate officers, the Tahsildar and the Kanungo, in the immediate presence of the hereditary parganah and village-officers. An accurate record of rights therefore was found necessary. The village officers had to be Government servants paid by Government. The Kanungo and the Patwari were important links in this revenue system. Kanungos have had to be appointed in the North west Provinces of Agra and Oudh for the proper supervision, maintenance and correction of the Patwari's records[305] and have been declared to be public servants. There are Registrar (Tahsil) or Headquarters (District) and inspecting Kanungos corresponding to Revenue Inspectors in Madras. Similar classes of Kanungos are in the Punjab. The Patwari or accountant keeps the accounts, village registers, books and maps of the village like the Karnam in Madras.[306] For the prevention of fraud by these functionries reliance was placed on informers to whom 50% of the

303. H. St. George Tucker—Memorials of Indian Government, page 132.

304. Mr. Colebrook minute on Bengal Revenue Selections in Selections from Records of East India House, Volume I, 1820.

305. North West Province Act and Oudh Act quoted in Baden Powell, Volume II, Book III, Part I, Chapter IV.

306. Baden Powell *op. cit.*, Volume II, Book III, Part IV, Chapter III.

assessment was promised as a reward if they discovered any concealed cultivation. As civil courts had been given the duty of giving legal title, it was necessary that Collectors should be furnished with information about the results of these suits. And district Judges for the same reason had to be men with revenue experience. The great qualification of an administrative officer according to Thomason the maker of the North West Provinces, is acquaintance with the landed tenures of the country.[307] The anxiety of Holt Mackenzie, who laid the foundations of the revenue administration of these provinces, to do justice to all interests had thrown an amount of detail upon the Collectors and the revenue staff which was more than the theory of the village system could require.[308] A hide of land was said to have raised a bullock-load of records. Lord William Bentinck determined to rid the revenue machinery of this clogging and grinding detail. A Regulation was passed empowering the Collector in disputed cases to secure a village panchayat and carry out their award at once. Mere details of revenue administration were handed over to Deputy Collectors and other subordinates. The survey and settlement of the province was reorganized. A Board of Revenue was created. Bird, the able lieutenant of Lord Bentinck carried out his reforms. As a result within eight years every village in the North West Provinces was measured and every field mapped.[309] Bird caused a general and scientific survey of the land to be made, the boundaries of every village to be recorded, the separate holdings, rights, privileges and responsibilities to be registered.[310] Here, also as in the Ryotwari system the impossibility of the settlement and collection of the revenue of a whole district being efficiently conducted

307. Mr. Thomason's Minute dated 19th October 1814 in Selections from the Records of Government of North West Provinces.

308. Raikes' Notes on the North West Provinces, Chapter 2.

309. Raikes' *op. cit.*

310. Campbell's Modern India.

by the Collector " operates in inducing an extended employment and reliance on native agency."[311]

Land Revenue as maker of District Administration—The Indian District.

Land Revenue was not content to influence the general character of government and the course of administration. It carved out whole ranges of administration. The District administration of India was created by Land Revenue. The division of the provinces of India into districts was on account of it. The men that created the different systems of revenue in the several provinces felt that for the economic and efficient collection and administration of the revenue, the splitting up of the territory of the provinces into convenient smaller divisions was necessary. Not tribal settlements, nor historical influences, nor political considerations—such as created the English country or the French province of the *ancien regime* —created the Indian district. It was the offspring like the French department of the Revolution of administrative convenience. Its name shows that it was a mathematical division not a historical result as English county or French province or bailli. The collection of revenue determined its extent. When the first collectorships in Bengal were formed it was a direction from Government that the contiguity of zamindaris was to be considered as no collectorship was to be so small as to fetch only 8,60,000 sicca rupees unless it be a frontier district.[312] Cornwallis, the founder of the Permanent Settlement in Bengal mapped out the whole of the country into 16 very large districts[313] in the place of 36 created by Macpherson, each in the charge of a Judge and a Magistrate who was also

311. Lord Moira's Revenue Minute, 21st September 1815, Selections from Records of East India House, Bengal Revenue Selections, Volume I, 1820.

312. Letter from Governor-General-in-Council, 5th February 1787 in Harington's Analysis of Laws and Regulations, Volume II.

313. Cambridge History of India, Volume VI, Chapter II.

a Collector of revenue. The Bengal districts soon after they were formed were considered to be too large for efficient administration.[314] And they were not all equally divided. Thus while early in the 19th century, Dinajpur contained 6,000 square miles with 12,000 villages and a population exceeding 2,300,000, Rajashahi had nearly 41,000 square miles and more than 4,000,000 people, double the population of Scotland.[315]

In Madras the Northern Circars were conquered and annexed as a whole and only subsequently divided into districts. Clive's Jaghir became subsequently the district of Chingleput. Certain districts like Salem, the Baramahal, and Dindigul were secured as such from Tippu Sultan. Madura was a large territory, subsequently divided into the districts of Madura and Ramnad. Trichinopoly was created out of the cessions of the Nawab of Carnatic, and Tanjore was made out of the territories of the Mahratta Rajah. Similarly in Bombay, the N. W. Provinces, and the Punjab, the district was an artificial creation of administration as territories came under the hammer of conquest. In Bombay[316] the district of the middle of the 19th century was considered to be larger than those in Bengal and the north west. Its size was determined by the manageability of its revenues by an European official as Collector and the usual staff. The Bombay district has been smaller in size than the Bengal district.[317] But the Madras district has always been larger than the Bengal district. In 1826 Munro prepared a consolidation of Districts in order to make the revenue at least as attractive as the judicial service, the consolidated districts being placed under Principal Collectors as at Bellary with subordinate collectors in charge of junior centres.[318] In 1873

314. Shore—Notes on Indian Affairs.
315. Martineau's Life of Bartle Frere.
316. Shore—Notes on Indian Affairs.
317. Cambridge History of India, Volume II, Chapter IV.
318. Board of Revenue letter, 4th May 1840 quoted in Rickett's Report, page 292.

in Madras the average area of a district was 6,919 square miles with a population of 1,544,000 whereas in Bengal it was 2,325 square miles with a population of 1,093,379. In 1904 the same proportion was found, Bombay coming next to Madras with an average area of 5,121, Bengal 3,286 square miles, United Provinces 2,233 square miles, the Punjab 3,600 square miles.[319] The artificiality of the formation of the district is also proved by the changes to which it has been subjected since its formation. Districts have been split up as Arcot into North Arcot and South Arcot, Godavari into East and West Godavari, Kanara has been divided into North and South, the North going to Bombay in 1861 and the South remaining with Madras. A proposal to bifurcate other districts made in 1904 has been vetoed on the ground that Madras districts were not larger than one Collector could manage provided he was relieved of all but supervisory work, as well as on the ground of expense, and of the advantages in prestige and authority of the Collector.[320] And districts have had their territories torn off and attached to others. And always the determining consideration for the chopping and changing of districts has been the convenience of the revenue administration.

The District Administration—The Collector.

And in each district, the revenue built up its administration. The government of the district, not merely the collection of revenue, was in the hands of the revenue officials. For long the revenue administration was the only centre of government in the district and absorbed all the governmental authority that operated in the district. The evolution of the office of the Collector and his assistants in the revenue administration shows what the revenue administration did for the government of the district. In Bengal in Warren Hastings time the offices of the Collector, Magistrate and Judge were unit-

319. W. S. Meyer's Report on reorganisation of districts, 1904.
320. *Ibid.*

ed in one person. After Cornwallis arrived in India the Collector of revenue was separated from the Judge. In 1787, the revenue and judicial duties were once more united in the Collector's hands, but revenue cases were reserved for the Board of Revenue. The Collector also became a Magistrate. But before Cornwallis' first administration came to an end he had realised the folly of imposing these burdens on a single official. The District Judges were given civil jurisdiction and petty criminal jurisdiction. The Collector was made a mere collector of revenue. In Lord Hastings' time the Collector had magisterial powers conferred upon him and the rule of the Collector-Magistrate was again established. The two offices were again disjoined from each other from 1840 to 1854. But in 1854 the offices of Collector and Magistrate were united again.

In Madras and Bombay and the other provinces the Collector has been not only Collector and Magistrate but also Judge in revenue matters. In Madras the Collector was found in 1852 to have higher responsibilities and more substantial powers than both the Collector of the district and the Commissioner of the division put together in Bombay. One important duty of the Madras Collector, the settlement of boundary disputes was allotted in Bombay to the Revenue Survey Department. In Bombay the Government appointed the chief native officers in each Collectorate and the Collector had not the power of removing them, the whole system being one of central control and not of local authority as in Madras.[321] In 1888 in Madras the Collector was relieved from work of the headquarters division which was given over to a Deputy Collector.[322]

Below the Tahsildar in Madras was the Revenue Inspector who was charged with supervision of the village revenue

321. Letter from Secretary to the Government of Bombay to the Secretary to the Government of India, 24th February 1853 in Home Public Proceedings, 22nd and 29th June 1855, Imperial Records.

322. W. S. Meyer's Report on District Administration, 1904.

officers and formed the link between the village and taluk office. His chief duty was beside supervising the work of the village officers, to see that they kept their accounts properly and collected their kist punctually; to make constant and prompt inspection of crops in cases of claims to remission. Disputes concerning the size and limits of holdings, the concealment of cultivation, land or water disputes, claims for revision which require immediate inspection and enquiring were referred to him.

The Collector's Assistants.

In subordination to the Collector, through his European assistants whether at headquarters from 1772 in Madras or in sub-divisions, later native Deputy Collectors from the time of their creation by Lord William Bentinck and native subordinates called Tahsildars or Mamlatdars the revenue-magisterial work of the Collector was taken to the circumference and every part of the district. Not merely land revenue but the excise, registration, magisterial work gave these officers of the revenue opportunities of exercising authority in varying degrees in different matters upon the people of the province.

The Collector's Cutcherry.

To enable the Collector to perform his varied and voluminous duties he had at headquarters his office. This was the Cutcherry. The name as well as the institution was taken from Mughal times. Hawkins[323] speaks of a Cutcherry or Court of Rolls where the King's Vizir sits every morning some three hours by whose hands pass all matters of rents, grants, lands, firman's and so forth. The Zamindars of Bengal also had such offices for the collection and administration of the revenues that they collected. And when the Collector was made a collector of revenue he had to set up his own Cutcherry. It was the Collector's Cutcherry that helped him to

323. In Purchas I, 439 quoted in Yule and Burnell's Hobson Jobson.

gather in the revenue, to check and control the accounts and registers and reports submitted to him, to supervise the work of his revenue and other subordinates, and in general to keep his hold over the government of the district.

The Cutcherry in Bengal.

In Bengal the Collector's Cutcherry was found in 1793 well established. Its native head was a Diwan with a salary of Rs. 150 per mensem but the office of Diwan was abolished in 1813. Other assistants were the Sheristadar who after 1813 became the chief of the office, the Record-keeper, the Munshi, the Head Muhari, Khazanchi, 10 Muharis, a Nazir on salaries from Rs. 50 to Rs. 10. In 1913 there were the Sheristadar, Treasurer, Record-keepers, Taujih Navis, and the Munshi. In 1837 we find the Sheristadar receiving a salary of Rs. 70 while the Treasurer gets Rs. 50 and the rest in proportion.[324] The Collector's Cutcherry had two sides—the English and the vernacular offices. From the beginning English knowing clerks have worked by the side of the old amlahs. The number in the English office was small at first. But although the duties were not so onerous as those of the Vernacular office they drew higher pay because knowledge of English was scarce and Eurasians were frequently employed. The revision of salaries that took place in 1868 did not affect them and the salary of the head of the Collector's Cutcherry hovered between Rs. 80 and Rs. 100.[325]

Officials of the Cutcherry.

Of the minor officials in the Cutcherry the most important was the Taujih Navis. This office dates from the time the Company took the collection of revenue into its hands. In 1793 his duties were to maintain the integrity and accuracy of the revenue rolls, to keep the accounts of each estate to report arrears to the Collector, for delays on the part of a Collector

324. Report of Salaries Commission in Bengal, 1885-86.
325. *Ibid.*

in submitting monthly reports to the Board of Revenue used to be visited with a fine amounting to half a month's salary for the first omission and the whole for the next omission. In 1835 the practice of submitting monthly Taujih accounts was discontinued, the quarterly returns being considered sufficient, was resumed in 1842 and discontinued again in 1850. The Munshi or Head Muhari was at first the Accountant keeping all accounts except those relating to land revenue which was kept by the Taujih Department. The Nazir was to see to the issue of all processes, supervise process-servers and has been described as a sort of house-keeper of the Collector's office.[326] The Record-keeper was given statutory recognition in 1793 and was required to keep the following public records, all accounts and papers regarding the apportionment and allotment of revenue, register of monthly receipts granted by the Collector for all payments of revenue into the treasury, register of receipts for salaries and pensions (taken away in 1885) the general perganah register of estates paying revenue to Government and those exempted.[327] It was an object of the highest importance to obtain and peruse an accurate register of existing tenures and of the transfers and divisions of landed property.[328] The Kazanchi was the Treasurer of the Bengal Cutcherry. A Regulation of 1793 gave this official a conspicuous position in the Collector's office and a statutory recognition. On the abolition of the post of Diwan in 1813, the responsibility of the Treasurer increased. In 1847 the abolition of separate treasuries of magistrates, judges and salt agents' offices further increased his responsibilities. His salary ranged from Rs. 65 to Rs. 150 and the security he had to deposit from Rs. 10,000 to Rs. 50,000. In 1854 the Treasurer was put in charge of cash transactions only. All other payments were made into the Treasury through the Accounts Department of the Collector's Cutcherry created in 1854.

326. Report of Salaries Commission in Bengal, 1885-86.

327. *Ibid.*

328. Revenue Letters from Bengal, 17th July 1818—Bengal Revenue Selections in Selection of Papers from Records of East India House.

The Sheristadar.

Of all the officials of the Bengal Cutcherry, as of Cutcherries in other provinces, the most important was the Sheristadar. The Sheristadar in Warren Hastings' time[329] was the keeper of the Sherista or the Superintendent of the Native Revenue Accounts and keeper of all the rules, forms and ordinances in the native administration and collection of revenue. Before him as well as in his time there was a Sheristadar in each office or Dufter, as of the Khalsa, the Jaghir, the Abwabs, the Ameens etc. There was also a Sheristadar of the Board of Revenue, whose office was considered important enough to be filled by Mr. James Grant.[330] At the beginning as throughout the history of the Cutcherry the principal duty of the Sheristadar was to superintend the whole office, to hold himself responsible for the conduct of the subordinate establishment of the office, to check malpractices on the part of the Amlah or his office. After 1837 when English was substituted for Persian as the official language Sheristadars were required to possess an adequate knowledge of the new language. Great things were expected[331] from the change. The ill-report of native officers and their constant propensity to peculation, it was hoped, would be checked if the head native officer were able to converse constantly and freely in English with his European superiors, and further the defective information possessed by the latter of the conduct of all the subordinate officers would cease and more effective control be introduced. These expectations of the Board of Revenue of Bengal were not immediately realised as the Government of Bengal insisted that European officials should learn the vernacular.

329. Warren Hastings' Minute, 4th July 1786 in Bengal Revenue Selections, Volume III, Consultation in Selections from Records of East India House.

330. *Ibid.*

331. By the Board of Revenue whose opinion is quoted in Report of Salaries Commission in Bengal, 1885-86.

The Sheristadar of the old school had to draft long *robokaris* embodying the orders of the Collector, a practice which was given up long ago, but in 1849 they were systematically employed in reading papers to the Collector. The practice was condemned by the Board who realised it was impossible for a Sheristadar to perform his duties efficiently if he was employed four or five hours reading to the Collector. But in spite of official condemnation the practice was found flourishing in 1885 in some districts. In other districts the Sheristadar was expected to put up English notes on every subject that came up before the Collector. Even native Deputy Collectors who could be expected to dispense with the services of the Sheristadar were in the habit of asking them for help to compare a Kabuliyat and a Pattah and to see whether the one was a counterpart of the other.[332] The note-writing of Sheristadars was not without its defenders who could not see any impropriety in a Sheristadar noting the facts and stating the legal aspects of the case, if by so doing he saved the Collector's time. Especially in settlement cases the Collector had to avail himself of the knowledge of an experienced native official nor was it considered by the defenders of the Sheristadar's position and power in the Cutcherry that he need not be in attendance on the Collector at the time of sale of estates for arrears of revenue as the consequence of mistakes in such cases was serious and as the Sheristadar was the officer responsible for the correctness of the advertisements of sales, he was probably the best adviser the Collector could have in such business.[333] Soon after the government passed into the hands of the Crown a Bengal administrator observed that the world did not produce better men of business than some of the native Sheristadars or heads of offices, men whose quickness, memory, method, skill and knowledge of official detail were quite surpassing and whose fluency of pen and

332. Report of Salaries Commission in Bengal, 1885.

333. Minute of Dissent by W. H. Grimly in Report of Salaries Commission in Bengal, 1885-86.

language no European could surpass.[334] All this, while it made the Collector dependent on the Sheristadar made this functionary the power behind the throne when the Collector was there and the power on the throne itself when the Collector was not all there.

Nor was the Collectors' Cutcherry in Bengal free from the barnacles of extortion and corruption that stick to a revenue office dealing with an illiterate people. Even in 1885 the ignorant rustic was officially reported[335] to be bandied about from one place to another, money extorted from him by Muktiars and touts on all sorts of frivolous pretexts and to see his petition reach the proper authority only after all this ordeal. Sometimes the poor ryot could not get his petition written at all because he could not get the figures, names, dates and all the minutiae of his case. And then the record-keeper would have his fee before he gave the necessary *karifayat* and returned the document wanted, the nazirs must be feed for issuing the process, the peshkar for bringing the case before the Collector. If all these men were not bribed all sorts of difficulties would be thrown in his way. The record-keeper would report that the indications given were insufficient and so would one after another of the officials of the Cutcherry make excuses and objections till even the most determined Collector would not insist upon immediate compliance with his orders.

The Cutcherry in Ryotwari—The Madras Cutcherry.

The Ryotwari system made the Collector's Cutcherry still more formidable than in the Zamindari area. In every one of the processes that constituted collection of land revenue the Cutcherry operated with insistent efficiency. At survey, settlement and jamabandi the Cutcherry was in evidence. In the Ceded Districts of the Madras Presidency when they were being surveyed and settled in the first decade of the

334. Campbell's Modern India.
335. Report of Salaries Commission in Bengal, 1885.

19th century the Gumastahs of the Principal Collector's Cutcherry did survey work and measured the lands. After the surveying work was done by surveyors and assessment work by assessors with the aid of the Patel and the Kurnam " the whole of the classification and assessment underwent a complete investigation in the Collector's Cutcherry.[336]

The Madras Collector's Cutcherry consisted of about the same kind of officials as its Bengal counterpart. The Malabar Collector's Cutcherry[337] for instance in the early 19th century consisted of two Sheristadars, six Gumasthas, six Menons or Kurnams and one Recordkeeper. The Treasury establishment of the Cutcherry had two Gumasthas and five shroffs, the Sheristadar having no authority in the Treasury Branch. The Principal Sheristadar was paid 40 and the second 30 pagodas a month.[338] Sheristadars of 5 to 10 years service received 70 to 100 pagodas while above 20 years they got as much as 150 pagodas.[339] The only accounts of the land revenue kept in the Collector's Cutcherry in Malabar were the demand, collection and balance accounts from which the English accounts were prepared. The Cutcherry accounts were merely monthly abstracts of taluk accounts translated by the Tahsildars.

The Cutcherry kept neither village nor individual accounts.[340] The need for a record office in the Collector's Cutcherry was felt in Madras as in Ben-

336. Report from the Principal Collector of the Ceded Districts, 20th July 1807 in Selections from Records of East India House, Volume I, 1820, Bengal Revenue Selections.

337. Mr. Graeme's Report, 31st March 1818 in Madras Revenue Selections in Selections from Records of East India House.

338. Col. Munro's Report on Malabar, 4th July 1817, Madras Revenue Selections in Selections from Records of East India House, Volume I, 1820.

339. Rickett's Report on Civil Establishment Salaries, page 352.

340. *Ibid.*

gal and it was placed in 1802[341] in charge of two natives to be styled keepers of the revenue records in native languages. By 1860 the Madras practice had crystallized of giving all the collectorates a uniform office staff except in Madras city and the Nilgiris. In 1885 the office staff of the Collector's Cutcherry was reduced, the average strength of the office exclusive of the Treasury branch being 47. But the work had grown since Munro's days—on account of Government loans, minor irrigation works, mining industry, larger and recurring demands for statistics, coercive processes, agricultural indebtedness, the disposal number system with its attendant indices, registers, rules of arrangement and destruction of records, acquisition of land for public purposes, revision of village service establishments, the introduction of Proprietory Estates Village Service Acts. In 1902 the amalgamation of the English and Vernacular branches of the correspondence and accounts branches was proposed by W. S. Meyer. The sections in a modern Collector's Cutcherry are the Correspondence Section with the Sheristadar and English Head Clerk in charge, the Accounts Section, the Treasury and Stamp Section, Record Section, Press Establishment, Miscellaneous Establishment, the Agency section in the case of Ganjam, Vizagapatam and Godavari.[342]

The Ryotwari system allowed the Collector's Cutcherry to operate not only at the headquarters of the district but in the lower ranges of the district administration. Settlement and Jamabandi gave it opportunities of controlling, checking and directing the work of the Tahsildar of the Taluk and the Patel or Headman and Karnam of the village. So great were the powers of the Huzur or Collector's Cutcherry that very early in its history in Madras it was a matter of concern to the rulers of the province that its personnel should be so composed that natives of the district would not have a predominant voice in the office. If the Collectors' and subordinate Cutcherries were

341. Regulation XXII of 1802 in Madras Code of Regulations, Volume I, edited by Campbell.

342. W. S. Meyer's Report on District Administration.

composed of only the natives of the district as was the Malabar Cutcherry of Nairs of Malabar they would, it was feared, in defiance of the utmost vigilance of the Collector embezzle the revenue with very little fear of detection.[343] Here also in the Madras Cutcherry as in the Bengal Cutcherry the Sheristadar was the head and front of the office. As the power and position of a Ryotwari Collector were greater than those of the Collector in permanently settled tracts so corresponding were those of the Ryotwari Sheristadar.

The Madras Sheristadar.

Although the Sheristadar was only a ministerial officer, the Head or Manager of the Collector's office and did nothing in his own name or on his own responsibility, the numerous and multifarious duties of a Collector and the frequent changes in the occupancy of that officer due to leave and seniority rules acting in combination made the permanent native head of the Cutcherry enjoy verily much more than his ostensible powers. Not only was he the chief source of information on the history and condition of the district but he was the confidential adviser and in many respects the real administrator of the district. Some Collectors in early times devolved the whole of the revenue duties on the Sheristadar.[344] He was the sole channel of access of the people to the Collector. When a Collector of Guntur in 1844 attempted to introduce an improved revenue system in the resumed zamindari estates of the district he was restrained by the conservative ideas of his Sheristadar, Nayapati Seshagiri Rao, who was supported in his cautious views by the Board of Revenue.[344a] The power being so great, a large salary—a salary of Rs. 150 and 200 was large for those times—was attached to the office as well as the

343. Sir Thomas Munro in Report on Malabar, 4th July 1817 in Madras Revenue Selections in Selections from Records of East India House, Volume I, 1820.

344. Like Mr. Porter of Guntur in 1849, Manual of the Kistna district by Mackenzie.

344a. Manual of the Kistna District by Mackenzie.

prospect of getting Shortriems and large pensions. In special charge of the Vernacular correspondence he stood between the ryots and the Collectors. The careers of Butchu Rao, Sheristadar of Sir Thomas Munro when he was Collector of Cuddapah illustrates the power and work of a Madras Sheristadar. Butchu Rao had been trained in Tippoo's revenue establishment under Purniah, the Mysore Minister, where he had risen to be Huzur Gumastah. Immediately after Munro was placed in charge of the Ceded Districts, he appointed Butchu Rao as Head Sheristadar of Cuddapah. In this post he remained till his retirement in 1837 when he drew the pay of 200 star pagodas or about Rs. 700 a month. His services were so highly esteemed by the Government of the day that they called upon the Principal Collector to apply in cases of emergency for the co-operation and advice of Butchu Rao and conferred on him and heirs for three lives two villages in the Cuddapah district the revenue of which was estimated at the annual assessment of Rs. 5,600.[345] But black sheep were to be found among the class of Sheristadars as elsewhere—like Sandarigiri Ramanujam of Kistna who in 1849-50 when called upon to answer to certain charges bribed with a promissory note of Rs. 4,000 the District Surgeon who was court-martialled and cashiered.[346]

The position of the Sheristadar was considered to be anomalous and even dangerous as he possessed great powers and no responsibility. He was also given in 1822 certain judicial powers to try cases under Regulation XI of 1822 and also claims to *yeomiah* allowances and Inam lands.[347] The practice which appears to have crept into some districts of withdrawing certain departments of the Cutcherry such as Treasury and Stamps from the scrutiny and supervision of the Head Sheristadar was deprecated by Government in 1851. That officer,

345. Manual of the District of Cuddapah by Gribble.

346. Manual of the Kistna District by Mackenzie.

347. Yeomiah daily Allowance. Letter of Board of Revenue, 1855 quoted in Rickett's Report on Civil Establishment and Salaries, page 350.

the Government thought, should be regarded as the native Collector, all accounts in every branch of the revenue being as open to him as to his European superior. The pay of these officers had been increased in 1816 to put a stop to " the artful intrigues, the corrupt compacts, the daring embezzlements, the hardy frauds, and the shameless perjuries which were then of constant occurrence." But these sad features of district revenue administration continued till 1855.[348] As the administration of revenue was inherited in the central and southern districts from the Maharattas the Sheristadars for long were Mahratta Brahmans. In 1855 it was found that 17 Head Sheristadars and 20 Naib Sheristadars were Mahrattah Brahmins, other Brahmins giving only 2 Head Sheristadars and 13 Naib Sheristadars, other Hindus 2 Head Sheristadars and 3 Naib Sheristadars, native Christians only 2 Naib Sheristadars and as for Muslims and Eurasians there were none at all.[349] The predominance of one class in the stronghold of the Cutcherry allowed combinations bound together by the strongest ties of interest (not only the hope of gain but the fear of injury) that give rise to abuses that sullied the history of revenue administration in the middle of the 19th century.[350]

Accounts and Cutcherry.

The submission of the village accounts to the Collector's Cutcherry at jamabandi time was another cause of the power of the Cutcherry. For the best part of two or three months all the village accounts in the Taluk were before 1855 kept at the Cutcherry while it tried to close the various accounts which had to be submitted annually. The evils and inconveniences of this system have been described by a native

348. Order of Government, 12th January 1851 quoted in Rickett's, page 351-332.

349. Letter of Board of Revenue, 22nd June 1855 quoted in Rickett's Report, page 352.

350. Letter of Board of Revenue quoted in Rickett's Report, page 350.

authority[351] on revenue administration. The Taluk Gumastahs were detained in the Huzur Cutcherry for more than two months during which they were required to draw up from their accounts various detailed statements and returns, just at the fancy and whims of the Huzur Gumastahs under whom they were placed. Every opportunity was sought for finding some error or other in the form in which their accounts and statements had been compiled and to make them copy out in some other shape. And those that could not afford to make the usual presents to Huzur Gumastahs who examined their accounts were exposed to all sorts of annoyances, they would be detained at the Cutcherry till a very late hour in the night and made to overwork themselves. And speaking not from mere enquiry but from certain knowledge this experienced official added that so much do the Taluk Gumastahs dread the summons from the Huzur and the idea of being subjected to the petty indignities and sufferings which generally await them at the Cutcherry that everyone used to try to get the Tahsildar not to depute them on this duty, or get away on leave or put in some hungry *umedavars* in their place to stand the brunt of the attack which the Cutcherry knew well to practise.[352] In 1858 this was not less true of the Huzur Cutcherry.[353]

The Madras Sheristadar after 1858.

The influence of the Sheristadar in the Madras Collector's Cutcherry underwent some reduction after 1858. On the one hand the increased number of competent Assistant Collectors relieved the Collector of much of the details of his work. By the reform of the district accounts in 1854 and a modification in the methods of land revenue assessment the amount of

351. Jayaram Chetty quoted in Garstin's Report on Revision of Revenue Establishments.

352. Umedavars = hopefuls. Memorandum of Mr. Jayaram Chetty quoted in Garstin's Report on Revision of Revenue Establishments.

353. Mr. Garstin in his Report.

work in the collectorate was considerably reduced.[354] But though work in the collectorate went down the office and power of the Sheristadar continued. The need of a responsible and respected native officer whom the Collector could consult and look to for advice prevailed against adverse opinion.[355] And a proposal made in 1858 to abolish the office of the Sheristadar in Madras was countered by the argument of the Madras Government that one of the causes of the mutiny of 1857 was the ignorance of the Collector of the currents of popular opinion in Northern India collectorates which had no Sheristadar.[356]

The Cutcherry in Bombay and elsewhere.

In Bombay also the settlement and jamabandi at the beginning of the 19th century were made by the Collector's Cutcherry, sometimes, under his direct superintendence, always his orders if he was not on the spot.[357] The Ryotwari settlement with each individual ryot as well as the Mozeewar settlement on the preceding year's data including the increase of cultivation, the rent of concealed lands discovered from actual inspection or old accounts were made by the Collector's Cutcherry.[358] In the Collector's Cutcherry in Bombay also the Huzur Sheristadar or Dufterdar as he was called filled the bill. In the first quarter of the 19th century, the Collector's Duftedar was considered to be so important that, to render it a sufficient object of ambition, Elphinstone proposed to attach to the office a salary of Rs. 1,000 a month.[359] Here also his power and influence were traced in 1853 to the frequent transfer of

354. Rickett's Report, *op. cit.*

355. Old Collectors like Sir Henry Montgomerry could not let him go.

356. Rickett's Report, pages 353-56.

357. Revenue enclosure in Mr. Chaplin's Report, 20th August 1822, Bombay Judicial Selections, Selection of India House Papers, Judicial, Volume IV.

358. *Ibid.*

359. Life of Mountstuart Elphinstone by Colebrooke, Volume II.

the Collectors and their short stay in the district. A stranger coming as Collector into a district where he had never been before and knowing nothing of the character of the servants under him was forced to turn for information and guidance as well in his relation to men as to affairs to the head native officer about him, that is the Sheristadar.[360]

The Collector's Cutcherry also dominates the life of the district in the United Provinces, the Central Provinces and the Punjab.

The rule of the Cutcherry and of the Sheristadar.

Everywhere the Collector's Cutcherry and the Sheristadar but especially where the system of periodical revision of assessments have prevailed have pressed on the life of the people and coloured their fears and anxieties and hopes. The Sheristadar indeed was a figure symbolic of district administration. His powers grew with the power of the Collector and have waned with the power of the Collector. The growing specilisation in administration which has created new sets of officials and departments which now perform work that used to be performed by the Collector, the diminution in the patronage of the Collector in regard to appointments to posts in district administration, the development of local self-government have reduced the power and influence of the Sheristadar as of the Collector. But till the other day in all matters and to day in revenue matters he has been a force to reckon with. Although the old historic figure of the Sheristadar which trod the district stage for a century and a half—the stately and portly old gentleman " in fair round belly " wearing the black long coat of official life, with an angavastram across his chest in South India or a shawl round his waist in Northern India, spectacles on his nose, a bundle of papers under his arm, salaaming and deferential to the Collector, lordly and scornful towards the rest of the world has passed or is pass-

360. Evidence of Mr. Goldfinch. 20th June 1853 before Select Committee, Indian Territories 1833, Minutes of Evidence.

ing away owing to the coming of newer fashions in dress and behaviour, yet the office and the person of the Sheristadar of the Collector's Cutcherry persist and will persist in commanding power and influence as long as the Land Revenue System is what it has been. " Whoever regulates the assessment of the land " said Sir Thomas Munro " holds the mainspring of the country ". If the Collector is the mainspring of the district the Huzur Sheristadar is its hairspring.

Divisions of the District—sub-divisions and taluqs or tahsils.

The Indian district being large from historic as for administrative causes has had to be divided into smaller divisions. There were the larger sub-divisions of districts placed in the charge of the European covenanted assistant of the Collector appointed from 1792 in Madras called subordinate Collectors and after 1832 in the charge of native assistants called Deputy Collectors. Still smaller divisions were the taluk of the south and the tahsils of the north placed under native officials called Tahsildars everywhere else than in Bombay where they were called Mamlatdars. Bengal with its Zamindari estates has not felt the need for sub-dividing the districts into tahsils. The division of districts into sub-divisions and taluks or tahsils has been determined like the formation of districts by the exigencies of administration especially revenue administration. Multiplication of sub-divisions was recommended as one of the means of affording relief to the ryots of Bengal in 1861.[361]

The Tahsildar.

While there were no Tahsildars in Bengal from 1807, they were to be found in the ceded and conquered provinces of Agra and were charged with the duty of collecting the jumma of the tahsils.[362] Prior to 1861 there were about

361. Minute by Sir J. P. Grant, 17th September 1860—Petition of Bengal Indigo Planters' Association—London Parliamentary Papers, 1861.

362. Harington's Analysis of Laws and Regulations, Volume II.

210 taluks in Madras, in 1902 there were 158. In Bombay the Mamlatdar when the administration of the territories conquered from the Peshwas was taken up was "to have his pay, (it was then Rs. 75 to 150) increased to render him more respectable and farther removed from temptation and to induce the better sort of natives to accept office". The duties of the Bombay Mamlatdar then were to superintend the collection of revenue, to manage the police, to receive civil and criminal complaints, referring the former to panchayats and the latter to the Collector.[363] A distinct improvement in the administration was noticed from the time of the appointment of these Mamlatdars with fixed pay and limited and supervised powers —faith kept with the ryots, more liberal assistance given them in advance. Comparatively free from false accusations and pretexts for the extortion of money, they gave complaints a readier hearing and redress.[364] The character of these first Mamlatdars naturally varied. In Poona and Satara respectable servants of the old Government were obtained. Those of Khandesh were recruited from the Nizam's country and Hindustan and were not so good. As in Bombay the Tahsildar has, everywhere been the assistant of the Collector, for it was through him that all the settlements were made and all collections realized, from him the Collector expected most of his information and on his honesty and intelligence the prosperity of the district greatly depended.[365] Like the Collector and the Sub-Collector the Tahsildar was endowed with magisterial in addition to revenue duties. In Madras in 1892 he was relieved of magisterial work in the more important taluks by the appointment of stationary sub-magistrates.[366] But every-

363. Report on Territories conquered from the Peshwa by Elphinstone in Selections from the Minutes etc. of Monstuart Elphinstone by G. W. Forrest.

364. *Ibid.*

365. Minute by the President of the Bombay Council, 6th April 1821 in selections of papers from records of East India House, Volume III, Part II.

366. W. S. Meyer's Report on District Administration, 1904.

where in revenue administration he has been the cog-wheel. What was said of the Madras Tahsildar in 1902 applied to periods before and after—that it is on the Tahsildar that the Government must largely depend for that accuracy in all the details of every village which makes the Ryotwari administration equitable and satisfactory, for except in magisterial work, the Tahsildar has to carry out in detail all that a divisional officer has to supervise, to make all the original enquiries, take all the evidence, personally visit all the irrigation sources, test the cultivation in every village, give any loan to borrowers from Government, collect the revenues by his personal knowledge of the village officers and often of the individual ryots ".[367]

The Taluk Office or Cutcherry.

To help the Tahsildar there was the Taluk office with the Taluk Sheristadar at its head. He was not only the ministerial head of the Taluk office but also a subordinate magistrate. As this union of magisterial with ministerial function led to the neglect by the Taluk Sheristadar of his duty of accountant and administrative assistant of the Tahsildar, his magisterial duties were taken away from him in 1890 and he was made Head Accountant of the Taluk office. In districts like Tanjore the *motafysal* system of revenue settlement which prevails there aids to increase rather than diminish the difficulty of collecting the revenue, the work in the district becoming abnormally heavy and the establishment requiring to be stronger than usual.[368]

The Taluk Cutcherry was in many respects a miniature of the Huzur Cutcherry. The tribute to which village officials were subjected at the Huzur Cutcherry in 1855 presisted at the Taluk Cutcherry at jamabandi time much later. An official

367. Sir F. Nicholson's letter in G. O. No. 173, Revenue, 20th February 1902 quoted in W. S. Meyer's Report on Reorganization of Districts, 1904.

368. Mr. Garstin's Report on Revision of Revenue Establishments.

report[369] apprises us that in 1885 the Village Karnai until he bribed the Taluk Gumastah who is supposed to exa mine his accounts could not hope to get back to his villag until his accounts were passed. Reforms were propose in order to reduce the zoolum of the Collector's or Talu Cutcherry—that jamabandi should be spread throughou the year, that Revenue Inspectors and Tahsildars should repor during the cultivation season on the state of the crops in thei ranges, that Tahsildars should be more constantly on the mov in the taluks, claims to remission being enquired into on th spot and disposed of or referred to the sub-divisional offic that complaints about transfer of puttah or other matter should be heard promptly and settled at once personally b the Tahsildar or by report to his divisional officer, while th village officers could be closely supervised as to their annua accounts which might be written up in the villages and take when ready to the Taluk or sent there through the Revenu Inspector. But few of these proposals have been put through And the domination of the Taluk Cutcherry as of the Huzu Cutcherry continued, though perhaps in diminishing force o account of the growth of education among the village officer and of public opinion. In Bombay[370] also soon after the cor quest of the Peshwas' territories the Mamlatdar's office had Sheristadar who kept the records, an accountant and som other assistants. The pay of a Sheristadar was from Rs. 3 to 50.

The Village and Village Administration.

After the district and the taluk or tahsil, Land Revenu has made village administration. It cannot be said that Lan Revenue created the village, for that was more ancient tha the State in India. But the system of village administratio as we know it has been made and maintained by the Lan

369. Mr. Garstin's Report on Revision of Revenue Establishment

370. Elphinstone's Report on the Territories conquered from th Peshwa in selections from the Minutes etc., of Monstuart Elphinstor edited by G.W. Forrest.

Revenue system. The different systems of Land Revenue have given rise to different kinds of village administration.

The Zamindari Village—The Kanungo (Old Canungo).

The Zamindar system of Bengal has not brought the village or village administration into prominence. The State having to deal with the Zamindar directly for its revenue from land has not been able to come into direct and influential contact with the village. From the begining till the present day the zamindari village has led a moribund existence " the world forgetting, by the world forget " till some crisis like a famine called the attention of Government to its existence ".[371] Only recently has some kind of self-government been given them long after they were given to towns in Bengal. Before the Permanent Settlement was instituted under the native government officers known as Kanungos and Patwaris existed who kept " the most minute particulars connected with the rents and revenues of the different estates."[372] Lord Cornwallis[373] did away with Kanungos after the introduction of Permanent Settlement as he thought they were superfluous. Kanungos and Patwaris, were expected to be retained by the Zamindars under the new system but it was left to the will and pleasure of the Zamindars to do so. The Kanungo office was intended to be a register of leases. The Kanungo's duty being to record all Pattahs and Cabooliats but Zamindars not being obliged to register, the object of the Regulation which enforced this duty was not reached.[374] But in 1800[375] to take the place of records kept in the Kanungo's office, the preparation of a Perganah Register of lands in Malguzar and Lakheraj

371. Carstair's—The Little World of a District Officer.

372. Revenue Letter from Bengal 14th December 1811 in Bengal Revenue Selections in Selections from Records of East India House.

373. Harington's Analysis of the Laws and Regulations, Volume II.

374. Lord Moira's Revenue Minute, 1815.

375. By Regulation VIII of 1800.

in a prescribed form was ordered, but this also was a failure.[376] The Court of Directors soon realized the need for reviving all village offices in the Zamindari tracts. These offices were first revived in 1816 in Bihar, in Orissa and in some districts of Bengal like Midnapore and Hoogly. The better administration of the office of Patwari was also provided for about the same time although the Bengal Government did not deem it expedient to make Kanungo and Patwari, officers of Government.[377] The Kanungo was re-established in Cuttack[378] as it was expected to be of great public benefit in removing the obstacles which had hitherto impeded the revision of settlement of the district and otherwise facilitate the collection of revenues. The duties of the Kanungo were to keep a counterpart *jumma wasil bakee* or account of the collections made by the Tahsildars or Sizawals for lands held under Khas or under attachment, to keep an account of all lands under rent-free tenures, to keep a list of the Patwari in each village, to compile information regarding local boundaries of perganahs and estates, to keep a register of transfers of estates, to assist at all admeasurements of lands.[379]

The Patwari.

The Patwaris were even more necessary in the interests of Government than the Kanungo. Although serious evils were daily experienced in the absence of this office after 1793 and the inefficient and ill-organised state of the Patwari department was pointed out by the Court of Directors nothing

376. Revenue Letter to Bengal from Court of Directors, 28th October 1814 in Bengal Revenue Selections from Selections from Records of East India House, Volume I, 1820.

377. Revenue Letter from Bengal, 12th September 1817—Bengal Revenue Selections in Selection of Papers from the Records of East India House, Volume III.

378. Regulation V of 1816.

379. Bengal Revenue Selection in Selection from Records of East India House, Volume I, 1820.

effectual was accomplished on this head.[380] It had been found impracticable in spite of a Regulation passed in 1803[381] for the Collector to derive aid from Patwaris in collecting detailed information about the revenues of the villages although the Collectors were authorised under the Regulation to call on the Patwaris for the accounts kept by them and for any information relative thereto in cases of attachment[382] as well as in all cases of Khas collection by the Tahsildar or other officer of the Government. Only in cases expressly provided for by Regulations could the Collector call upon the Patwari to furnish accounts or other information. Should the Patwari neglect to attend on the Collector with his books the Collector had not the power to enforce his appearance but could only report the fact to the Zillah Court.[383] To be of any use to the Government the Patwari had to be made a public servant. Lord Teignmouth had already as early as 1789 urged this reform " as in this light they have ever been considered under every native government and have formed a necessary link in the chain of permanent public functionaries belonging to the Revenue Department."[384] The loss of revenue knowledge to the officials of the revenue which resulted in the Patwaris being the private servants of the Zamindars instead of being retained in their accustomed footing of public offices of Government was urged by several revenue officers very soon after the conclusion of the Permanent Settlement.[385] Without the in-

380. Revenue Letter to Bengal 28th October 1814 in Selections from Records of East India House, Volume I, 1820, Bengal Revenue Selections.

381. Regulation XXIX of 1803.

382. By Section 15 of Regulation XXVII of 1803.

383. Revenue Letters to Bengal, Ceded and Conquerred Provinces 1st January 1815, Selections from Records of East India House, Volume I, 1820.

384. Minute on the Permanent Settlement of 18th June 1789 quoted in Revenue Letters to Bengal, Ceded and Conquerred Provinces, 6th January 1815 in Selections from Records of East India House, Volume I, 1820.

385. Revenue Letter to Bengal etc., 6th January 1815 in Selections from Records of East India House, Volume I, 1820.

formation discovered from village records, such as could be furnished by the Patwari, not only could the intermediate office of Kanungo be nugatory but the Government must ever remain in darkness as to mofussil affairs on which it was necessary that both Judges and Collectors should have the best obtainable means of information to enable them satisfactorily to perform their important duties.[386] Lord Hastings proposed the conversion of the Patwari into a government officer for the Upper Province of Bengal in 1815 and the provision of his pay by law.[387] As Government could not be expected to defray the charge of such a numerous establishment, the Patwari was usually paid by a cess or a *russom* of half anna per cent on the jumma constituted by the under-proprietor. The Patwari accounts were concerned with the adjustment of the revenues of Government, the apportionment of it in shares and estates, the assessment of rent payable by each under-proprietor, the actual payments of each in cases of contested demand by the Zamindar.[388] From 1815 the Patwaris in the Upper Provinces were made the officers of Government, the appointment of them vesting in the Collectors of land revenue. In 1820 the Patwari of the North West Provinces was found to be usually a Bania or grain dealer, his remuneration was a village expense, sometimes by a percentage of 12 per cent or a present at each harvest of 5 to 20 rupees and being excused the Pag (poll) and Khoodhee (hearth) taxes where the *Chowbacha* system of internal assessment prevailed. Sometimes the Mocudums of the village themselves were the accountants.[389] Their work increased by 1877 when they were expected to keep as many as 10 books the most important of them being the Khaira or Field book, the

386. Revenue Letter to Bengal (from Court of Directors), 28th October 1814 in Selections from Records of East India House, 1820.

387. Lord Moira's Revenue Minute, 21st September 1815.

388. *Ibid.*

389. Report of Civil Commissioner at Delhi, 28th April 1820 in Bengal Revenue Selections in Selection of Paper from Records of East India House.

Jamabandi or Rent Roll, Diary, Daybook Ledger, Statement of crops, statement of arrears of rent for the year.[390]

Revival of Kanungo and Patwari.

In the Zamindari tracts of the lower province of Bengal the attempt to revive the Kanungo and the Patwari has not been successful. The instructions of the Court of Directors that the Patwaris might be made Government servants fell through. Regulations were again passed in 1817, 1818 and 1819[391] for the reestablishment of Kanungos and for their supervision over the Patwaris and for the definition of the duties of the latter. In 1827 it was found that the Kanungos had not been able to do much against the opposition of the landlords. In Orissa alone where the settlements are temporary village settlements Kanungos and Patwari seem to have found a place. Even as late as 1872 provision was made for finding a place for Kanungos and Patwaris. But the Bengal officer found the system did not work well, it was vexatious and irritating to the landlords, wasteful of government money and opposed to the interests and traditions of the Zamindars.[392]

In the Talukdari estates of Oude, learning from the Bengal experience, the Government took power in 1871 to be exercised by the Chief Commissioner to require the appointment by the Talukdars of a Patwari of a village or group of villages or other local areas and to make rules for regulating the qualifications and duties of their offices. The Talukdars were not interfered with so long as they made proper arrangements for the performance by the Patwaris of their prescribed duties and for the submission of the accounts and returns required by law.[393] Only if the Talukdar failed to make such arrangements did the Government step in.

390. Kachari Technicalities by Carnegy, 1877.

391. Baden Powell, Land System of British India, Volume I.

392. Report on the Land Revenue System of Bengal of 1883 quoted in Baden Powell, Volume I.

393. Act XVII of 1876, Chapter XII quoted in Baden Powell, Volume II.

The Kanungo and the Patwari elsewhere.

Under the village system of land tenure in the North West Provinces, in Orissa and elsewhere the Kanungo and the Patwari have flourished. Temporary settlements require them and give them work and standing. The village system presupposes the existence and contributes to maintenance of village and village life and administration. In the North West Provinces there was also a living tradition of village life. The circumstances of the anarchic times of the 18th century kept these little republics together. Single villages were able to resist ordinary attacks from the foes of order. Leagues of these were strong enough to oppose more regular and more formidable foes. Individual villages were known to have frequently repulsed assaults from the local troops of Amil and Foujdar.[394] With vigorous village life place was found for officers that would bring the village and the Government into close relationship with each other. Kanungos and Patwaris have been declared to be public servants. At first the Kanungo was the Registrar and Account Keeper and a sort of general referee in all revenue matters. In the modern system the Kanungo is maintained at the Tahsil office for the purpose of inspection and seeing that village Patwaris keep up their books and returns and accounts.[395] Some Kanungos are office Kanungos called Registrar-Kanungos and others are Inspecting Kanungos. The Sadi Kanungos at district headquarters, compile statements for the whole district from those of each Tahsil staff and in the cold season make a tour of inspection to keep the Tahsil Kanungos in order. The Patwari is the village accountant and keeps the village accounts and the register or diary, other village records relating to the revenue of the village, village maps. All these books and records are liable to the periodical inspection of the Tahsil Kanungo as

394. Report of Civil Commissioner at Delhi 28th April 1820 in Bengal Revenue Selections in Selection of Papers from the Records of East India House, Volume III.

395. Baden Powell, Land System of British India, Volume II.

well as the Collectors and his assistants.[396] The other village official who figures in the village life and administration of the North West Provinces is the Lambardar. His duties as defined by law in 1873 are to pay in the land revenue to the local treasury, to report to the Kanungo changes in the lands of the villages regarding encroachments, boundary marks.[397]

The Ryotwari Village.

More than the Village system, the Ryotwari has helped the government to insinuate itself into the life of the village. While the Zamindari system drew a curtain of purdah between the Government and the village and the Village system allowed the Government to go as far as the Lambardar and no further, the Ryotwari system brought the Government right into the social as well as individual lives of the villagers. The Ryotwari system sucked the life of the village into the orbit of the influence of government. The heads and traditional officers and servants of the village were brought under the jurisdiction and control of Government.

Ryotwari Village in Madras.

A regular village establishment was reckoned from the very beginning of the history of Ryotwari in Madras to be absolutely necessary to the system. The inexperience and ignorance of the higher officials of a Government, which was at once foreign and, a landlord, of the circumstances of the people, and the need for establishing confidence in them required that every village should have a village establishment.[398] That which, said Munro when settling Malabar after the Mysore wars, must precede all other improvements and without which no regularity could be introduced into the internal administration was the division of the

396. Baden Powell, Volume II.

397. Baden Powell, Volume II.

398. Thomas Munro's Report on Malabar, July 1817 in Madras Revenue Selections in Selection of Records of East India House.

country into villages and districts with the allotment of a proper establishment of village and district servants under the direction of an efficient Huzur Cutcherry.

The Village Patel or Munsiff and Karnam.

The introduction of a well regulated quota of revenue servants must be the first duty of a Collector called upon to settle a new district.[399] The village Patel or Munsiff and the Karnam were the officials which the Ryotwari system needed the more. Even if Regulations had not been passed in 1802 and in 1816 requiring the appointment of a Karnam for every village, Karnams would still have been found necessary for the security of the revenue, for without them no system of revenue accounts and no information entiled to any confidence as to the resources of the country would have been available.[400] Karnams were provided as early as 1802[401] for villages of permanently assessed estates in Madras. An office of record under a Karnam was to be established in each village of a district where the land revenue had been permanently assessed. Nomination to the office was to be made by the actual proprietor of land, the office was generally hereditary, dismissal from the office was to be only by sentence of a court of law, fines could be imposed for neglect to appoint Karnams. Karnams were to keep registers of lands, accounts of gross produce of the lands, accounts of fees and miras, monthly registers of prices of grain, accounts showing the actual revenue and charge of each village. In 1806 the rules that regulated the appointment and office of Karnams were extended to lands not permanently settled. On account of the nature of the work the Karnam in Madras was generally a Brahman in the Telugu districts of Kistna, Cuddapah, Nellore, Godavari, the Brahman Karnams were of Tamil origin, being the descendents of Brahmans that proba-

399. Minute by Sir Thomas Munro in Madras Revenue Selections in Selection from Records of East India House, Volume III, Part II.

400. *Ibid.*

401. Madras Regulation XXIX of 1802.

bly come from the Chola country with the Chola Kings in the 11th and 12th centuries.[402] In 1816[403] heads of villages were declared to be munsiffs in their villages to hear and decide civil suits for sums of money or other personal property to a limited amount and another Regulation[404] of the same year authorised village munsiffs to assemble village panchayats for the adjudication of civil suits for sums of money or other personal property without limitation as to amount or nature within their jurisdiction. Heads of villages were found as late as 1875-1885 with jurisdiction in petty cases of theft and other petty offences and the power to lodge the culprit for 12 hours in the village choultry or if he be of a low caste place him in the stocks for 10 hours.[405] These powers even then were rarely exercised. Village Panchayats allowed under a Regulation of 1816 were rarely assembled. In recent years their renewal has been attempted.

The Bombay Village and Village Offices.

In the Bombay Deccan Mountstuart Elphinstone when he was asked to report on the territories newly conquered from the Peshwa in 1819 observed that the first and most important feature of administration was the division into villages or townships. These village communities contained in miniature all the materials of a State within themselves.[406] In Bombay the Patel and the Kulkarni belonged to the old order of administration and was adopted by the new. Elphinstone also found these village officials entrenched strong in their historic position. He found the Patels to be most important functionaries in the villages and perhaps the most important class in the community. They held their office by a grant from the old governments, generally the Moghuls, were

402. Manual of the Kistna District by Mackenzie.

403. By Regulation IV of 1816—Madras Code edited by Campbell.

404. Regulation V of 1816—Madras Code edited by Campbell.

405. Manual of Kurnool District.

406. Report of the Hon'ble M. Elphinstone 25th October 1819—Bombay Judicial Selections in Selection of India Papers, Judicial Volume IV.

entitled by virtue of it to lands and fees and had various little privileges and distinctions of which they were as tenacious as of their lands. Their office and emoluments were hereditary.

The Patel and the Kulkarni.

The Patel was head of the police and of the administration of justice in the village. In revenue administration he was to the village what the Mamlatdar or the Collector was on the larger scale. He collected the revenue for Government from all the ryots, conducted all the arrangements of revenue with them and exerted himself to promote the cultivation and prosperity of the village. At once the agent of the Government and the representative of the village he executed the orders of the Government and asserted the rights or at least made known the usages of the people.[407] The Kulkarni at the time the territories of the Peshwa were taken over in Bombay was the accountant of the village and kept its numerous accounts and book. The most important of them were the books showing the general measurements and descriptions of all the village lands, the list of fields with the name, size and quality of each, the terms by which it was held, the name of the ryot, the rent for which he had agreed and the highest rent ever produced by the field. Another gave a list of all the inhabitants whether cultivators or not, still another gave the general statement of the instalment of revenue which had been realised, and yet another was a detailed account where each branch of revenue was shown under a different head with the receipts and balances on each. Beside the public records the Kulkarni was found in touch with the relations of the cultivators with each other and with their conditions, acting as a notary public in drawing up all their agreements and conducting any private correspondence that may be going on. His emoluments were in lands, or often in fees alloted to him

407. Report on Territories conquered from the Peshwa by Elphinstone in Selections from the Minutes and Official Writings of Monstuart Elphinstone edited by G. W. Forrest.

by the Government from whom he held his appointment.[408] The Patel and the Kulkarni had, to assist them the usual and traditional set of village servants, the Changhalah, the Patel's assistant, the watcher of fields and boundaries, the Polidar, the Talati, forming the Bara Balotti of the records.

The danger about 1820 of the Camavisdar[408] overwhelming the Patel was averted in 1822 when the village servants were placed directly under the Patel. As officer of police, and revenue and judge his position became stronger and he was able to acquire those habits of authority and the feeling of responsibility which were necessary for the performance of his duties.[409] The twelve village officers have continued to exist down to modern times. In 1872 as at the beginning of the century the most important part in the making of the settlement and collection of land revenue was contributed by the village officials[410] and it has been so ever since.

Land Revenue keeps the Village alive.

If the village has been more alive in Ryotwari and village system tracts than in Zamindari areas it is because of the more insistent and more intimate land revenue administration that prevails in the former areas. Land revenue being for long the only and even now the most important single source of the revenue of the State, its administration has kept the villages alert. The very exactions, the tyrannies, the oppressions of land revenue officials have served to keep the villages alive. Most of the village officials had something or other to do with land revenue e.g. the *thandalkara* in the Tamil districts has to collect the land revenue from individual ryots under the orders of the *Natta-*

408. Camavisdor—The Old District Revenue Officer of the Mahrattas —Elphinstone, *op. cit.*

409. Order for the more speedy settlements of suits—Judicial enclosures in Mr. Chaplin's Report, 20th August 1822 in Bombay Judicial Selections in Selections from East India Papers.

410. Evidence of Sir H. B. E. Frere, 24th March 1871 before Select Committee on East India Finance, Volume, I, 1871.

markan, the *thotti* also assists in the collection of land revenue from the ryots, carries messages from village officials and head ryots, carries the kist remittances to the taluk treasury, the *Nirganti* has to distribute the water of the tanks and watch the lands and canals, one important duty of the *Kavalkaran* was to watch the crops when ripe and prevent them being injured by cattle.[411] The main preoccupation of the chief village officials in all ryotwari lands is land revenue. The persistence of the Indian village is to be attributed largely to the exigencies of the land revenue administration. If the village system of India has stuck to the soil like our own *kusa* grass to which it has been likened,[412] the grass which it is impossible to tear by the roots because it grows in bunches—it is largely because it has been inextricably connected with the administration of land revenue. Villages have not only been centres of popular self-government, but through the land revenue administration they are brought into intimate political relationship with the central government. They were originally petty self-sufficient atomistic republics. By land revenue and its administration they have become cells in the body of the State deriving life from and imparting life to the body politic. The breakdown of land revenue in the economic crisis known as famine has in the 19th century suggested the strengthening of the tie between the village and the provincial or central government. And the Famine Commission of 1880 suggested as one of the protective measures against famine the periodical inspection of villages by the officers of the central administration as well as the endowment of the villages with a large measure of self-government.[413] And the State through its land revenue administration has been able to exercise that control and authority which was as necessary to its life as to the welfare of the village.

411. A Manual of the Madura District by Nelson.

412. By Sir C. E. Trevelyan borrowing a popular simile in Evidence, 25th February 1873 in evidence before Select Committee on East India Finance, Volume III, 1873 of Minutes of Evidence.

413. Report of Indian Famine Commission, 1880.

Land Revenue influences other parts of the administration—the Police.

While the earliest measures of the British Government after the transfer of any territories by conquest or cession were directed to secure the collection of the revenue,[414] it could not long continue to be their only business. Even to secure the proper collection and administration of the land revenue the organization of peace and order was necessary. But when the first founders of the British rule began to organize the prevention or punishment of crime and the administration of justice, land revenue was the jumping off ground for those other administrative activities. At the beginning it was through and by means of the land revenue administration and land revenue officials that the police and the judiciary were organized. Revenue officials had been charged with police duties under the native governments. The native Amildar had not only superintended the collection of revenue but had administered the police, the village patel and Karnam, the toti and taliari in Madras and his opposite numbers in Bombay had helped in the collection of revenue and looked after the policing of the village. And the early British governments adopted the system. We have seen how in Zamindari tracts the experiment of making the Zamindars responsible for the policing of their districts had been tried, and failed and the Zamindari as well as the Darogah system required the supervision of the Collector.[415]

In the Ryotwari tracts the attempt to make the revenue administration responsible for the police of the district was more successful. From the first it was realised[416] that the formation of a separate police establishment without any connection with the people especially in the villages would

414. Report of 26th July 1814—Madras Judicial Selections from Records of East India House, Volume II, 1820.

415. Lives of the Lindsays.

416. Report of Police Committee, 24th December 1806 in Madras Judicial Selections in Selection of Papers from Records of East India House, Volume II, 1820.

be futile. Such a police would be without the means of procuring information sufficient for the purpose of apprehending robbers. And the utilising of forces from outside would have subjected Government to enormous expense. But if the police were to be intimately related to the people it could be only through the revenue administration. The first Collectors and Tahsildars in Madras were charged with police duties. For a time they were given to another officer than the Collector but the state of the police of the country was such that it led to a parliamentary enquiry in 1813 as a result of which the revenue officers were once again in 1816 placed in charge of the police.[417] The Collector became the supreme police authority of the district, the Tahsildar was responsible for the policing of his Tahsil. The Tahsildars with the assistance of Gumastahs and a force of peons were charged with police duties.[418] Tahsildars were heads of the police of their jurisdiction, they were charged with the maintenance of the peace and they had to report to the magistrate all acts which they may do and all material information which they may receive connected with their police duties.[419] At present the district revenue officers have relations with the police only as magistrates.

Heads of villages aided by Karnams or village officers and taliaris or other village watchers were made responsible for the police of their villages. The Peshkars, Gumastahs, and peons who were employed under Tahsildars had to perform the duties of police in addition to their revenue duties and they were considered to be officers of police as well as revenue servants.[420] Kotwals and their peons whenever it may be necessary to employ them were to be subjected to the authority of the Tahsildars and heads of villages and directed by their

417. Evidence of W. B. Dykess. 23rd March 1853 before Select Committee on East Indian Territories, Minutes of Evidence.

418. Regulation IV of 1816 in Code of Regulations edited by Campbell.

419. Regulation IV of 1816 in Code of Regulations edited by Campbell.

420. *Ibid.*

orders in all police duties, in furnishing supplies for travellers and in the maintenance of the peace. In 1814 in the Ceded districts when a robbery was committed the villagers were compelled to find out the robber or the property stolen or if they failed to do so they were assessed the value of the property. They were consequently fairly active in their search for offenders.[421] Sir Thomas Munro suggested various amendments of the Regulation of 1816 without detriment to the leading principle that the Collector and the Tahsildar and the village officials should together be made responsible for the police of the district. These amendments were embodied in a Regulation of 1821.[422] The Darogah system of police establishment in the Baramahals had resulted in 1825 in abuses and tyrannies and was traced by Munro to the Tahsildars so far from being the head of the police having nothing to do with it not being able to issue any order regarding it.[423] This separation of the revenue and the police authorities which many Collectors were fond of adopting from the belief that it prevented their Sheristadars from acquiring any undue influence, had, in Munro's opinion, the inevitable effect of exposing the revenue to loss and the people to exaction, of breeding general discontent and of keeping the Collector himself in ignorance of what was going on."[424] The main defect of this system of separation of police from revenue was that it was not founded in any of the usages of the country and no system, Munro pointed out, for any part of the municipal administration could ever answer that was not drawn from its

421. Manual of the Kurnool District by Gopalakrishnaiah Chetty.

422. Regulation IV of 1821—See also Judicial Letter from Madras, 4th January 1822 in Madras Judicial Selections—Selections of India Papers, Judicial, Volume IV.

423. Minute by Sir Thomas Munro, 23rd November 1821 in Madras Revenue Selections in Selection from papers of East India House, Volume III, Part II—Also Minto dated 31st December 1828 *Ibid.*

424. Minute by Sir Thomas Munro, 23rd November 1821 in Madras Revenue Selections in Selection of Papers from the Records at East India House, Volume III, Part II.

ancient institutions or assimilated with them. The new police establishment appeared to him like an irregular military corps, directed by the Zillah Magistrate, spread over the country in small guards at every town and principal village entirely independent of the district and village local authorities and subordinate only to its own darogahs and petty officers having no common interest with the people, seldom knowing anything of the neighbourhood in which it was stationed, with no means of discovering offenders and the village watchers withdrawn from their ancient masters the Tahsildars. The new police soon learnt to make the use of its powers which had been foreseen, harassing the heads and karnams of villages by constantly summoning them before it, often extorting money for exemption from this attendance, by blackmail upon the respectable inhabitants of the district.[425] The only remedy for this disorder in the Salem of those times was to place the police under the control of the Tahsildar, to which he had a right by the Regulation and the Collectors were reminded that they could not expect the affairs of the district to be properly conducted unless they grant to the Tahsildars the same undivided authority and the same confidence which the Collector himself received from Government.[426] By 1839, the peaceful state of affairs of 1814 had disappeared in the Cuddapah and Bellary districts when gang robbery was " awfully prevalent " and kept the inhabitants of every village in a state of constant dread and alarm while in Kurnool this fear of crime was so little known that the public revenue was sent from every part of the district in open baskets and with only a peon or two. The difference in the state of peace and order between Cuddapah and Bellary on the one hand and Kurnool on the other was attributed to the persistence of the ancient system of village police and district servants exercis-

425. Minute by Sir T. Munro, 31st December 1824 in Madras Revenue Selections in Selections of papers from Records of East India House, Volume III, Part II.

426. *Ibid.*

ing a greater degree of authority and to the more prompt and certain punishment of offenders.[427]

The separation of police from revenue was tried in other districts than Salem on the ground that the business of the police would be conducted with more regularity and efficiency by a class of men whose time would be devoted to this duty only than by a class who had other duties to attend to. But the main defect of such a system was that it was not built on the usages of the country.[428] The new police establishment resembled in some degree an irregular military force and although it was placed under the orders of the Zillah Magistrate as neither the Tahsildar nor the village officer had anything to do with it acted as an alien force, tyrants from outside and inefficient as police.[429] Even after the special police was introduced in 1861, the village officials have not been altogether eliminated from the police system. Reports of crime are still brought by village magistrates to the new police stations through taliaris, they do not come from beat constables. But as the village officials are not interested in the detection and investigation of crime their old interest in police work has flagged.

Land Revenue and Police in Bombay.

In Bombay also, the Mahratta system of police managed through revenue officials was adopted. In 1818 in Surat and elsewhere the duties of police were performed by the same persons as had been employed in the collection of revenue.[430] In the taluks where the Dessayes were most powerful the number of *shetsundis* who policed the villages and who were

427. Manual of the Kurnool district by Gopalakrishniah Chetty.

428. Minute by Sir Thomas Munro, 31st December 1824 in *op. cit.*

429. *Ibid.*

430. Elphinstone's Report on Territories conquerred from the Peshwas in Selections from the Minutes etc. edited by G. W. Forrest, also Judicial Letter from Bombay, 29th July 1818 in Papers relating to Police etc.

given assignments of lands was large after the British took up the administration.[431] In the Jaghirs of the Carnatic the need was felt for some kind of coordination between the police of these zamindari lands and of the territory directly under British control.[432] The only innovations introduced by the year 1820 were the closer superindence over village officers and the prohibition of the indefinite confinement of suspected persons by the Patels and the Mamlatdars.[433] The Mamlatdar had under Mahratta rule supervised the police work of the patels. The district *sibandis* were to help the village police in case of serious crimes or disorder.[434] So also was the indiscriminate application of the old Mahrattah mode of recovering stolen property from villagers to which it was traced given up as it was in other provinces.[435] In those early years the transfer of the police to the revenue officers was reported as eminently successful. The serious crime of highway robbery that occurred in the period 1820 to 1830 was attributed to the depredations of the Bhils.[436] The early rule respecting the responsibility of villages and patels as heads of police for property robbed within the village boundaries was found far more efficient in the Poona Collectorship than that of an independent police under Ramosee Naiks. The enforcement of the payment of about three-quarters of the property stated to be lost was frequently followed by the pro-

431. Revenue Enclosures with Mr. Chaplin's Report, 5th November 1821, Bombay Judicial Selections, Selection of India Papers, Judicial, Volume IV.

432. *Ibid.*

433. Report on Territories conquered from the Peshwas by Elphinstone in Selections from the Minutes and other official writings of Montstuart Elphinstone edited by G. W. Forrest.

434. Report of the Hon'ble Mr. Elphinstone, 25th October 1819 in Bombay Judicial Selections in Selection of India Papers, Judicial, Volume IV.

435. *Ibid.*

436. Judicial Enclosures in Mr. Chaplin's Report, 20th August 1822 and Mr. Briggs' replies to Queries, 20th July 1822 in Bombay Judicial Selections.

duction of the property itself.[437] The patel of the village was not the head of the village police, he relied for information on the initiative of his Jaglas of the Koli, Bhil or Mher communities, no person could enter the village or leave it without undergoing the scrutiny of these vigilant agents, the stranger was accompanied to the next village on his road by one of the Jaglas, everything regarding his caste, his language, his native place, his dress having been noted.[438] The inconvenience to revenue officers like Camavisdars and the village patels caused by their attendance at the sessions as police officers, especially at times when their revenue duties required them in their villages was also noticed.[439] In Bombay the policy of the Court of Directors realised in Madras earlier of placing the police in the charge of district and village revenue official was put into effect in 1827.[440]

Even after the police got its own chiefs, the old tradition of revenue officials being placed at its head was strong. Thus in 1860 when the appointment of a Commissioner of Police was abolished the control of the police was vested in the Revenue Commissioners each exercising within his range the same degree of supervision that the former Commissioner possessed. This arrangement was permanently adopted in 1861 and was reported to have been attended with most satisfactory results and a saving of expenditure.[441] At present here as in Madras the district revenue officers have relations with the police only as magistrates.

Land Revenue and Police in N.W. Provinces.

In the North West Provinces when there was a question in 1845 of improving their police, Thomason suggested that

437. Revenue Enclosures in Mr. Chaplin's Report in Selections of India Papers, Judicial, Volume IV

438. Judicial Enclosure to Mr. Chaplin's Report, 5th November 1821.

439. Minute by the President (of Bombay Council), 6th April 1821 in Selection of Papers from the Records of East India House, Volume III, Part II.

440. Bombay Regulation XII of 1827.

441. Annals of Indian Administration, Volume II, 1862, Serampore.

the best way was to see that the Collectors in the 31 districts and the Tahsildar in 219 Tahsildaris should be invested with police in addition to their magisterial and revenue powers. They with their Mirdars, Jamadars and peons added to the police burkandazes would be well able to look after the policing of the country. Already in 1831[442] the Tahsildars had been invested with police powers, the Collector already held them.[443] But special police battalions were organized in North West Provinces in contravention of the opinion of Mr. Thomason. Even after 1861 when the new centralized police system was introduced the Lambardar was still held responsible for the police of the village.

In the Punjab.

In the Punjab after the conquest the Tahsildar was used for the control of the rural constabulary. The Board of Administration which was charged with the duty of organizing the government of the newly conquered territories were anxious that the local influence and knowledge of the native collector and land revenue, the Tahsildar, should be used for this purpose. The Tahsildar was invested with police powers in his jurisdiction. The police were subordinate to him but he was not to supersede them. He was to assist them when negligent, to overawe them when corrupt; he was responsible to see that they were faithful to the State and helpful to the subject. He was to put vigour and honesty into their functions without usurping them. He was not to concern himself as a rule with individual cases unless they were of a heinous nature or unless an affray be anticipated, especially if the dispute relate to land. The Tahsildar with his revenue experience was authoritatively considered to be the fittest man to handle the police in the Punjab district.[444] The rural con-

442. Regulation XI of 1831.

443. Mr. Thomason's Minute on Police Battalions in Selection from Records of Government of North West Provinces.

444. Report of the Administration of the Punjab for the years 1849-50 to 1850-51.

stabulary for its part was recruited from among the people of the village, nominated by the landholders subject to consideration by the magistrate. They were to be sufficiently under the control of the police so as to become trusty servants of the State and sufficiently under the control of the landholders so as not to become rustic despots.[445] The experiment of investing landholders with police functions was tried in 1861-62 in the Lahore and northern division in both of which there were extensive wastes affording great facilities for the perpetration of cattle theft. The results in the Gujranwalla district were successful. Several suspected cases were brought to light by the honorary police officers. But the chief improvement was in the number of reported cases brought to trial. The landholder was allowed small pieces of rent-free land as consideration for these services. Compared to the cost of the regular police the cost was small whilst the employment of men of their own locality was acceptable to the people.[446]

Failure of the combination.

The increase in the work of the revenue officers especially the written work which was laid upon them, stood in the way of their performing their police duties. In the time of Lord William Bentinck (1823-35)[447] complaints of the inefficiency and corruption of the police began to grow in volume. The failure of the old police to cope with the crimes and disorders especially dacoity led to the desire for something new. The disgust with the old system was so great that the remedy was found in a brand new system. The police was divorced not only from revenue but from the village system. A new police system centralized and quasi-military, displaced the old system which had sprung from and held contacts with the life of the people. But even in 1835 experienced officials were in favour

445. Report of the Administration of the Punjab for the years 1849-50 to 1850-51.

446. Report on Administration of the Punjab 1861-62.

447. Imperial Gazeteer, Volume IV, Chapter XII.

of basing the police system on the village police as it was found that the hearty co-operation of the heads of the villages was absent "under the present system of a centralized police.[448] The responsibility of the whole village community for all offences committed within its limits has however disappeared[449] so much has the divorce of police from revenue done.

Land Revenue and the Judiciary.

"We apprehend that although the distribution of justice to the subject is equally essential in all countries and equally the object of the regular government, the several modes by which that end should be obtained must be accommodated to the manners, religion and prejudices of the people and principally to the constitution of each respective government," so ran a Minute signed by Phillip Francis and his collegues[450] in opposition to Warren Hastings in Council soon after the inauguration of a Supreme Court of Judicature in 1773 at Calcutta. According to the manners, prejudices and constitution of the country which the British inherited from their predecessors in government the officers of the revenue had been entrusted with the administration of justice. From the time of Warren Hastings, Collectors of districts beside being responsible for the collection of revenue were vested with certain judicial powers in civil cases.[451] Cornwallis went so far as to state that the civil courts of justice throughout the whole of the Company's territories had been for many years in the hands of the Company's civil servants. The Collector in addition to his revenue duties held

448. Evidence of Sir R. Clerk, 5th April 1833 in Minutes of Evidence before Select Committee on Indian Territories, 1853.

449. Mr. Willoughby in Rickett's Report on Civil Establishments and Salaries, pages 241-242.

450. Minute delivered by General Clavering, Col. Monson. and Mr. Francis, 21st March 1776 in selection from State Papers Foreign Department (1772-85) edited by G. W. Forrest.

451. Cornwallis by Seton Karr in Rulers of India Series.

what was termed a Mal Adalat or Court in which he decided all cases regarding the rights of the landholders and cultivators and all claims arising between them and their servants. Over the Collectors' Courts in Bengal were the Provincial Councils which acting in a judicial capacity heard appeals from all Collector's Courts and over the provincial councils was the Council of the Governor and later the Governor-General forming the Sadr Diwani Adalat and Sadr Nizamat Adalat, the supreme court of appeal in such class of cases. Mr. Shore appointed chief of the Board of Revenue in 1780 by Warren Hastings and retaining it till 1785 was found devoting two days in the week to adjudicating exchequer cases."[452] Although the Zamindar may still have his courts as the barons of England had their manorial courts, yet just as Henry II began to divert the stream of litigation from manorial courts to the royal courts by offering them a better justice so in India Zamindari and village panchayat courts have had to give way to the Collectors' revenue courts and the Zillah courts of law.

Revenue suits and the Judiciary.

The autonomy of the Collector and provincial councils was questioned by the newly appointed Supreme Court of Judicature in the Patna case. Not the appointment of Sir Elijah Impey by Warren Hastings to the Court of Sadr Diwani Adalat but the Amending Act of 1781 put an end to the claims of the Supreme Court " to have or exercise any jurisdiction in matters concerning the revenue or any act done in the collection thereof according to the usage and practice of the country or the regulations of the Governor-General and Council ".[453]

But although revenue suits were taken out of the jurisdiction of the Supreme Court, Cornwallis by his own act, by means of a regulation abolished the jurisdiction of the Collectors and other revenue authorities in such cases. District

452. Memoirs of Life & Correspondence of Lord Teighmouth, Volume I.

453. Ilbert—Government of India—Historical Introduction.

Courts were constituted whose judges were to have cognizance over civil causes of all description, whether of the nature of revenue cases or of other kinds.[454] The Collectors of revenue and their officers and indeed all the officers of Government were made amenable for acts done in an official capacity and Government itself in cases in which it may be a party with its subjects in matters of property was to submit its rights to be tried in these courts. Four Provincial Courts of Appeal at Patna, Dacca, Murshidabad and Calcutta were also established.[455] The separation of courts of law from the executive power, Cornwallis considered to be necessary for the establishment of government by law which he wanted to take the place of the despotism of the executive power which he found flourishing on his arrival[456] " when not only was all power concentrated in the hands of the executive but rules and orders transmitted by correspondence took the place of general laws passed and published by constituted authority." But the special requirements of revenue asserted themselves soon after the departure of Cornwallis. In 1794[457] Zillah Judges had been empowered to refer to Collectors for information about accounts in revenue cases. And in 1809 " in the most mature deliberation which the Governor-General-in-Council had yet been able to give the subject it appeared that the most efficient remedy which could be applied to the existing inconvenience would be to invest the Collectors with the power of deciding in the first instance in claims to arrears of rent and complaints for excess of collection leaving the party which may be dissatisfied with the Collector's decision to

454. Minute of Governor-General-in-Council, March 14, 1793 and Selections from State Papers of Governor-Generals Lord Cornwallis edited by Forest, Introduction.

455. *Ibid.*

456. Letter of Sir George Barlow quoted in Lives of Indian Officers (Lord Cornwallis) by Kaye, Volume I.

457. By Regulation VIII of 1794.

bring the case before the Adalat by a regular suit."[458] The reasons adduced for this change were the material convenience experienced by the public from the powers exercised by the Collector during the existence of the Mal Adalats before the establishment of Cornwallis' system of 1793. The courts of judicature were not by their constitution well adapted for the discussion and elucidation of disputed accounts and if the case eventually came before a Judge, he would have the benefit of the information discovered in the Collector's office.[459]

Another Code passed in 1799 laid down that the courts of judicature were not empowered to question the policy or the plan of revenue settlement which may be adopted by the Government nor to interfere in any stage of its execution, the power of those courts were to extend no further than to maintain the parties in the possession of their rights under the existing plan of settlement.[460] Lord William Bentinck abolished the Provincial Courts set up by Cornwallis and appointed in their place Commissions of Circuit and Revenue who were to preside over the criminal branch of the judicial administration and superintend the settlement of the revenue, in spite of the opposition of critics who thought this innovation threw too much work upon the Commissioners who would not be able to superintend the settlement detail of 1,100 villages in any reasonable length of time and at the same time superintend the administration of criminal justice.[461] The evils flowing from the combination of revenue and judicial duties introduced Cornwallis' Zillah civil courts into other

458. Extract of Letter to Registrar to the Nizamat Adaulat, July 1809 in Selection from Records of East India House, Volume I, 1820, Bengal Revenue Selections.

459. *Ibid.*

460. Cornwallis by Seton Karr in Rulers of India Series, Chapter IV. Bengal Government to Madras Government, 19th July 1804 in Selection of India Papers, Judicial, Volume IV.

461. H. St. Geo. Tucker—Memorials of India Government, pages 69-77.

provinces. The universal peculation and oppression carried on by the servants of the Collectors in the Tanjore district of the Madras Presidency came to a climax in 1804 and forced the Court of Directors to order the introduction of civil courts in this part of the country. The new courts which had been already in Cornwallis' time introduced in the permanently settled tracts were introduced in the rest of the provinces in British India.[462]

Land Revenue and the Judiciary in the Punjab and North West Provinces.

In other provinces than Bengal the device of entrusting judicial duties to landowners was tried with greater success. In the Punjab soon after the conquest, the Jaghirdars had been invested with civil jurisdiction and had disposed of 2,085 cases in a year, an average of 13 days to a case. The knowledge of and influence with the people and the nearness of their residence to suitors made for the success of this experiment in spite of the deficiency of judicial skill which was indeed but little needed in the cases of which they had cognizance.[463] One of the first acts of the Punjab Board of Administration was to obtain the sanction of Government to confine the decision of all questions connected with the landed tenures to the settlement courts, subject to two appeals, the ordinary one to the Commissioner, a special one to the Board whose decisions were final. The form of procedure used by the settlement officers chosen for their zeal, intelligence and experience and helped by a sufficient native agency were simple and adapted to gain the confidence of the people. No settlement officer ever thought of limiting his knowledge to the evidence placed before him, he used his own knowledge derived as a revenue officer, he cross-examined the witnesses and the parties, consulted if necessary a jury of village elders,

462. Lord William Bentinck in his Memorandum on his dismissal from the Government of Madras, February 1809.

463. Report on Administration of Punjab territories for 1861-62.

or adjourned to the spot for personal enquiry and inspection. He was umpire as well as judge.[464] In this way a number of cases would be disposed of which, if brought before a more formal tribunal would occupy the time of many judges. In the single district of Jullunder during the first settlement operations extending over a space of 5 years and with only one settlement officer, the number of judicial questions which came before him and his two native deputies exceeded 28,000 of which upwards of 8,000 were disputes connected with tenure and with the rights and extent of land.[465] The nearness of the court, the local knowledge possessed by the settlement officer and the possibility of local opinion influencing the decision were the advantages that proclaimed the superiority of these revenue courts.

In the North West Provinces at the time of their settlement after cession and conquest, doubts were thrown by experienced administrators on the expediency of drawing any arbitrary and absolute line of separation between the revenue and judicial officers of government, for the acts of the revenue authorities affect most widely the interests of society, they touch at every point the property and institutions for the protection of which the courts of law are instituted, their duties being mainly of a judicial character. Nor, was it contended that the separation of revenue from judiciary operate to establish any real check upon either for under the plan of separation both would be supreme in their own sphere—the revenue authorities might beggar the people by plunder or extortion or squander the revenues of government in ignorance or design without the matter ever coming into the jurisdiction or the knowledge of the courts and the latter may similarly set law and justice at naught without interference by the former.[466]

464. Report on Administration of the Punjab, 1849-50 to 1850-51.

465. *Ibid.*

466. Mr. Holt Mackenzie's Minute, 1st October 1830 in General Appendix to Report from Select Committee on Affairs of East India Company, 1832.

Judicial powers of land revenue officials in Ryotwari.

While in permanently settled tracts like Bengal, revenue officials, it was recognised, need not possess judicial powers, in unsettled districts or in districts in which a regular settlement brought the Collector in contact with the body of the people, it was considered to be a matter of very great importance that the management of revenue and the administration of civil justice so far as it concerns landed property should be closely connected.[467] By not exercising revenue powers the magistrates must relinquish the means of acquiring the most valuable information, they would be deprived of the only means through which they can exercise a really effective control over their native officers of all classes. This combination was necessary for the defence of the poor ryots at a time when public opinion was conspicuous by its absence.[468] In Bombay on the morrow of the conquest from the Mahrattas, Elphinstone saw to it that as much of the old native system was kept as possible. In Madras the union of judicial and revenue powers in the Collector's hands, it was feared at first, would lead to gross abuses. In 1803[469] the Board of Revenue was deprived of their power of hearing appeals from decisions of Collectors in revenue cases. In 1814 it was acknowledged that without some authority to stand between the executive officers of the Government and its subjects and to decide on the equity of the case when disputes may arise, the interests of the subject must be exposed to suffer injury from the malversation, the caprice, the negligence or the ignorance of an executive officer.[470] The establishment of District

467. Minute of Mr. Holt Mackenzie, 1st October 1830 in Report of Select Committee on affairs of East India Company, Volume I, Appendix VII.

468. *Ibid.*

469. Regulation I of 1803—Madras Code of Regulations edited by Campbell.

470. Report of Sadar Adalat, 26th July 1814 in Madras Judicial Selections in Selection from Records of East India House, Volume II, 1820.

Courts of civil justice according to the Cornwallis Code in Madras did not prevent the Collector from having cognizance of revenue cases. The Court of Directors directed a Regulation to be passed in 1815 authorizing the Collector in the first instance to hear and determine all disputes respecting the occupying, cultivating and irrigating of land which may arise between the renters and their ryots in those districts where the land is fixed either permanently or for a term of years.[471] Nor were the courts of law popular in such cases. The courts of law may have been open but the ryots regarded them as shut. "The expense of resorting to a court, the loss of time, their habits in the early 19th century so little adapted to the waiting on legal form" made then rather submit to injustice than seek redress from a tribunal.[472] The new Regulation of 1815 required revenue to be subordinate to justice whilst the ryotwari system had rendered justice subordinate to revenue.[473]

Prior to the introduction of the judicial code of 1793 and 1799, the ryots were not left entirely at the mercy of the personal character of the nearest official. The Collector had authority to enquire into all undue exactions without waiting for complaints. On personal petitions from individual ryot, the Collector would readily and expeditiously settle all claims of overassessment.[474] Although the appellate jurisdiction of the Board of Revenue in revenue cases was abrogated in 1803,[475] the arguments of a great revenue administrator[476]

471. Revenue Letter to Fort St. George, 12th April 1815 in Madras Revenue Selections in Selections from Records of East India House.

472. Report of Commissioner in Coimbatore, 21st February 1816 in *ibid*, Volume I, 1820.

473. Revenue Board's Minute 5th January 1818 in Report of Commission for investigating alleged cases of torture in Madras, 1853.

474. *Ibid*.

475. By Regulation I of 1803—Code of Regulations edited by Campbell.

476. Mr. Holt Mackenzie's Minute, 1st October 1830 in General Appendix to Report of Select Committee on Affairs of East India Company, 1832.

of Northern India for the union of certain judicial with the revenue powers of revenue officials, that the acts of revenue authorities in unsettled tracts, i.e., tracts with periodical revision, affect most widely the interests of society, that they touch at every point the properties and institutions for the protection of which courts were instituted, that the duties of the revenue officials are largely of a judicial character and that on their decisions must depend the worth if not the very existence of the most valuable kinds of property in the country, that the absolute separation of the judiciary from the revenue does not establish any check upon either for each may become absolute and tyranical in its own sphere—these arguments have so far maintained in all but Zamindari permanently settled tracts the wielding of certain limited judicial powers by the officers of revenue. In Madras by Acts and Regulations, as we have seen, the revenue officers had been endowed with jurisdiction over revenue suits. By a Regulation of 1828[477] divisional officers were given all the powers granted to Collectors by the regulations already in force. In 1875 in Bombay a provincial[478] act withdrew disputes regarding revenue and the conduct of revenue officers from the cognizance of the civil courts. An Act of 1864[479] gave power to Collectors to dispose of suits between landlord and tenant. By a Regulation of 1822[480] jurisdiction was given to revenue officials in cases of malversation by public servants. A regulation of 1831[481] related to claims of hereditary village officers which could be heard and settled by this class of officials.

Separation of Judiciary from Land Revenue.

Except in revenue cases there was no justification for revenue officials possessing judicial powers and everywhere

477. Regulation VII of 1828.
478. The Bombay Revenue Jurisdiction Act of 1875.
479. Revenue Recovery Act of 1864.
480. Regulation IX of 1822.
481. Regulation VII of 1831.

except in the non-regulation provinces, the judicial power was taken away from revenue officials.

But the exclusion of revenue cases from the jurisdiction of the civil courts is not peculiar to India. In England also there are a large number of revenue cases in which the subject can obtain no redress in courts of law. In Customs cases for instance in the case of seizure of goods alleged by the Customs authorities to be smuggled which turn out to be goods upon which the party has actually paid duty he can get back the goods but he cannot get either costs or damages from the Crown. Similar immunity is enjoyed by the Income-Tax Department.

Land Revenue and the Magistracy.

The union of revenue with magistracy has been more widespread and more lasting. The collection of land revenue and the performance of magisterial functions went together from the beginning of the history of British rule in India. The precept of Timur that " the ruler of a country ought to be lord of the sword and the pen " had been adopted by the Mughal rulers. To separate the department of justice from the department of revenue, the sword of the magistrate from the cutcherry of revenue, did not occur to the rulers of India till Lord Cornwallis introduced the Code of 1793.[482] Till then the general Regulations for the administration of justice proposed by the Committee of Circuit at Cassimbazaar and made and ordained by the President and Council in Bengal in 1772 had obtained. In virtue of these Regulations, the Collector of a Bengal district was not only to preside in the Provincial Court of Diwani, but also was to attend and watch the proceedings of the Foujdari Adalat. In 1787 on Cornwallis' arrival the chief of the district was Collector, Judge and Magistrate. Lord Cornwallis determined that the Company should stand forth as supreme magistrate, deprived of Muhammad Raza Khan of his power as Nazim of Bengal, established

482. Raike's Notes on the North West Provinces of India.

courts of circuit presided over by covenanted civil servants, removed the Nizamat Adalat from Murshidabad to Calcutta. Till Lord Cornwallis' Regulation of 1793 the Collector was also the Judge and Magistrate subject to the right of appeal to the Board of Revenue, the Courts of Adalat and the President and Council. Although Cornwallis in his attempt at cleaning the Augean stables deprived the Collector not only of judicial but also of magisterial powers the divorce of magistracy from revenue did not last long even in Bengal. Cornwallis had made his Zillah judge also the magistrate of the district and made the Collector a mere collector of revenue[483] and the judges of the provincial courts were constituted judges of circuit in their division who effected two annual goal deliveries. Conrwallis' reform did not work, the Collector and other revenue officials were soon after made magistrates in Bengal.[484]

The union of revenue with magisterial work in the hands of revenue officials was taken in other parts of India from native governments and there was no such break in this connection as in Bengal. But in these parts in the permanently settled districts of Madras where Cornwallis' reform had been introduced the union of Collectors and magistrates was brought about early in the 19th century. In 1816 the Regulation[485] regarding the office of the Zillah Magistrate was codified as it was thought expedient in order to prevent the collision of authorities in the districts and to facilitate the administration of civil and criminal justice, the office of magistrate was transferred from the judge to the Collector. But by 1820, it appeared that the revenue officers were unequal to the joint task of revenue and magistracy. If the union were to continue more Collectors had to be appointed. And an experi-

483. Selections from the State Papers of Governor-General Lord Cornwallis edited by G. W. Forrest, introduction, Volume I.

484. Regulation IV of 1821—Harington's Analysis.

485. Regulation IX of 1816. Madras Code of Regulation, Volume II, edited by A D. Campbell.

enced revenue officer[486] advocated the reform that more magistrates should be appointed apart from the Collectors and other revenue officers rather than that Collectors should be increased in number or should be endowed with magisterial duties. In the N. W. Provinces, Lord William Bentinck who had learnt his revenue lessons from Munro united the office of the Collector and Magistrate. In Bombay also the early 19th century found the Collector to be the magistrate in charge of the police of the districts.[487] The union of revenue and magisterial duties was not the success it was expected to be. The fears of some official observers that the union would lead to the exercise of the right of exacting compulsory labour and excessive revenue demands came to be well founded here and there in Madras.[488] It was found also in the early years that revenue officers were unequal to the joint task of revenue and magistracy and that more Collectors would have to be appointed to cope with the work.[489] The revelations of the Report of the Torture Commission of 1854 made the authorities in Madras doubt the wisdom of entrusting police and magisterial duties to the subordinate revenue for it was this combination that allowed them to resort with impunity to those methods of torture for collecting the revenue which the Commission reported were freely used in the Madras Presidency.[490] The experience of the so-called non-regulation provinces was different, for Delhi, and the Saugor and Narbada territories and Kumaon in the early 19th century were according to an official critic[491] much better governed than the Regu-

486. Minute of R. Fullarton, 7th June 1820, Madras Judicial Selections, Selection of India Papers, Judicial Volume IV.

487. Minute of Mr. Bux, 16th January 1829 in General Appendix to Report of Select Committee on Affairs of East India Company.

488. Minute of R. Fullarton Esq., 7th June 1820, Madras Judicial Selections, Selection of India Papers, Judicial, Volume IV.

489. *Ibid.*

490. Report of Commission for investigation alleged commission of torture at Madras.

491. Shore—Notes on Indian Affairs.

lation districts in which the offices of Magistrate and Collector had been distinct.

In the Punjab after the conquest Jagirdhars had been entrusted with the duties of criminal magistracy and had acquitted themselves to the satisfaction of the Government.[492] In Oudh at the end of the Mutiny certain chosen Talukdars were endowed with magisterial powers. The most important of them was Maharajah Man Singh whose estates were the most extensive and thickly populated by litigious classes and whose proceedings, according to a contemporary official report, were marked by intelligence and the strictest sense of justice. The paucity of appeals from the orders of the Talukdars and the few instance in which their orders were reversed or modified by the superior courts showed that their decisions were just and gave satisfaction.[493] And on the revenue side the proportion of cases in which decrees were given in favour of the tenants against the landholder showed their impartiality and disinterestedness. In 1861 the power of trying civil suits involving claims of value less than Rs. 100 was also conferred on the Talukdars of Oudh.[494]

Land Revenue Department and other sources of Revenue—Excise.

Other branches of government than the courts of law and the magistracy have been affected by land revenue. Being for long the only revenue collecting agency the Land Revenue Department has from the beginning been charged with the collection of other sources of revenue. The Excise at the beginning was not only collected by land revenue officials as it is up to the present day in Madras but was administered and guarded by them. It was found, as was the opinion of an ad-

492. Report on Administration of Punjab Territories, 1852-53.

493. Report on Administration of Oude, 1854-60 in Annals of Indian Administration, Vol. IV, 1860, Serampore.

494. Annals of Indian Administration, 1861-62.

ministrator of great ability and experience, Thomason of the North West Provinces, that the Collectors of land revenue by means of their strong establishments and their intimate acquaintance with the resources of the country and the character of the people were able to manage this branch of public revenue at a very small cost.[495] Bengal was at first the only province in which on account of the entire absence of all mufassal revenue establishment it was found necessary to create a separate Excise Department.

In other provinces also the Excise Department has exerted considerable influence on the lives and habits of large masses of the people. Except for the Muslims and the Jains who as a class do not drink and the aborginal tribes who for political reasons (their tribal addiction to drink and the danger of interfering with age-long usages) and on account of administrative necessity (it would be a tremendous task to enforce excise rules and prohibitions in the hill tracts) are exempted from the jurisdiction of the Excise department,[496] the majority of the population in each province to varying extents are capable of drink.[497] In 1915 three-fourths of the population in Madras and two-thirds in Bihar were said to be drinkers.[498] The proportion per shop in North West Frontier Province was in 1905 38,518 and in Madras 3,208.[499] Madras in proportion to its population had the highest excise revenue, 1 crore and 87 lakhs in 1905 and risen to 6 crores in 1935 and has had the largest excise preventive staff, about 650 officers on Rs. 100 and

495. Minute on Abkari Charges in North West Provinces—Thomason's Despatches, Volume I, Selection from Records of Government of North West Provinces, 1856.

496. Letter of Secretary of State to Governor-General-in-Council, 29th May 1914 in Papers relating to Excise Administration, 1914.

497. Report of the Excise Committee, 1905-06.

498. *Ibid.*

499. *Ibid.*

under while the next highest, Bengal, had only 197 officers of the same grade.[500] The organization of the Excise Administration has also varied from province to province. In the Punjab in 1905 the controlling officer was occupied with other duties, was frequently unable to travel and therefore to exercise any proper control and was the trying magistrate for cases reported by the *daroghas* whom he supervised. In Madras, the Assistant Commissioners although they occasionally see and confer with the Collector have less connection with the Collector than is desirable. This separation results in excess of departmentalism and there is a tendency among the subordinates to look upon revenue and statistics of cases as all important, as well as a deterioration in the morale of the Excise staff itself.[501] A closer co-ordination of Excise and Revenue staff in the district seems to prevail in Bengal and Bombay. The Excise policy of Government in India was to discourage any extension of the habit of drinking within the limits prescribed by the necessity of suppressing unauthorised manufacture and sale, to get a maximum of revenue for a minimum consumption of intoxicating liquors, to raise the cost of liquor to the point when illicit manufacture or smuggling became profitable.[502] This policy has served at once the cause of revenue and of temperance.

In the beginning the Salt Department also was under the immediate superintendence of the Collector so also was the Sea-Customs Department before it became a department of the Central Government. The Salt and Opium income also were collected till recently by land revenue officials. Income-Tax was collected by them till 1922 when the Income-Tax Department was created.

500. Report of the Excise Committee, 1905-06.

501. *Ibid.*

502. Despatch of Secretary of State to Governor-General-in-Council, 29th May 1914 in Papers relating to Excise Administration, 1914.

Land Revenue Department the Maid of all Work.

The Land Revenue department was for long a maid of all work. From the Board of Revenue to the Revenue Inspector the officials of this department were charged with duties and functions which the modern need for specialization has taken away from them. But even now the Collector is expected to keep an eye on all Government departments working in the district and the Revenue Inspector is expected not only to supervise Land Revenue collections in villages but to dance attendance on any officer of a new department who in the exercise of his normal functions has to frequent the villages in the Revenue Inspector's range.[503]

Land Revenue the Mother of other Departments.

Land Revenue has been prolific in governmental organisation. Many departments and activities of government were created by the needs of Land Revenue. The important department of Irrigation arose out of the needs and duties of a State that was the landlord in most of the provinces of India. Irrigation canals or head works were built or restored with a view to increasing the revenue from land and the number of ryots and cultivators. When Lord Hastings came across the vestiges of the famous canal of Mardan Ali Khan he was induced to restore it by the hope that it would procure the government tenants for lands " which no man can now have any inducement to rent.[504]

The formation of an Agricultural Department in India was first proposed after the great famine of Bengal and Orissa in 1866. The Department of Agriculture of the Government of India was formed in 1871, but it was not till another great famine brought to the notice of the Government the grievous conditions of the agriculturists that Agricultural Departments were everywhere set going.

503. Mr. Garston's Report on the Revision of Revenue Establishment in Madras Presidency, 1885.

504. Private Journal of the Marquis of Hastings, January 5th, 1815.

Similarly the Veterinary department, the Co-operative department were established for improving the instruments with which the cultivator worked and his economic condition.

The Forest Department till recently was under the Board of Revenue in Madras. So also the Agricultural Department when it was first constituted was under the Board of Revenue. The Survey Department owes much of its work and activity to the requirements of Land Revenue.

Land Revenue and Religious Endowments.

So many religious endowments were from time immemorial in the shape of land or of revenue from land that revenue officials of the native governments were entrusted with the management of them. And this charge the Land Revenue department of the British Government took over. By a Regulation[505] passed in 1810 for Bengal and by another passed for Madras in 1817[506] the general superintendence of all endowments in land or money grant for the support of mosques and temples was vested in the revenue officers of Government. The duty was thrown on the Board of Revenue and subordinate officers of the Revenue Department to take care that all endowments of land or of the revenue from land for the maintenance of religious establishments be duly appropriated to the purposes for which they were destined by the old governments or by individuals. In 1841 the Court of Directors influenced by the appearance of the anomaly of these Regulations and by the protest of Christian Missionaries expressed a wish that these Regulations might be rescinded. In January 1846 the Government recorded their opinion that they should be repealed. But these endowments being endowments of lands and for land revenue could not so easily escape the grasp of the Land Revenue Department. The jurisdiction of the Deparment over religious endowments con-

505. Regulation XIX of 1810.
506. Regulation VII of 1817.

tinued even after the Crown assumed the Government of India. But in 1859[507] the Home Government directed that the reform should no longer be delayed and that provision should be made for an appeal to the established courts of justice in all disputes relating to the appointment and succession to the management of Hindu and Muhammadan religious institutions and to the control and application of their funds.

Land Revenue's own Calendar.

Land Revenue was important enough to have a calendar of its own. The Revenue year has been different from the official year. The Fasli year begins on 1st July and ends on 30th June. It was inherited from the Moghuls and was determined by the beginning of agricultural operations after the rains of the South West monsoon. It has persisted down to the present day in spite of the obvious inconveniences of a difference between the revenue and the official year. The recommendation of Boards of Revenue, the suggestion of Accountants-General, the approval of the Government itself of a change have not succeeded in abolishing the Fasli. In Madras the Government itself proposed the change in 1853 but it was abandoned on account of the difficulties with the *Uloongoo*[508] system in Tanjore and Trichinopoly. Jayaram Chetti the famous Sheristadar of the Board of Revenue whose name in the Board's opinion was a sufficient guarantee of the practical nature of a proposal connected with agricultural accounts had advanced the counter-argument that the Fasli year does not embrace a complete season for seed-time and harvest for the whole of Southern India. The question was raised by the Accountant-General in 1861. The Board of Revenue at the time of the sessions of an Accounts Commis-

507. Despatch by Secretary of State of India to Governor-General-in-Council, 24th February 1859.

508. Computing in money the share due to Government valuing it by current prices—Baden Powell Land System of British India, Vol. III.

sion recommended it. But the Government of the time decided that it should continue as a subsidiary local arrangement. In 1875 the Board again pressed strongly for its abolition. In that year the official year was substituted for Fasli for Salt, in 1879 the Fasli was abolished for Abkari, Customs and stamps. But the argument that the Fasli year is the agricultural crop year has prevented one year for all revenue administration being accepted.[509] Another State where Land Revenue gave a calendar to the country was the Roman Empire about the time of Constantine when the cycle of Indictios became the ordinary chronological record of time—the first Indictio of the cycle of 15 years used for chronological notation commencing 1st September 382 A.D.[510]

Land Revenue Department—the most important.

The Department of Land Revenue has thus been considered to be the most important of the departments of Indian governments. It has always been considered the senior department of government. In the beginning as revenue was the main object most of the men of talent were placed in that line[511] and whenever a Collector or Commissioner was found inefficient he was appointed to be civil and sessions judge.[512] In the early years it was popular criticism in official and unofficial circles that other departments of government like the police had been neglected on account of this preoccupation with land revenue.[513] Some of the most serious and complicated problems of Indian government have grown out of the diversity and intricacy of the land tenures in a country where they have been said to be almost as multifarious and flexible as the religious beliefs.[514] Of all legislative business that

509. Mr. Garstin's Report on Revision of Revenue Establishments, 1885.

510. Finlay—History of Greece under the Romans, Volume I.

511. Shore—Notes on Indian Affairs, Volume II.

512. *Ibid.*

513. Shore—Notes on Indian Affairs, Volume II.

514. Lyall's Life of the Marquess of Duffrein and Volume II.

comes before Indian legislative assemblies the adjustment of land tenures is perhaps the most important and the most difficult.[515]

Land Revenue Department—the most important influence.

State and Government have been largely made in India by land revenue. Nowhere else except perhaps in the Roman Empire of Constantine's time did land revenue form such a large proportion of the total revenue of the State.[516] It is through land revenue administration that the people have in varying degrees been introduced to the idea and institutions of the State and the business of government. In Zamindari areas the Zamindars have come between the State and the people. But even there the Collector and his assistants, through revenue and newer duties thrust on them because they were revenue officials, are the only representatives of the State that they know. In the village system areas, the pressure of governmental authority goes a stratum lower. In the Ryotwari tracts it goes down to the lowest of all. The wide distribution of land under Ryotwari widens the basis on which government stands. The advocate of the Ryotwari system when its merits and demerits were being weighed advanced the argument that considered politically, the general distribution of land among a number of small proprietors who could not easily combine against government was an object of importance.[517] It is land revenue that has taught large masses of people the practice of political obedience. The authority and control of the State to most people has been impressed through revenue officials. It is through land revenue that the necessity for taxation in the interests of the State is brought home to them. The revenue administration put large numbers of peoples through a discipline that has won them for the life of the State. That discipline has been sometimes

515. *Ibid.*
516. Finlay—History of Greece under the Romans.
517. See Fifth Report.

harsh. At the very outset of British rule, as a result of the revenue of the country becoming the property of the Company, Sir John Shore thought the Government assumed an authority over the natives not inferior to French despotism.[518] Similarly Philip Augustus in France had helped the centralization of government by doubling the royal domain.[519] The complete dependence of the people on the Government, which Napoleon[520] attributed to the cadastral system of France, may also in India be traced to the Land Revenue system.

Rules of land Revenue administration have contributed to the building of the sovereignty of the State in India. Through the jurisdiction of Government in Zamindari as in Ryotwari tracts over "Waste" lands, through rights of distraint, confiscation, and resumption the State in India has strengthened its sovereignty.

Land Revenue and Peace and Progress.

A great administrator, Thomason[521] of the North West Provinces placed it on record "that careful revenue measures, adjusting assessment to capacity of the people and deciding the revenue disputes of the people had done much by the middle of the 19th century to civilize some of the worst classes of agricultural community.". The Gajjars and the Ahirs of the Doab were reclaimed from their roving pastoral habits and their cattle-lifting by submission to agricultural pursuits. The Mewattis of the Gurgon district were transformed from expert thieves to good cultivators. Even the Ranguns and the Bhattis on the border of the district which bounds the Delhi territory to the west were led into peaceful

518. Memoirs of the Life and Correspondence of Lord Teignmouth by his son.

519. Haskins—The Normans in European History.

520. Maximes de Napoleon by Fredericks.

521. Mr. Thomason's Minute dated 22nd May 1845 on Police Battalion in Selection from Records of North West Provinces, Volume I.

and industrious pursuits.[522] And in the Delhi province the villages of Panipat, Rohtak and Hansi districts which had formerly lived by plunder and seldom yielded to any other compulsion than that of a large military force, by means of a light assessment and long leases and grants of individual rights in the land were soon composed of " a noble peasantry, bold and independent, but orderly and well regulated.[523] In the hill tracts of Orissa towards the middle of the 19th century when British rule was being first established there, the power and influence of the Agent, it was authoritatively held, " would be considerably enhanced by his possessing authority to make arrangements which may from time to time be necessary in connection with the governmental demands on account of revenue or tributes.[524] Munro when he introduced the Ryotwari system in the Ceded Districts thought that it was more likely to reclaim the nomads of these districts from their wandering habits and fix them to their field by giving them an interest in their improvement.[525] From disunited bands of lawless plunderers and freebooters in a few years they were advanced in civilization, submissive to the laws and obedient to the magistrates as any of the other people under the Madras Government.[526]

Land Revenue and the peace of the Frontier.

The establishment of settled government on the frontier owes not a little to land revenue administration. The suppression of crime on the Baluchistan border was accompanied by

522. Mr. Thomason's Minute dated 22nd May 1845 on Police Battalion in Selection from Records of North West Provinces, Volume I.

523. *Ibid.*

524. Minute of President in Council, Fort William, on 21st July 1849, Home Department Public Proceedings, July-September, 1849, Imperial Record Department.

525. Letter of 25th August 1805 printed at Cuddapah Collectorate Press 1870 and quoted in Anantapur District Manual by Francis.

526. Letter of Madras Government to Court of Directors, 21st October 1807 in Anantapur District Manual.

a settlement of the land revenue. General Jacob, who was charged with the duty of settling that portion had learnt that in a country like India the good government of the country and the security and contentment of the people mainly depends on the revenue administration, that a revenue survey and settlement is merely a short name for proceedings involving the rights, good order, and advancment of the true interests of the Government.[527] Another great frontier administrator Edwardes also resorted to land revenue as a means of pacifying the frontier. A Waziri chief, Sawan Khan, seeing his officials commencing land revenue operations said to Edwardes " this measurement is doubtless a very fine idea but if it was done with any intention of taking revenue it might as well be given up as it was altogether visionary and would never come to pass '. But it did come to pass. Payment of land revenue or explusion from Bannu was the alternative offered to the Waziris by Edwardes. And they chose Bannu and land revenue rather than go back to their bleak and revenue-free hills.[528]

Land Revenue, a Conservative force.

Land Revenue has built one of the pillars of conservatism in India. Not only the Zamindari system which has obvious claims to be a conservative influence but even the Village and Ryotwari systems have found room for the operation of conservative ideas and institutions. The village officers in those tracts have held their office by right of hereditary succession. The custom of ages has been strengthened by laws and regulations. Village Munsiffs and Accountants have in Madras been given[529] the right to sue for the right of succession to their offices in the civil courts. The hereditary system in village government has been so strongly entrenched

527. Opinion quoted in General John Jacob in Sepoy Generals, Wellington to Roberts by G. W. Forrest.

528. Sir Herbert Edwardes in Sepoy Generals, Wellington to Roberts by G. W. Forrest.

529. As in Madras by Regulation VI of 1831.

that even illiterate men have been made[530] eligible to them provided they belonged to the *mirasi* families.

On account of its work and objective the Land Revenue Department itself has been well-known for its conservatism. At the very beginning of revenue history Sir John Shore found it ill-calculated for the speedy introduction of improvement. The peculiarities of its organization hardly made for change whenever and wherever it was needed. The constant state of fluctuation of the members in the various grades of revenue service, the transitory periods of their residence in any one place, their residence in one place often expiring before experience can be acquired or reduced to practice, the considerable place and time occupied by forms and reports and returns, the little leisure given for study and reflection without which, as the great revenue administrator already quoted puts it—no knowledge of the principles and details of the revenues of this country can be obtained are causes that make for the conservatism of the department. Opinion on revenue matters among revenue officials is from motives of sheer safety derived from precedents and supplied by routine rather than from a study of princples. To a prudent man careful of promotion in the service, established rules of conduct and the authority of example would be a safer guide than originality of thought of even of investigation.[531]

Land Revenue one cause of the peculiarities of Indian Government.

Land Revenue has made for the peculiarities of Indian government. The power and prestige of the Executive are due to its hold over land revenue. In its own right and by its own power and by the sanctions at its disposal it is able to collect this the most important and the largest single source of revenue. Neither in permanently settled nor periodi-

530. As in Madras by Regulation IV of 1816.

531. Sir John Shore Minute of 10th February, 1790, quoted in Fifth Report, Volume I, Firminger's edition.

cally assessable tracts has the Executive to wait for any sanction of any other authority in the State for the raising of this large amount of revenue. This peculiar constitutional position of land revenue in India will remind the student of history of the distinction in the Roman Empire between the Aerarium under the control of the Senate and the Fiscus under the control of the Emperor. By its control over Waste land, the Executive still further adds to its power of control over the subjects. By its powers of sale, of distraint, for the realization of land revenue demands the range and pressure of its power is still further increased. Revenue administration being free from the jurisdiction of the ordinary courts of law its freedom from the control of the judiciary is to that extent allowed. It was in revenue administration that the Indian Executive learnt to exercise the right to legislate. Although the right to pass regulations which had the force of law passed by a legislature was given the Governor-General and the Governors-in-Council by Act of Parliament it was in providing land revenue administration with Codes of regulation that the Executive first learnt and practised the art of legislation. The first Code of laws passed by the British were land revenue codes which anticipate by more than half a century the famous Codes of the 19th century that were passed by legislative bodies. The Executive did not stop at land revenue—it passed regulations for the constitution of the civil and criminal courts, as well as for the provision of an imperfect penal code.[532]

Land Revenue and the rights of the subject.

Land Revenue has not done all for the State and the Government and nothing for the subject. It has created rights of property and conferred them on large numbers of people. In the Zamindari country comparatively few people have been endowed with rights of property. But it is something that farmers of revenue, collectors of revenue, officials that

532. Life of Montstuart Elphinstone by Colebrook, Volume II.

had only a life-interest in their estates were converted into owners of land. Tenancy Acts and other legislation prevented them from becoming absolutists of property. The Village and Ryotwari system have distributed the rights of property among large numbers of people.

Thus alike on the citizen as on the State the Land Revenue system has exercised profound influence. And the saying of Sir Thomas Munro that " whoever regulates the assessment of the land rent holds in his hands the peace of the country " may still be justified.

CHAPTER IV

THE HOLD OF THE FRONTIER

> "Les Princes ne scauraient en cette consideration avoir trop de soin de bien chosir ceux auxquels ils confient leurs Frontieres, puisque le salut et le repos de l'Etat dependent principalment de leaur fidelite,' de leur vigilance, de leur courage et de leur experience et que souvent le defaut de l'une des ces qualites coute de millions aux Etats si ce n'est la cause absolue de leur perte."
>
> RICHELIEU —*Testament Politique.*

The Frontier in Company days.

The East India Company when it started on its military and conquering career had no problem of frontier to contend, with. It had frontiers but no frontier. Like the Romans in Britain, and the Normans after them, the Company found no natural obstacles to stay its progress till its conquests reached the lofty mountains that guard the Indian border-land. The limits the armies of the Company had to cross as they extended in semi-circular progress from their chief possessions of Madras, Calcutta and Bombay were the resistance of peoples, the policy of princes, the obligations of their alliances or their own periodical fits of hesitation and embarassment. No great rivers or mountains prevented the career of the coast armies of Stringer Lawrence or Clive or Coote, or the larger armies of Cornwallis or Wellesley, or Moira, or Hardinge. The Cauvery, the Krishna, the Godavari, were fordable at places and times and the Ganges and the Jumna were channels of communication along which the armies traversed the country rather than obstacles to military movements. Hyder Ali's invasions burst through a defenceless frontier. The Mysore, Maharatta and Pindari and Punjab armies had no great frontier to negotiate.

Not that considerations of the frontier were altogether absent from the minds of the Company's rulers as they shaped

their policy in regard to peace or war. After the defeat of Tipoo Sultan in the first Mysore War in 1790 Lord Cornwallis declared that in the selection of countries that were to be ceded to the Company his primary object was to fix upon those districts that might from local situation be best calculated to give the Company a strong defensive frontier against the attacks of any power whatever from above the western Ghats.[1] The acquisitions on the Malabar coast were secure because on one side was the sea and the northern portion was defended by the rivers and the creeks with which that country was intersected.[2] In 1793 Captain Read submitted a report as to what was necessary to secure the western frontier of the western territories of the Company after the Mysore wars.[3] The successive extensions of territory in peninsular India have been defended " as increasing the security of the British possessions by narrowing the frontier."[4] The possession of Coorg and the Palacatcherry effectually secured the two passes by which alone Tipoo could possibly disturb the British territories.[5] The eagle vision of Wellesley surveying possibilities of peril to British occupation had caused a diplomatic mission to be sent to Persia to secure a friendly power on the north-west flank of India in the event of an invasion dispatched an expedition under General Baird to the Red Sea to secure allies in the Sheriff of Mecca, the Imam of Muscat and the Sultan of Aden and had recommended the incorporation of Ceylon in India.[6] In India itself in 1793 he had received a warning from a military officer that the conquests so far made had never been considered in a military point of view as

1. Cornwallis' Letter to Dundas—Cornwallis' Correspondence, Volume II.

2. Cornwallis' Letter to Dundas, March 17, 1792, *op. cit.*

3. Miscellaneous Reports—Military Department Sundries 85 quoted in Talboy's Wheeler, Handbook to the Madras Records, 1861.

4. Letters of Henry Dundas to Court of Director, July 1801—Debrett, London.

5. Cornwallis' Letter to Dundas, March 17, 1792.

6. Hutton—Wellesley in Rulers of India Series.

being within the possibility of attack and that except Allahabad there was not a single fortress or place of strength in the whole of Northern India.[7] The defence of the territories of the Company against Zaman Shah and Tipoo Sultan determined the policy of Wellesley towards Oude, the Nizam and the Mahrattas.[8] Questions of frontier, of the safe advance of British forces beyond the frontiers of Company's possessions or of the Vizier of Oude,[9] of the danger of the condition of the Vizier's army to the then north west frontier, the extension of the Company's frontier to the Jumna in 1803[9a] of the peril of tolerating the French power of Perron in Scindia's territories on the frontier also determined the policy of Wellesley.[9b]

The Marquess of Hastings had his attention turned in 1819 to the disturbances caused on the frontier of the Company's territories by the Pindaris[10] and the arrangements forwarded and completed for their defence. It was the Marquess of Hastings after the failure of the peaceful effort of Lord Minto that had first to deal with the problem of organizing frontier defences against a State outside the natural boundaries of India. Induced by his successes in the Nepaulese War and by the consequent acquisition of territory he determined to place this northern frontier of India on a secure foundation; he had increased the strength of this frontier by reducing Nepaulese territory to about half its ori-

7. Major General Sir James H. Craig to Earl of Mornington, 6th October 1790 in Wellesley's Despatches, ed. Martin.

8. In Despatches of Marquess of Wellesley ed. Martin, Volume I.

9. Earl of Mornington to Sir H. Craig in Despatches, ed. Martin, Volume I.

9a. Marquess of Wellesley to Lord Lake in Wellesley's Despatches, Volume III, July 1803.

9b. Marquess of Wellesley to Lord Lake in Wellesley's Despatches, Volume III, July 27th, 1803.

10. Despatch from Governor-General-in-Council to Secret Committee, 29th April 1819, in Papers on War in India in 1819 presented to Parliament.

ginal extent. He contrived to make both its flanks exposed to British territory through the connection he formed with the Rajah of Bhutan to the east and through the possession of Kumaon to the west. Lord William Bentinck in 1836 suspected that the real danger to British rule must come from the north-west. Already in 1831 the Russian menace had began to exercise the minds of the Governor-General and Alexander Burnes was sent on his historic mission to acquire information in the countries bordering on the Oxus and the Caspian.[11] Even before the British army reached the Punjab the Government of India had had to concern itself with policy on the frontier. After the French who had disturbed the quiet of Wellesley's mind, came the Russians to cause frequent flutters in the dovecotes of the Secret Committee of the Council of the Governor-General. Lord Auckland (1836-1842) more than once apprised the Court of Directors of " the manifold[12] designs of Russian officers to extend the interference and authority of their country to the borders of India." Alike in observance of the treaties into which he had entered with Ranjit Singh and the Shah of Persia and for paramount considerations of defensive policy he determined to raise up a permanent barrier against schemes of aggression.[13] The command of the navigation of the Indus up to the neighbourhood of the junction of the five rivers was to be secured, for by means of steam vessels it could add inevitably to the safety of the frontier.[14] The interference in the affairs of Afghanistan and the operations necessary to make that aid effective although entailing much expense was justified by the expected result which would create an insurmountable and lasting barrier to all encroachments

11. Life of Alexander Burnes in Lives of Indian Officers by Kaye, Vol. IV.

12. Lord Auckland's letter, 13th August 1838, No. 18, Secret Committee to the Secret Committee of the Court of Directors in Correspondence relating to the War in Afghanistan, Parl. Papers.

13. *Ibid.*

14. Lord Auckland's letter, 13th October 1839.

from the westward.[15] The support of Shah Shujah against Dost Mohomed was justified by the desire to have a friendly power on the frontier and ally who would be interested in resisting aggression and establishing tranquillity in place of a chief seeking to identify himself with those whose schemes of aggression and conquest were not disguised.[16] An intimate alliance with Ranjit Singh the Sikh chief was also advocated on that account.

The natural boundary on the north-west did not become the political frontier of India till the empire of the Sikhs reached the zenith of its greatness under Ranjit Singh. Till then Afghans had been in possession of Lahore and the Punjab. It was Ranjit Singh that definitely began the history of the North West Frontier as the political frontier of India. Herbert Edwardes the great frontier administrator had seen his first frontier service in Bannu in 1847 under the Sikhs. And the Italian General Avitabile remembered for his portable gallows was another great frontier ruler in the service of the Sikhs. After the victories of the second Sikh War when the British came into possession of the Punjab they succeeded thereby to the wardenship of the frontier. And after that the necessity of securing their own existence compelled the British to make the Indus and after that the mountains beyond their political boundary.[17]

With the acquisition of the Punjab from the Sikhs the British Government inherited the frontier quarrels and problems of their predecessors i.e., neighbours before whom they could not lay aside their watchfulness and a frontier configuration that rendered it possible that at any time causes of collision may arise.[18] Lord Dalhousie was obliged to deal with the numerous outrages which the barbarians across the

15. Lord Auckland's letter, 18th August 1838.
16. *Ibid.*
17. Captain Orlich, Travels in India, Vol. II, Letter IX.
18. Lee Warner's Life of Marquess of Dalhousie, Volume I, Letter to Fox Maule dated 26th November 1852 in *ibid.*

frontier committed after the conquest of the Punjab. To cope with them his policy was both restrictive and preventive. Fortified parts in carefully selected points, checking the frequency of raids, winning over the tribes by offer of opportunities for peaceful pursuits, striking them with awe by the operations of the police and military forces, fines, blockades, frontier expeditions, in fact almost the whole gamut of later frontier policy was already played by that great maker of British India.[19]

It was not till after the Scinde and Sikh Wars (1843-1849) when the British conquests reached the Indus that they came across an obstacle that might have been looked upon as a terminus of their extension. But coming to the Indus they were within striking distance of the historical frontier of India on the north-west. They were near the gates of India. The weakness of the power across the border induced the British to try to open the gates. The peril of invasion by the great European power operating in Central Asia forced the British rulers to think of keeping those gates securely guarded. Ever since then the North-west frontier has been a decisive factor in the course of British policy and administration in India.

The North-West Frontier.

In speaking of the frontier and its influence we have in mind only the north-west frontier. For geography, history and politics have made this the frontier that has influenced the course of Indian government. The sea frontier has on account of the strength and prestige of the English Navy and the absence of any power that would call them into question ceased during the past century to influence the course of India history. The other land frontiers of India, the northern and the northern-eastern on account of the greater impassability of the mountains, the absence of land-hungering tribes or States, the pacific nature of Tibet and China, the neighbours of the

19. Lord Canning's Speech on August 1, 1855, in Life of Canning by Cunningham—Rulers of India Series.

Indian Empire on this side have had little or no influence in the shaping of Indian events. There have been expeditions against tribes like the Lushai—Kukeis on the north-east frontier as in 1871 and 1892 . But they have been comparatively few. For historical and political purposes during the course of British rule run so far the frontier of India is the north-west.

To place the political frontier of India beyond the natural boundaries was natural to the successors of the Mughals whose empire had vaguely sprawled over into Afghanistan and Central India. Lord Auckland's attempt to place the frontier of India in Afghanistan had been dictated by the view that Afghanistan was not State enough to warrant a frontier being placed between it and India but that Russia was the State against whom the Indian frontier had to be aligned. After the failure of that policy it was recognised by the framers of the frontier policy of India that its frontier must be sought somewhere in the mountainous ranges that separate India from Afghanistan. Even to carry war into Afghanistan as a means of defence for India has had to be given up. As that sagacious frontier administrator Herberd Edwardes realized as early as the fifties of the last century experience had shown that military operations mean sacrifice of money, that to impose that expenditure on India would be a blunder and that to throw it on the enemy was the most obvious dictate of strategy.[20] But as long as the fear of Russia dominated the foreign policy of the Government of India, the invasion of Afghanistan as a means of the defense of India was not given up. Another failure, that of the Second Afghan War in Lord Lytton's regime was to bring home to English statesmen the impolicy of finding a frontier for India beyond the natural boundaries of the country. And the gradual building of Afghanistan into a consolidated and established State towards the end of the 19th century has probably

20. Herbert Edwardes' in Sepoy Generals, Wellington to Roberts by G. W. Forrest.

secured the interests of India, for the disappearance of Afghanistan as an independent State would have thrown India open to attacks from more formidable States as the destruction of the kingdom of Armenia in the 10th century threw open the Byzantine possessions in Asia Minor to the invasions of the Seljuk Turks. The recent independence of Afghanistan has still further strengthened the tendency of British policy to build the Indian frontier on the line of natural division between Afghanistan and India.

Land and People of the Frontier.

To understand the history of any part of the world a consideration of the land and the people in it is necessary. The land of the frontier, according to the description of a famous frontiersman[21] consists of rocky mountain ranges which separate the plains of the Indus valley from the high plateaus of Afghanistan and Khelat, these mountain ranges together with an offshoot of the western Himalayas on the east side of the Indus known as the Black Mountain forming a vast irregular belt of territory extending from the Khagan Glen immediately west of Kashmir round the British territories of Peshawar, Kohat and Bannu by a long stretch southward down the Indus valley to the Scinde seaboard near Karachi and a total length of about 1,200 miles. But this barrier is pierced by several natural highways in the north, the Khyber pass connecting the Peshawar valley with Kabul in the centre, the Tochi and Gomal passes connecting the Indus with Ghazni and south Afghanistan, the Bolan and Kojak passes, the plains of Scinde with the plateaus of Khelat and Kandahar. The people that filled this land also contributed to the making of the frontier. It is inhabited by fierce marauding tribes often at war with each other, one man's land being raised against another, and in between harrying the fertile lands of the Punjab and Scinde for the food and money that their inhospitable homelands could not afford. In the north they were compen-

21. Sir Robert Sandeman in Thornton's Life of Sandeman.

diously known as Pathans and in the south as Baluchis. Lawless, unsettled, savage, superstitious in spite of Islam, their one great commandment being blood for blood and fire and sword for all infidels, priestridden by their Mullas, denied the gains of agriculture, fond of money and other people's women though fond and jealous of their own and hospitable to those that are under their roof, clannish and revengeful, brave but impatient of discipline, they are a restless and predatory people.

The crooked Frontier.

If there was a clear cut division between Afghanistan and India as between two separate and distinct political entities Indian frontier policy would have been simple and straightforward. If Afghanistan and India were next door neighbours, a strong or high wall between them would have settled their relations with each other. But Afghanistan and India are not next door neighbours. There is an irregular, crooked lane between the two, where groups of unruly street arabs have squatted, over whom any permanent or thorough-going domination has been considered impossible. The Indian frontier problem consists therefore in the organization of relations between the Government of India and the unruly tribes that people the no-man's land between Afghanistan and India. The problem of frontier policy arises from the fact that as Lord Dalhousie stated it " these hills have been held by plunderers for centuries upon centuries and they regard the plains as their food and prey."[22] And the border that has been made out of this land and with those peoples is anything but scientific. Barely defined by any land-marking posts or pillars, the frontier line sometimes runs at the foot of , sometimes along the crest of a range of hills, nor does it always follow the boundaries of tribal possession, and in the north on the Punjab border especially there are several tribes with lands

22. Paper by Sir Richard Temple quoted in Thornton's Life of Sandeman.

and interests on both side of the border for there is no protecting desert as in Scinde between the hills and the cultivated portion of British territory.[23]

Frontier Policy.

Two different kinds of policy have been applied to the organization of these relations. The one consisted in abstention from interference with the tribes beyond the frontier line punctuated by occasional attempts at exemplary punishment for single or accumulated misdeeds of the tribes. This has been known in Indian history as the " Close Border system." The other consists in peaceful penetration among the tribes, control of them, and organized and sustained attempts at their political education. This was the policy discovered in the school of experience by one of the greatest of Indian frontier statesmen, Robert Sandeman, and is known as the Sandeman system. This pair of contracted policies must be distinguished from that other pair which also comes frequently into frontier discussion, the Forward Policy and the Stationary Policy. The latter set of policies have to do with the extension of the British influence in the territory occupied by the independent tribes between Afghanistan and India or in the words of Lord Roberts[24] " the policy of endeavouring to extend our influence over and establish law and order in that part of the border where anarchy, murder and robbery have reigned supreme." Although some writers on the frontier like Lord Roberts tried to confuse the Forward Policy with the Sandeman system it would be well to confine the Forward or Stationary Policy to a description of the external frontier policy, the Close Border or Sandeman system to a description of internal frontier organisation. The one has to do with the question how far we shall go towards extending our frontier into the territories of the tribes. The other has to deal with what we shall do when we get there.

23. Thornton's Life of Sandeman.

24. Speech in House of Lords, 7th March 1898 on North West Frontier in India, Hansard, Volume LIV, fourth series.

Frontier and Foreign Policy.

The first pair of policies bears on the foreign policy of India as it is determined by the north-west frontier. Frontier policy by the very fact that it has do with the relations of States with their neighbours exerts great influence on their foreign policy. What a State does on its frontier comes home to the business and bosoms of the States on the other side and through them may influence the conduct of still others. Especially on the north-west frontier of India with no definite division between India and its neighbour every step forward or backward may raise fears or hopes elsewhere. The Forward policy, or the policy extending British influence and administration into the tribal area has had repercussions in Afghanistan and beyond. Sir Charles Metcalfe's prophecy that " the surest way to bring Russia down upon India was for Indian troops to cross the Indus " was fulfilled although one may be allowed to doubt whether Russia of the fifties of the last century required any such provocation from India. On account of the peculiar features of the frontier it has always been the policy of the British Government in India to prevent any other European power from obtaing a foothold within the Asiatic States situated on the border. It is the explanation of the attempts made to establish British influence as the predominant foreign influence at the court of the Amirs of Kabul. From the beginning till the recent determined assertion of independence by the Amirs after the Great War the promotion of this policy has been one leading motive of the wars, annexations and alliances of the British in this part of the world.[25] Lord Lawrence had been pressed into his cautious frontier policy by Dost Mohomed's significant saying that his country contained nothing but rocks and men, but plenty of both. The cautious policy of Lord Lawrence was modified into one of assisting the Amir of Afghanistan struggling against weakness within and menace without with money and advice and diplomatic safeguards mainly on account of an able and

25. Alfred Lyalls' Life of the Marquess of Dufferin and Ava.

eloborate memorandum by the famous archaeologist, soldier, diplomatist Sir Henry Rawlinson in 1865. The advance of Russia in Central Assia was his main argument. The frontier it was that forced Lord Mayo to come to grips with the Central Asian question and to suggest negotiations with St. Petersburg. The establishment of friendly relations with the frontier States of Khelat, Afghanistan, Yarkhand, Nepal and Burma was one of the cardinal points of his policy. By going to their help with money and arms and even men he would create in them outworks of empire. He would, however, convince them that the days of annexation were over and that they had everything to gain and nothing to lose by the friendship of the Government of India.[26] Friendly moral influence, not a Tibetan policy of purdah, was his ideal. Until 1876 however the cautious Lawrence policy held the field. A forward frontier policy has always aroused the fears and suspicions of Afghanistan. Lord Mayo had felt that every shot fired in anger beyond the frontier reverberated through the whole of Asia. It was the forward frontier policy of Lord Lytton who wanted the scientific frontier Kandahar—Ghazni—Kabul—in Afghan territory which was supported by generals of the Roberts school[27] (Sir Frederick Roberts and Sir Donald Stewart) against the Wolsely School which would rely on the navy as the surest defence of India against Russia as well as the attempt to complete the Rawlinson policy by sending a mission to Kabul, resented by the Amir, and the Treaty of Gandamak of 1879 which provided for a permanent mission at Kabul, for the supervision of the foreign relations of Afghanistan, and the assumption of the control of the frontier tribes and the Khyber Pass that brought about the Second Afghan War. By giving Lord Lytton's frontier the epithet " scientific " Disraeli gave it a hold on the people's mind which received a

26. Hunter's Life of the Earl of Mayo, Volume I.

27. General F. W. Morris in his Life of Lord Rawlinson, Life of Sir Donald Stewart, Lord Roberts, Forty one years in India by Elmslie.

security the practice itself could not give. The failure of intervention in the affairs of Afghanistan displaced the policy of having a weak and friendly Afghanistan in favour of the new policy of preserving the integrity of Afghanistan which has been the starting point of Indian foreign policy since 1885. The integrity of Afghanistan has to be maintained in the interests of the Indian frontier.

The Penjdeh incident of 1885 and the grave view that the English Foreign Office took of it is to be explained by British jealousy of the activities of foreign powers on the border of India. Lord Ripon's Government set to liquidate the anxieties caused by Penjdeh and the Anglo-Russian Commission tried to fix the boundary between India and Russia. Later Lord Lansdowne in 1892 had no doubt that such proceedings of the Government of India on the frontier as the cultivation of closer relations with the border tribes, the opening of the passes, the extension of the railway system to the Afghan frontier aroused the jealousy if not the hostility of the Amir.[28] Under Sir Mortimer Durand's skilful diplomacy the boundary between Afghanistan and India was defined, the control and pacification of the frontier was undertaken, the construction of strategic railways and roads within the mountain zone was advocated and advanced. The Forward policy got new stimulus in the viceroyalty of Lord Lansdowne. The attempt to fix a boundary line between Afghanistan and India has not terminated the difficulties of the frontier. The Durand Agreement of 1893 drew a line of division subsequently demarcated through the greater part of the extent of the frontier from Chitral to the borders of Seistan. But all that it did was to separate the spheres of influence of Afghanistan and India, the Amir of Afghanistan having no right of interference on this side of the line. Large blocks of tribal territory notably in Afghanistan came under the Indian sphere of influence. The policy of Lord Curzon

28. Lord Newton's Life of Lord Lansdowne.

did nothing to lay at rest the anxieties of the Amir Habibullah. That policy[29] was to avoid locking up regular garrisons in fortified positions within the frontier tribal zone, to employ there a militia raised from the tribesmen for such protection as was necessary, and to maintain in the administrative frontier of India movable columns of regular troops for more serious action. The policy succeeded in keeping the frontier quiet on account of the Anglo-Russian convention of 1907, which removed the fear of Russian aggression, as well as the exhaustion by the tribes in the frontier war of 1897-1899, and the strength of Amir Habibullah.

But there was later disturbance in Waziristan. The Third Afghan war of 1919 destroyed the treaties of friendship between India and Afghanistan. The menace, not military but diplomatic and propagandist, of Soviet Russia came to be a new preoccupation of the Indian Foreign Office. The independence of Afghanistan and the influence of the independence of other Moslem States like Turkey and Persia has made the Amir, now become King of Afghanistan, look with critical eyes on the extension of British influence on the frontier.[30] The permanent military occupation, of Waziristan beginning with Razmak in 1925[31] in which Lord Rawlinson found a modification of the Close Border policy and an adoption of the Sandeman system is a step forward.[32] To administer the country right up to the Durand line has come to be recognised to be the true solution of the government of the frontier, costly as it is, the occupation of Waziristan costing about Rs. 6 crores a year. The finances of India have prevented the policy of thorough occupation of Waziristan and Indian frontier policy has to be content with the withdrawal of the troops from the Jandhu—Ladha line, and the occupation of Razmak by local

29. Life of Lord Rawlinson by F. W. Maurice.
30. Maurice: Life of Lord Rawlinson.
31. *Ibid.*
32. *Ibid.*

levies. The recent troubles in Waziristan show that this second best policy has not been successful.[33] Lord Rawlinson also suggested the permanent occupation of the Kurram Valley as it would divide the Waziris from the Afridis. The permanent occupation of territory from the Khyber to the Khojak pass is not yet. This forward policy however slow and modified it may be cannot fail to arouse the attention of Afghanistan. The relations between India and Afghanistan have always been complicated by the fact to which attention has already been drawn that between Afghanistan and India there is a no-man's tribal land. Any untoward approach of the Afghan or Indian Governments to any of these tribes may as in the Third Afghan War bring the two powers into conflict. And the dictum of the Amir Habibullah Khan may still be justified that the relations between India and Afghanistan will never be satisfactory till the territories of India and Afghanistan run alongside each other separated by a definite frontier line.

The Government and the Tribes on the Frontier.

It is from the standpoint of this development that the organization of the relations of the British Government with the tribes on the mountains between India and Afghanistan, becomes of supreme importance. These relations it has been pointed out are governed by one of two schools of frontier thought—the Close Border system and the Sandeman system. The Close Border system limits British influence to the Indian side of the frontier except for the passes through which access is given by treaty or convention with Afghanistan or the tribes and except for the right of the Indian Government to take action against infringement by the tribes of those understandings and conventions and of the territorial integrity of India. The Close Border system therefore looks upon the tribal land and tribal condition as something permanent and inevitable until and unless the tribes themselves by a kind of

33. Maurice : Life of Lord Rawlinson.

spontaneous generation or directed evolution thanks to such Indian influences as roads, trade, and the army advance themselves out of the tribal condition. The Close Border policy is a policy of negative alertness, of cautious expectancy and indirect influence.

The Sandeman System—Sandeman's Way.

The Sandeman system is more active, positive, direct and educative. When Sandeman the creator of the system arrived on the frontier at Dera Ghazi Khan in 1865 the Close Border system was in force. He soon saw through the narrowness of this policy. He boldly set aside the frontier traditions that till then held sway across the border, lived among the hills tribes, and conciliated the chiefs. He used the influence thus gained for the prevention of raids, the restoration of plundered property, the pacification of the frontier. Appointed arbitrator under the Treaty of 1876 he settled outstanding disputes between the Khan of Khelat and various tribes of the Baluchi confederacy. He established courts of justice with simple procedure, constructed roads, advocated a railway line from the Indus to the Khojak pass and from Pishin into the Punjab, employed the tribes in their protection, opened post offices and dispensaries and commenced the work of forest conservancy. He took steps to extend British influence over the warlike tribes between the Assigned Districts and the Punjab frontier. In the Khanate of Khelat he extended British influence to the tribes adjacent to the Persian frontier and a border chief who had been for 50 years a determined foe of Khelat and of the British was reconciled and joined the Baluchi Confederacy. The British protectorate was extended over the Zhob and Bori valleys and over the Khatrans, the Sheranis and other tribes between Baluchistan and the Punjab. He employed the tribes as custodians of the highway and as guardians of the peace in their own district, paying them for what they did well and fining them for transgression, encouraging commerce and traffic by policing the hills and securing communications, protected rather than dissolved clan independence which was

always subject to the overlordship of the British Government. It was a policy not of sporadic interference but of stern and unfaltering military rule. He would see everything with his own eyes and investigate things *in situ.* He acquired a reputation for ubiquity. "There is no use in fighting Senaman Sahib" was a frontier saying "as he knew everything and turned up everywhere." Officialism called him "dangerous" and his procedure was not always according to red-tape. He believed that the self interest of the tribes if properly appealed to and exploited would get over even their anarchical tendencies.[34] To a Frontier Khan who quoted the Baluchi saying *Pahle soti, picche roti,* he suggested the variation *Pahle bhat, pichhe lat.* As the Governor-General's Agent in charge of Baluchistan, he referred inter-tribal disputes and many administrative questions to tribal jirghas or assemblies of chiefs interfering as little as possible with their deliberations, represented only by a trusted native subordinate like Rai Hitter Ram, all awards being subject only to his confirmation or his delegate's. Latterly he set up a standing council of chiefs which met at Sibi in the cold season and at Quetta in the hot to which important cases that could keep were referred. In his courts he would allow no professional pleaders, parties being represented by relatives or friends. Everywhere in administration work was carried on through tribal chiefs working under the firm but friendly control of district officers who were of course of tribal experience and sympathetic to the wild tribes under their charge and with powers of physical endurance and cordial aptitude for the work. The police, revenue, postal and telegraph establishments, were largely recruited from the tribes. It was one of Sandeman's favourite sayings that "you cannot tame a Pathan or Baluchi by mere 'zor'." Sandeman did not adopt the practice of having favourites and secret informers, the curse of oriental governments. The success of his method was proved by the fact that during the Second Afghan War Baluchistan was a tower of strength, Sandeman broke the

34. Speeches quoted in Thornton's Life of Sandeman.

spell which had held the Punjab and Indian Governments in their attitude of negative, fitful, unstable treatment of the peoples of the frontier. Sir Charles Dilke after seeing Sandeman's work pleaded that the whole of the frontier should be placed under him as he would be cheap at the price and the salary of a Governor. He was of course irregular in some of of his methods. But tall, massive, straight, forceful but humane soldier and statesman, he was a man that governed men in a land of men. *Anax andron.*

The Future of the Sandeman System.

The Sandeman system takes up the tribes and trains them to the political life—of peace, discipline, order and progress. It has converted nomadic, predatory tribes into a settled civilization. It has been tried elsewhere also with success e.g. in Waziristan although the earlier experiment in 1890 of Bruce failed as he had not taken the precaution of taking up commanding positions in the Malakand country. In the Malakand Agency especially with British commitments in Chitral the Sandeman policy seems to be indicated as the only one possible and right.[35] Chitral under the Sandeman system has remained the model frontier State. The overlordship of the Mehtar over his nobles, vassals, serfs and priests is maintained. The political officer holds a watching brief on behalf of good administration, is accessible to all, and advises and leads the government of the ruler, interfering only to temper his severities and put down crudities like slavery.[36] The success of the Sandeman system was finely illustrated during the frontier blaze of 1897 when Gilgit and Chitral in the north and Baluchistan in the south remained true to the British connection.[37]

The theory has been advanced in recent years that the system will do only for parts of the frontier with strong tribal

35. Davies—The North-West Frontier, 1890-1908.
36. Kennion—Diversions of an Indian political—1930.
37. *Ibid.*

chieftains, but will fail among those tribes that are democratic in their constitution and tradition. But the historian of the frontier who advances this theory himself furnishes us with the explanation that experiments in Waziristan failed because that precautions taken by Sandeman had not been taken. Democratic or monarchic tribes on the frontier may yield to firm and direct treatment rather than to a policy of non-interference tempered by casual punishment. Military authorities see little difference between the warlike and unruly character of the Pathans of the north and the Baluchis of the south, except that the former are more fanatical. A great number of the inhabitants of Baluchistan are Pathans while in Gilgit and Chitral where the Sandeman system has succeeded the characteristics of the people are more Pathan than Baluchi.[38] The Sandeman System has succeeded not only in Chitral but in Dir, in a great part of the Swat valley, in the Kurram and even among the Waziris of the Gomal, true Pathans.[39] Sandeman himself found his methods as successful with the Pathans as among the Baluchis of the south.[40] He succeeded with the Pathans of the Zhob valley and the Waziris of the Gomal pass.[41] He believed his system would be applicable every where on the frontier. The Sandeman system is the more political method and the future of the frontier is bound up with it.

Sandeman gave his name to the system. But he was not the "onlie begetter". Other great frontier rulers have tried and recommended it for adoption all along the frontier. Jacob on the Scinde frontier proved the trade of the border marauder "to be unsuccessful and disagreeable" and under

38. Lord Roberts in Speech on N.W. Frontier in House of Lords, 7th March 1898, Hansard, Volume LIV, fourth series.

39. Lord Lansdowne (Secretary of State for War) in speech in N.W. Frontier in House of Lords, 7th March 1898 in Hansard, Vol. LIV, fourth series.

40. Thornton's Life of Sandeman.

41. Thornton's Life of Sandeman.

his rule the most active and the most violent of the old robber tribes became cheerful and thriving agriculturists."[42] He would hit them hard for attacks and robberies and then conciliate them with just but firm rule. Jacob insisted that the principle which had guided his own proceedings on the Scinde borders was of universal application. He argued that if those that have to deal even with Afghans are just and true they would be trusted and train them into careers of peace and order.[43] It was moral more than physical force that Jacob relied on to control his predatory tribes. Imitation of these crimes by way of retaliation only served to perpetuate the evil for the power of the marauder consists not only in the damage and the terror he is able to cause but in the fact that his name and deeds are associated with daring and chivalry. Jacob would therefore make the trade of the marauder unsuccessful and disreputable and contemptible.[44] In a memorandum[45] that he drew up he laid down his main principles and procedure—always to act on the offensive against delinquent individuals or tribes, robbery and murder were to be treated as equally criminal whether the victims were British subjects or not, blood feud was to be considered as aggravating a circumstance as deliberate malice, the depredators were to be treated as disreputable persons with whom it was a disgrace for respectable persons or tribes to have any dealings, to be pitied or hated never to be feared, a perfect system of intelligence was to be maintained. "The strictest justice" as he sums it up was "the essence of the whole business." He would push his outposts up to the hills but as the country was quieted he withdrew them with the exception of some Baluchi guards. Having by the use of

42. General John Jacob in Sepoy Generals—Wellington to Roberts by Forrest.

43. *Ibid* and Life of Bartle Frere by Martineau, Volume I—Shand's Life of General Jacob, and Jacob's Views and Opinions.

44. Life of General Jacob in Sepoy Generals by Forrest.

45. In Shand's Life of General John Jacob.

force made himself feared and respected he then would apply gentler means and appeal to higher motives.[46]

This system of Jacob was followed by his successor Bartle Frere in the frontier province of Scinde. None but the military and the police were to carry arms without a licence, though possession of arms inside the border was not forbidden. Private feuds and retaliation between frontier tribes were not to be resorted to. Roads were built and canals bridged. Patrols were occupied by Balooch guides in frontier forts, strict watch was kept day and night, patrols going from fort to fort, Balooch scouts giving information. Frontier troops were to take the offensive and not wait to be attacked by the tribes. After the show of necessary physical force, the people were to be governed with firmness and justice. The great thing was to make the frontier and the frontier people know that the Government had come to stay.[47] It was the policy also of Herbert Edwardes and Nicholson of whom there was a frontier saying " that the sound of his horse's-hoofs was heard from the Attock to the Khyber," and who tried it on the northern border.

The Close Border System.

The opposite system of purdah relieved by occasional excursions, of " hit and scuttle ", of " butcher and bolt " ; or in Lord Lytton's more official language " of alternate vengeance and inaction " is only an incitement, as Jacob pointed out, to the crimes of the borderers in retaliation and only perpetuates the evil to be eradicated, for these methods of retaliation give opportunities for the display by tribesmen of the qualities of bravery and audacity that confirm them and the tribesmen, that look round and applaud, in the habits of war and plunder.[48] The advocates of the Close Border system were

46. In Shand's Life of General John Jacob.

47. General John Jacob—Views and Opinions, pages 349-375.—Martineau's Life of Bartle Frere.

48. General John Jacob—Sepoy Generals—Wellington to Roberts by G. W. Forrest.

confirmed in their views by Lord Dalhousie's comparison[49] of frontier raids to street brawls which appear among the everyday proceedings of a police court in London, and therefore punitive expeditions were as necessary and frequent as police action against criminal quarters. Lord Mayo, among the Viceroys, condemned the policy of surprises, aggression and reprisal "and would substitute for it the policy of vigilant control and never ceasing defence of those parts of the frontier liable to attack." He objected to fighting for prestige and would substitute the policeman pursuing criminals for the soldier taking reprisals.[50] And even as military action the Close Border system seems to be defective for in frontier warfare sustained offensive warfare would seem to be the best means of defence. In the Byzantine Empire in the 9th century when the Saracens deluged the frontier provinces with large bodies of light troops they could not be prevented from plundering the country for the imperial armies were compelled to act on the defensive and defensive warfare can rarely protect all the assailable parts of an extensive frontier. Lord Kitchener advised the abandonment of the "hit and scuttle" policy, the permanent occupation of the Mahsud territory to be administered on a tribal basis, some such policy of permanent settlement being necessary as the fighting strength of the tribes was 309,000, they had absorbed 90,000 breech-loading rifles of which 26,000 had been acquired about 1908.[51] When Lord Rawlinson came as Commander-in-Chief the "hit and scuttle" system was proved to be no solution of the problem of the frontier as it kept the frontier tribes in a state of latent unrest and dissatisfaction which was certain to burst out into open disturbance when a suitable opportunity like the Great War came. The circumstances of 1914-1918 resulting in the disturbances that culminated in the Third Afghan War of

49. Aitchison's Life of Lord Lawrence—Rulers of India Series.
50. Life of Earl Mayo by W. W. Hunter, Volume I.
51. Life of Lord Kitchner by Arthur, Volume II, Chapter LXIV.

1919 exposed the weakness of this policy and the danger of having warlike tribes under little control. The policy of recent years which is neither one of trust nor one of distrust of the tribes has hardly been calculated to settle the frontier. A policy of making use of them but showing masked distrust has been declared by a military critic to be not only undiplomatic but absolutely opposed to the simple rules of etiquette as observed by the Pathans and Afghans.[52] The most recent modification of frontier administrative policy is to open up frontier territory like Waziristan by a series of great military roads, suitable for motor transport, connecting with the military bases at Kohat, Bannu, and Tonk; to establish in the heart of the country a British cantonment with a strong striking force of regulars including a considerable air force and to offer the Mahsuds and Waziris remunerative occupation on road-making and as a local irregular militia for watch and ward and maintenance of communications, the tribesmen themselves providing the arms and equipment. But as road-making does not lead people to settled life, and the cantonment is a sign of military occupation not of political settlement, this policy also has not succeeded in solving the problem of frontier administration and the raids of the Waziris have not diminished.

The Frontier under the Punjab.

Not only on the policy of the treatment of the inhabitants of tribal territory in the no-man's land between India and Afghanistan but to a greater extent and in a greater measure in the government of the frontier has the influence of the frontier been displayed. At first the origins of the north-west frontier decreed that it should be governed by the province from which that frontier was first acquired. The government of British Baluchistan was organised and administered by Scinde and that of the North West frontier, more strictly called,

52. A Staff Officer's letter to a friend in Arthur's Life of Lord Kitchner, Volume II.

by the Punjab. When on March 29th, 1849 the British succeeded to the dominion of the Sikhs the frontier districts of Peshawar, Kohat and Hazara were placed under the direct control of the government of the Punjab, the Lahore Board of Administration. In 1850 these were formed into a division under a Commissioner. But the internal administration did not differ from that of the rest of the Punjab. During the Mutiny, the frontier districts were a source of strength under the leadership of Edwardes, Nicholson and Chamberlain. The Close Border policy which was generally followed by the Punjab Government under the inspiration of John Lawrence gave the only excitement these districts knew between 1859-1890—expeditions against offending tribes, normal in most years, abnormal in 1877-1889. The years 1890-97 saw an extension of political control over the tracts beyond the borders, the execution of the Durand agreement, the occupation of Samana, Kurram and Gomal routes and the Sherani country, Waziristan, and Chitral. In 1897[53] the Frontier blazed in conflagration which called for the operation of the Malakand Field Force celebrated by the classic pen of Winston Churchill. As for the administrative control of these tribes in peace time, the Close Border system prevented it from being intimate or direct. No official of the Government was allowed to go into tribal territory although for purposes of trade and medical treatment the tribesmen were allowed to come into British districts and tribal *maliks* and *jirgahs* were encouraged to enter British territory for settlement of their disputes.[54] and colonization of waste lands in the Punjab from tribal territory was encouraged. The intercourse with the tribes was at first in the charge of the heads of the six frontier districts, the Deputy Commissioners of Hazara, Peshawar, Kohat, Bannu, Dera-Ismail-Khan, Dera-Ghazi-Khan. Political Agents to deal with the tribes in the tribal tract were not appointed till 1878 when a special officer was appointed

53. The Malakand Field Force by W. S. Churchill.
54. *Ibid.*

for the Khyber during the Second Afghan War and similar Political Agencies were established at Kurram in 1892 and for Malakand, Tochi and Wano in 1895-96. The Malakand Agency was placed directly under the Government of India and the others were under the Punjab Government.

Double Government on the Frontier.

Within the limitations of the system it was called upon to administer the Punjab Government did its best. It had a double system to administer—a settled administration with revenue, excise, police, officials to carry on the normal Indian system in the British districts and an indirect, casual, diplomatic kind of administration in the tribal areas. The difficulty of a single government administering a double system of such contrasted parts naturally led to unsatisfactory administration. The administrative charge of the Punjab Government was extensive and heavy. In 1853 in addition to the administration of the ordinary districts of the province and of the relations with the neighbouring States of Kashmir, Bhawalpur and the Sikh States, the Chief Commissioner had a very extensive political charge as Agent to the Governor-General in the North West Frontier, superintending the defence of a frontier 800 miles long and extensive military command over 23,000 irregular troops.[55] Long before the dissatisfaction with the administration of the frontier by the Punjab came to a head, doubts had been expressed about the efficiency of that administration. Lord Mayo in 1870 after reviewing the causes of the Mohmand Kheyl outrages and approving certain measures proposed by the Punjab Government for the punishment of offenders referred to the defects in the provincial administration of the frontier. He apprehended that " the palliatives proposed would fail unless the frontier officers from the Commissioner downward made it one of their first duties to acquire a thorough knowledge

55. Mr. Rickett's Report on Civil Establishments and Salaries, page 54.

of their districts, and to cultivate easy and friendly intercourse with the leading and influential men, unless they moved freely and constantly about their districts, in all seasons, unless they were easily accessible to all classes of people and were well versed in the vernacular languages of local districts and unless they were taught to regard it to be their paramount duty to secure the confidence and affections of the people committed to their charge."[56] As early as 1877 men's minds were turning to the expedient of separating the frontier districts from Punjab and Sind. As military action was the most frequent business of the frontier administration the inconvenience often became a danger. If the commandant of a frontier garrison, for instance, wanted certain additional military support in the shape of men or guns the procedure was that the Commandant of the Punjab Frontier Force at Abbotabad, wrote to the Military Secretary, Punjab Government at Lahore, who sent it to the Military Department, Government of India at Calcutta, who referred it to the Commander-in-Chief who sent it to the General Commandant at Peshawar, who returned it to the Commander-in-Chief with his remarks and it was after all this journeying to and from that the decision reached the garrison which was only 40 miles from Peshawar the headquarters of the frontier districts.[57]

In civil matters also this long and heavy chain of references from local political officer or Deputy Commissioner to the Commissioner at headquarters or on the hills, to the Punjab Secretariat then to the Government of India and then back again in the reverse order held the course of administration in its grip.[58] In 1877 Lord Lytton felt that " the administration of the frontier as it had obtained after 25 years of peaceful occupation had obtained little influence over its semi-savage

56. Quoted in Minute of the Hon'ble John Strachy on the administration of Lord Mayo in 1870, Government publication.

57. Life of Sir George Pomeroy Colley by Butler, page 193.

58. Minute by Lord Curzon, 27th August 1900 in East Indian (North West Frontier) Papers—Command 496—1901.

neighbours and acquired so little knowledge of them that the country within a day's ride of its most important garrison was an absolute *terra incognita* and there was no security for British life a mile or two beyond our borders."[59] He hinted at the formation of a special Frontier district basing his proposal on the opinion of an experienced Commissioner of Peshawar, a frontier officer who after thirteen years frontier experience thought it absolutely impossible to combine " a proper intercourse with the border tribes with the execution of his ordinary civil duties."[60] Lord Lansdowne's Government[60a] in 1889 testified to the same lack of contact with and control over the frontier tribes as Lord Lytton had deplored earlier. Lord Lansdowne also felt that it was not desirable that the great frontier region to the north of the Gomal which was under the sphere of influence of the Indian government should be administered by an already overworked local government only a few of whose officers were really familiar with frontier affairs while all of them were overladen with routine work. All the circumstances seemed to him to point to the creation of a single frontier charge entrusted to the management of a single officer under the immediate direction of the Government of India." The frontier risings of 1897, the Tirah campaign, their cause and their results provided an opportunity to the Home Government to suggest a change in the form of administration of the frontier. It was considered to be as unsatisfactory from the point of view of the Punjab Government as it could be from that of the Government of India. The former was called upon to carry out a frontier policy for which it was not in the last resort responsible. The Government of India was responsible for a frontier policy which was not carried out by its own agents and to some extent removed

59. Minute by Lord Lytton quoted in Lord Curzon's Minute, 26th August, 1900 in East India (North West Frontier) Papers, at Command 496—1901.

60. Quoted in Lord Lytton's Minute, April 22, 1877 in Lord Lytton's Indian Administration by Betty Balfour—Also R. A. Bruce—The Forward Policy and its results.

60a. Quoted in Lord Curzon's Minute *op. cit.*

from its direct supervision. All this objection was driven into a practical issue by the reforming zeal of Lord Curzon. In trenchant argument he pleaded the case for change. As he put it, labour without responsibility was the experience of the local government, responsibility without control that of the Government of India.[61] The situation had been aggravated in the last years of the Punjab administration when large numbers of the frontier tribes were brought under the influence of the Government of India and political relations were established with them "not always or easily to be adjusted to the scope and capabilities of a provincial administration." The Government of India were convinced that their duties whether towards the frontier tribes or to the people on the Indian side of the border were more likely to be discharged with the resolution, despatch and freedom of personal discretion that are essential to success in dealing with such questions by an Agent to the Governor-General acting in direct touch with the local officials on the one hand and the Government of India on the other, than would be possible so long as the more complex mechanism and the stereotyped procedure of a provincial government continue to be interposed between the frontier and the Government of India."[62] While explaining the due responsibility of the Government of India for frontier policy and concern " the new proposal would also be the means of investing the officers who conduct frontier affairs on the spot with that wider liberty of action and leisure of personal intercourse with the frontier people which had long been recognised as an indispensable condition of success on the frontier.[63] The administration of the frontier, although frontier affairs or foreign affairs were under the Viceroy and the Foreign Department

61. Quoted in Lord Curzon's Minute, 27th August 1900 in East India (North West Frontier) Papers, Command, 496—1901.

62. Letter from the Government of India, Foreign Department to the Secretary of State for India, 13th September 1900—East India (North-West Frontier) Papers, etc., Command, 496, 1901.

63. *Ibid.*

was in the immediate scope of the Punjab Government. The officers of the frontier, the Commissioner and the Deputy Commissioner, the Political Officers, the Commandant of the Border police were nominated by the Lieutenant Governor of the Punjab. The Viceroy could not remove an indifferent and unsuitable official. It was with the clincher that there is not another country in the world which adopts a system so irrational in theory and so bizarre in practice[64] that Lord Curzon in 1901 put an end to the historic government of the Frontier by the Punjab.

The Frontier under Bombay.

Similarly the Scinde frontier had been administered by the Government of Bombay. On the conquest of Scinde in 1843 the Government of the new province was first in the field of frontier administration. Sir Charles Napier,[65] the conqueror, organised a plan of frontier defence essentially military in character. It was carried and developed by his successor, John Jacob. The boundaries of British territory were carefully marked out and for the portion requiring military protection a special force was raised known as the Scinde Frontier Force. In the centre of the desert tract between the boundary and occupied territory a cantonement was located and the surrounding district placed under military control, the frontier was continually patrolled and intending marauders promptly attacked and slain and, to prevent complication no tribe was allowed to have possessions on both sides of the border. Canals and roads were constructed, transit duties were abolished. Under the just and wise administration of Jacob the prosperity of the Scinde frontier district was assured.[66] It was in February 1840 that Major Jacob as Commissioner of Scinde and already Commandant of the frontier was entrusted by the Government of Bombay

64. Lord Curzon's Minute, 27th August 1908 in East India (North West Frontier), Papers, Command, 496—1901.

65. Thornton's Life of Sir Robert Sandeman.

66. *Ibid.*

which was responsible for it with the charge of the administration of this frontier. He was entrusted entirely with the protection of the frontier, this charge being combined with the administration of the frontier and with the superintendence of the relations with the frontier tribes.[67] His duties were the entire management of the British relations with Kelat, the conduct of the relations between the British authorities in Scinde and the Scindean frontier, the entire control and management of the predatory hill tribes beyond the frontier, the management of the reformed Baluchis like the Dookars, Jalrams, Murris, Buhttis. This was in addition to the management of the ordinary police, judicial and magisterial and public works duties of the head of a large Indian district.[68] It was not the difficulty of governing the Scinde frontier districts through the Commissioner of Scinde but the Treaty of Jacobabad and the successes of Sandeman as a frontier ruler that brought about the creation of the Baluchistan Agency with Sandeman as Agent to the Governor-General and the separation in 1877 of the southern frontier districts from the civil government of Scinde. By the Treaty of Gandamak in 1879 Pishin and Sibi were handed over to the British as assigned districts and in 1887 became regular British frontier districts. The province as now administered is divided into British Baluchistan consisting of the tracts assigned by the Treaty of Gandamak, certain territories called agency territories acquired by lease or otherwise brought under the control of the Government of India and the native states of Kelat, Kharan and Las Belas. Thus the constitution of the separate frontier province of Baluchistan preceded the frontier of the North-West Frontier province by nearly a quarter of a century. In administrative progress as in administrative quality which it owes to Sandeman, the south, here as elsewhere, has set an example to the north.

67. Minute by Sir G. Clerke, Governor of Bombay quoted in the Account given by Col. Jacob, offg. Commissioner of Scinde quoted in Ricketts Report in Civil Establishments and Salaries, pages 626-27.

68. Account given by Col. Jacob to Mr. Ricketts, *op. cit.*

And here we shall take leave of the Baluchistan frontier. For the government of Baluchistan does not present the problems that the northern section of the North-West Frontier Province does. The separation between British and tribal Baluchistan is defined. British Baluchistan is ruled as a Commissioner's province, as an agency of the Government of India. And tribal Baluchistan is ruled by its own chiefs—subject to the supplementary and correctional jurisdiction of the political officers of the Government of India. The pacification of tribal Baluchistan does not present those military, political and administrative problems thrown up by the northern section of North-West Frontier.

Frontier Government—The Military pre-occupation.

Whether under the Punjab or under the Government of India, frontier administration has been characterised by principles and practices called for by its very nature and purpose. The government of frontier provinces cannot be the same as the government of those more central and inland. The history of frontier provinces whether of the Roman empire or of the mediaeval or modern States of Europe or of Asia or of the United States of America prove the truth of this principle. To start with, bound up as these provinces are with the defences of the State, the rule of the frontier provinces must be largely military or take on a predominantly military character. The Punjab Government when it was charged with the government of the frontier had to perform, although a provincial government, many military duties. It had from the beginning to deal with and punish tribal raids as in 1854-56 of the Bazi Khails, the Borree Afridis, the Kubil Khais, the Waziris, the Michni Momand, the Orakzais.[69]

Together with the conduct of the defence of India, the conduct of diplomacy also was entrusted at the beginning to the Punjab. It received diplomatic representatives of neigh-

69. John Lawrence—Report of Administration of the Punjab territories, 1854-55 to 1855-56.

bouring foreign states and entered into negotiations with them on behalf of the Government of India. Thus in 1854 the Chief Commissioner received an ambassador from the Khan of Khokand and a representative of Dost Mohomed of Kabul and concluded a treaty of friendship and peace with him.[70]

Frontier Forces.

This liability to military operation on the north-west frontier was attributed to the circumstance that the civil government of the Punjab was invested with a military character by having a force permanently placed at its separate disposal irrespective of the ordinary military authorities.[70a]

It was not historical accident as in the case of the presidential armies of the older provinces but the circumstance of the Punjab being charged with the government of the frontier that placed a special frontier army at its disposal. The Punjab Frontier Force was recruited on the frontier, intended for the ordinary military control of the frontier, and was under the direction of the Punjab Government till 1885 when it was transferred to the control of the Commander-in-Chief. It was not without a struggle that this transfer was effected. It was first proposed by an Army Commission in 1878, adopted and recommended by the Government of India, in 1881, negatived by the Secretary of State in 1883, brought forward again in 1885 and finally sanctioned by the Secretary of State in October 1885 and ordered by the Government of India in July 1886.[71] The long time taken to effect the change is explained by the memorable service of the force under the Punjab Government to the Punjab. For half a century it stood the test of frontier warfare, bore the burden and heat of the day on

70. John Lawrence's Report of Administration of the Punjab territories 1854-55 to 1855-56.

70a. Minute by Sir Charles E. Trevelyan, 28th January 1864 in Appendix No. 14 in Minutes of Evidence before Select Committee on East India Finance, 1873.

71. General Order by Governor-General in Council quoted in Summary of Measures of the Viceroyalty of Lord Duffrein, 1884-86.

the frontier, always in front of the enemy, continually in camp, more constantly exercised in real military work than the regular troops themselves.[72] In organisation, discipline, tone and spirit it was second to none. During the testing time of the Mutiny half of that force was sent to the help of the regular troops, a few levies being enough to help the remainder of the brigade in the defence of the frontier.

The provinciality of the Punjab Frontier force was still further revealed in the fact that at the beginning this force was paid for out of provincial revenues. The cost of the troops at Peshawar, Multan, and Rawalpindi forming together with the Punjab Irregular force the army of the north-west frontier amounted in 1861-62 to Rs. 1,10,19,000 and Sir John Lawrence argued that as the Frontier army protected the whole country against external attack it ought to be an imperial charge.[73]

The passing of the Punjab Frontier Force was regretted as late as 1924 when an official Committee reported that the activities of the trans-frontier raiders would be appreciably countered if the old system could be revived of maintaining for specialised frontier service regiments recruited from races adapted to hill fighting continuously trained on the frontier and thus familiar with the terrain and ways of the Pathan.[74]

Military Manner of Government—the Frontier Police.

The civil functions of the Frontier Government have been performed in the military manner. The Frontier Police was at the beginning and even down to modern times a military force. Police battalions were organised by the Lahore Board of Administration, trained and drilled on military lines and shared in military duties on the frontier with one or other of the Punjab corps. One of them the Sikh Police Battalion was praised in an official report as a noble corps equal to the

72. Evidence of Lord Lawrence, 13th June 1873 before Select Committee on East India Finance.

73. Report on Administration of Punjab territories, 1861-62.

74. Report of Frontier Enquiry Committee, 1924.

best frontier requirements and its condition reflected the greatest credit on its commandant, Lieutenant Younghusband who had raised and drilled it without the aid of the drill sergeant. It was used in military action against the Ommeyya Waziris and marched and acted according to military standards of efficiency.[75] In 1860 the cordon of military posts along the frontier line was supplemented by such battalions of local police, who on the exterior line of the frontier were under the command of the military officer commanding.[76] Even after the passing of the Police Act of 1861 which started the civil career of the Indian police the Frontier police retained its military character. Tribal militias have been put to police duties. Thus in Lord Curzon's time, south of Kohat a force of tribal militia, 450 strong largely recruited from the Orakzi tribesmen and entitled the Samana Rifles was raised under British officers as an extra battalion of the border military police and was intended to replace the regular garrisons on the Samana Range. The modern Frontier Police is known as the Frontier Constabulary. It was formed in 1913 for the better protection of the border between the tribal tracts and the settled districts. It numbers about 4,000, is organized on military lines, but its superior officers are drawn from the Indian Police service and are posted specially for periods of duty with the constabulary. It is located in a chain of posts just inside the border. The watch and ward of the border is the essential function of the Frontier Constabulary—its more particular duty being the prevention of raids and the capture of raiding gangs and outlaws, the collection of early and accurate information regarding border events and the maintenance of border defence up to the time when regular military intervention is necessary.[77]

75. General Report on the Administration of the Punjab territory of the year 1851-52 to 1852-53.

76. Report on the administration of the Punjab territories, 1861-62.

77. Report of North West Frontier Provinces Subjects Committee, 1931 and North West Frontier Constabulary Act, 1915.

Tribal ideas in frontier administration.

A peculiarity of police administration on the frontier is the use of the principle of tribal responsibility for peace and good order. Napier had shown the way in 1848 in Scinde by using the frontier tribes in the policing of the frontier on the Lower Indus.[78] In 1860 on the Bannu border the Ahmedzai Waziri tribe located in Bannu were held answerable for the good conduct of the tribesmen. In 1851-52 the whole of the southern Derajat border was carefully divided into sections and for each tract thus formed particular sections were made responsible to the extent of their means. These parties were bound to give information of the gathering of any tribes on the adjacent lands, to give notice of the crimes occurring within their limits, to collect all the available strength of their clans and villages and to aid in the pursuit and capture of plunderers to the best of their ability.[79] This system prevailed throughout the Dera-Ghazi-Khan district and was attended, from the patriarchal character of the chiefs, with signal success.[80] On the Dera-Ismail-Khan border village cattle was not allowed to be grazed west of the frontier road unless attended by an armed guard and on the Tonk border the villagers were bound under a penalty to provide a dhole or drum for each village and to beat it on the occasion of an alarm.[81]

The Jirgah—The Council of Elders.

A modern development of the use of the principle of tribal responsibility is the Frontier Crimes Regulation of 1901. It was a Regulation " further to provide for the sup-

78. General Report on Administration of the Punjab territories for the year 1851-52 to 1852-53 (1854).

79. Sir C. Napier—Defects in Indian Government, Part I, Chapter VI, his Administration of India.

80. Report on the Administration of the Punjab territories in 1861.

81. *Ibid.*

pression of crime in certain frontier districts."[82] It provides for a cheap and expeditious settlement of disputes by means of the time-honoured Jirgah.[83] It extends to the districts of Peshawar, Kohat, Hazara, Bannu, Dera-Ismail-Khan, Dera-Ghazi-Khan. But the local government may exempt any area from all or any of its provisions. Certain sections are of general application but the remaining sections may be enforced against Pathans and Baluchis and others as the local government may direct. One section[84] of the Regulation provides that when the Deputy Commissioner, the head of the district, is satisfied from a police report or other information that a dispute is likely to cause a blood-feud or murder or culpable homicide not amounting to murder, mischief or a breach of the peace in which either or any of the parties belongs to a frontier tribe, he may, if he considers that the settlement provided for in this Regulation will prevent or limit the developments anticipated and if a suit is not pending before a court of law, resort to a prescribed method of settlement of the dispute. That is, he could refer the dispute to a Council of Elders requiring it to come to a finding on the matters in dispute after making such enquiry as may be necessary and after hearing the parties. The members of the Council of Elders are nominated and appointed by the Deputy Commissioner. Decrees passed by the Deputy Commissioner on a finding of the Council shall not give effect to any finding or part of a finding which in his opinion is contrary to equity or good conscience or public policy but shall be a final settlement of the case so far as the decree relates to any matter stated in the reference. No civil court can take cognizance of any claims with respect to which the Deputy Commissioner has taken action under this Regulation.[85] Moreover, if in

82. Regulation III of 1901—Government of India Central Printing Office.

83. Report of Frontier Enquiry Committee, 1924.

84. Section 8(1).

85. Section 10 of the Regulation.

the opinion of the Commissioners or Deputy Commissioners it is inexpedient that the question of the guilt or innocence of any person or person accused of any offence should be tried by the ordinary criminal courts,[86] the Commissioner or the Deputy Commissioner may by order in writing refer the question to a Council of Elders. Even cases before a Court of Sessions may be withdrawn for reference to a Court of Elders. Again in the event of frontier tribe or any section of it acting in a hostile or unfriendly manner towards the British Government the Deputy Commissioner has with the previous sanction of the Commissioner the power to direct the seizure of the person or property of all or any of the members of such tribes, or the detention or safe custody of such persons or property or the confiscation of any such property, and the debarring of all communication between members of such tribes and the inhabitants of British India.[87] The Regulation further provides for the infliction of fines on frontier communities accessory to crimes, or among whom the crimes of murder or culpable homicide are committed, also for collection of arrears of revenue.[88] Power is also given to the district authorities to prohibit the erection of new hamlets, villages, habitations, lines or walled enclosures within 5 miles of the frontier of British India without the previous sanction of the head of the province in writing. Power was also given to the authorities to direct the removal of villages on military grounds. And security could be taken from families or factions in case of bloodshed.[88a]

Arms on the Frontier.

With a view to preserving the peace of the frontier the civil population has had to be disarmed to a larger extent even than in the rest of India. In regard to disarmament

86. Mentioned in Section of the Code of Criminal Procedure of 1898 by Section 119(1) and (2) and 15.

87. Section 21 of Regulation III of 1901.

88. Section 22 and 23.

88a. Sections 31, 32 and 33.

different policies have been followed on the Punjab and Scinde frontiers. While Jacob and Frere brought about the prohibition to bear arms without a license of British subjects on the frontier not in the service of the Government, Lawrence would not follow a policy of disarmament in the Punjab border. Total disarmament has now been introduced in both borders. As a result not only have the raids by tribesmen became possible and frequent as in Greece by the Goths after Alexander Severus but the cost of defence of the frontier in the Indian as in the Roman empire has been thereby increased. Like the inhabitants of the frontier provinces of the later Roman empire, the people of the Indian frontier have not been allowed to arm themselves.[89] And the experience in the later Roman empire of Greece[90] whose population was rendered defenceless by the careful disarmament has also been the experience of the people of the Indian frontier. Frontier officers in their tours up and down the frontier have been met by complaints of the inability of the people of the province to protect themselves against the raids of the trans-border tribesmen " as their arms had been taken from them."[91]

Use of subsidies.

Another peculiarity of frontier administration is the wide resort to the use of subsidies as a means of keeping the tribes and frontier States in peace and good order. It had been practised by other empires. In the principate of Commodus (180 A.D.) subsidies were paid to Germans and Sarmatians as earlier they had been paid to the Marcomani and the Quadi. Alexander Severus secured the tranquillity of the frontier by paying subsidies to the barbarians. Trebonius Gallus purchased the retreat of the victorious tribes by engaging to pay them an annual tribute. Subsidies were paid by Rome to to Decebalus of Dacia as the British now pay to Afghanistan.

89. Finlay—Greece under the Romans.
90. Finlay—Greece under the Romans, Volume I.
91. Michael O'Dwyer—India as I know it.

These international servitudes as they are known in International law are a frequent incidence of frontier existence.[91a] The Indian practice of tribal allowances was taken from the Afghans and Sikhs. It developed as compensation for the loss of ancient tribal rights, like the levy of tolls or as return for concession of land and other facilities given by the tribes for the construction of roads.[92] They are now justified as being "a retaining fee for the periodical attendance of the members of tribes to settle up cases and as a security to enforce the payment of claims."[93] It is said[94] to be the only system to adopt if the government is not prepared to embark on a ruthless forward policy. These subsidies or tribal allowances *muwajibs* as they are known in the frontier have been granted for all kinds of objects, for keeping open the roads and passes such as the Khyber and Kohat passes and the Chitral Road, for the maintenance of peace and tranquillity and the punishment of crime.[95] Subsidies or allowances were one of the most effective devices used by Sandeman in his system of frontier rule. He would offer such allowances to headmen of tribes to maintain a certain number of armed horsemen and footmen by whose means he expected them for the future to keep order in the tribes. When outrages occurred he would not dock the allowance "as to do so would obviously be to punish the very men who were engaged in doing us service." But the lever of the allowance was used to compel the headmen to produce the actual offenders who were then tried by their own people in tribal jirghas punishment being awarded in accordance with tribal custom. If a jirgah imposed a fine and recommended for special reasons that it should be cut from the tribal pay then only was the tribal allowances touched, but usually fines were paid in cash

91a. De Lapradelle—La Frontiere.

92. Report of Frontier Enquiry Committee, 1923.

93. Report of Frontier Enquiry Committee, 1924.

94. By Sir Ennis Fitzgerald quoted in Report of Frontier Enquiry Committee.

95. Speech of Lord Curzon at Durbar at Peshawar, 20th April 1902 in Allahabad.

or kind. Sandeman's use of the tribal allowances redeemed them from the charge that they looked very much like blackmail[96] which attaches to the close border system of allowances, when payments are made to a tribe solely to induce them to be of good behaviour and outrages are punished by merely deducting the fine from the payment. These subsidies or allowances form a considerable part of the provincial budget. For instance in the Baluchistan Agency, the political subsidy amounted in 1922-23 to Rs. 1,00,000.[97] In the North West Frontier Province the allowance to frontier tribes rose from Rs. 3,50,000 in 1913-14 to Rs. 9,17,000 in 1922-23. Political subsidies stood at Rs. 12,000 in 1913-14 as well as 1922-23, the allowance to Khassadars rose from 3,30,000 in 1921-22 to Rs. 8,63,000 in 1922-23.

Combination of Powers.

The character of the Frontier administration wears aspects of its own. Combination of powers not the separation of powers marks the frontier system of administration. From the head of the province downwards the frontier officer is entrusted with the discharge of duties and the performance of functions which in other provinces would be entrusted to different officials. The district officer, the Deputy Commissioner, has to be revenue collector, magistrate, political officer all in one. The frontier administrative services have been recruited and organized on lines required by the special circumstances of the frontier. As in the Roman empire, the maintenance of the army, the defence of the frontier the general administration of the imperial provinces offered a training ground for a new public service so the Indian frontier has called for a new type of civil servant. A special frontier political service was organised. Lord Lytton wanted specially selected agents of the Viceroy in whose hands the threads of all border politics and tribal relations would be

96. Thornton's Life of Sir Robert Sandeman.

97. Political Expenditure, Part V, Report of the Indian Retrenchment Committee, 1922-23.

held. The political and administrative conduct of the frontier would be in the same hands and pass through the same channels. He thus hoped to avoid all division of responsibility and all ambiguousness of schools and systems so dangerous in frontier government.[98] The distinction between settled districts and tribal tracts brought about the division between two classes of frontier officers—the district officials and the political officers.

The Political on the Frontier.

The role of the Political Officer on the frontier is especially characteristic of Indian frontier administration. From the district, what is known in frontier administrative language as the administered area as opposed to the tribal area, the political officer exercises control over the tribes in independent territory which according to the Close Border system he cannot enter. These political officers have been concerned with the administration and control of the tribal areas outside the administered districts. In 1922 there was a Resident for Waziristan and political Agents at Wana, and in Tochi, Dir Swat, Chitral, Kurram and Khyber areas.[99] It is in the districts that he acquires knowledge of the tribes and their border and gets most of his opportunities for the building up of his influence. Staying in the districts, he debars offending tribesmen from access to the districts, seizes them when they seek unauthorised entry and by such action brings unfriendly tribes to heel.[100] Not only in times of peace but even in war the utility of the political cannot be denied. The value of political officers during the second Afghan War was recognised by civil and military authorities.[101] Even when the officer commanding was made supreme in political matters as in the case of Sir Donald Stewart and Mr. Lepel Griffin in 1879-

98. Lady Betty Balfour—Lord Lytton's Indian Administration.
99. Report of Indian Retrenchment Committee, 1922-23.
100. Report of Frontier Enquiry Committee, 1921.
101. Autobiography of Sir Moore O'Creagh.

1880[102] or when the military looked with suspicion[103] on reports of outrages brought by the politicals the use of the political on the frontier could not be denied. In the eighties of the last century the establishment of political officers on the frontier was considered by a military authority to be enormous and were said to be "showered" on the forces on the field.[104] In spite of their dependence on their native subordinates and "friendlies" they brought useful "intelligence" to the military authorities.

The higher service of the frontier administration has consisted of officers of the political department. The Chief Commissioner was at the same time, Agent to the Governor-General-in-Council and was generally appointed from the Political Department belonging to the grade of first class Resident.[105]

While, before 1900, the advanced and important frontier posts of Wana, Tochi, Kurram and Malakand were occupied by junior politicals, they have since been entrusted to senior political officers.[106] The political agencies in Baluchistan were before 1900 merged in the general graded Indian Political service. This was done for the rest of the frontier later.

On the frontier as on early Indian campaigns the army at first used to be accompanied by political officers. Till about the Second Afghan War this official was independent of the General Officers Commanding in the field, entered into negotiations on his own responsibility with the enemy, corresponded direct with the Foreign Secretary and through him with the Viceroy without any reference or consultation with the officers responsible for the military operations. After this

102. Life of Sir Donald Stewart by Elmslie.

103. Foreign Secretary's letter quoted in Thronton's Life of Sir Robert Sandeman.

104. Autobiography of Sir Moore O'Creagh.

105. Report of the Decentralization Committee, 1909, page 14.

106. Bruce—The Forward Policy and its results.

War, although political officers accompanied military expeditions they were placed under the orders of the officer commanding and had to correspond through him. But it has been found impossible to get rid of the political officer as he performs some of the functions of the Intelligence Department of the army and it is not always possible to get military men with the necessary knowledge of languages and tribes.[107]

The peculiar circumstances of the Frontier have necessitated a proportionately larger employment of natives in the political department than elsewhere. In 1879 Lord Lytton had enunciated the view that in Afghanistan subordinate native agents more or less belonging to the country were inevitable, indeed indispensable. But he could not find enough native agents fit for employment there.[108] The districts under Deputy Commissioner are divided into two to five sub-divisions in charge of native Tahsildars, assisted by naib Tahsildars. One Deputy Commissioner two assistant Commissioners, Extra assistant Commissioners also are Indians. So are a few assistant political agents and one Political agent in 1938.[109]

Man more than Machine.

The practice of administration on the frontier has borne certain peculiar features. The man has counted far more than the machine of administration. The administration of the frontier has been of the simple non-regulation type. Before the North West Frontier was given a Governor beside the Chief Commissioner there were a Revenue and a Judicial Commissioner; but in British Baluchistan at first the frontier was in the hands of a single officer. Sandeman set the example of rule by personality. He was a determined enemy of red-tape. His procedure was not always a model of regula-

107. Younghusband—Indian Frontier Warfare, 1898.

108. Lord Lytton's Indian Administration by Lady Betty Balfour, Chapter VIII.

109. Combined Civil List of recent years, e.g. 1938.

rity and he was no favourite among the officials of the Secretariat at headquarters.[110] The communication of district officers on the frontier with tribal chiefs across the border was not so subject to rigid restrictions on the Baluchistan border as on the Afghan border. Lord Lytton pleaded for a relaxation of those restrictions.[111] In the early years the Deputy Commissioner of a frontier district held a remarkable position. Subject to general instructions, the control of distant superiors and a general freedom of appeal, he was supreme in all departments, executive or judicial, judge of appeal and of first instance, in civil as well as criminal cases, magistrate, chief of the police, jail superintendent, head of the revenue department, way-warden, chairman of non-official committees.[112] And in addition to these district duties were the political duties in dealing with the tribes. The Secretariat of the Frontier Province has to be smaller and less sub-divided than that of the major provinces.[113]

Importance of Communications—Railways.

Frontier administration had to lay emphasis on certain governmental activities. The provision of an adequate system of communications has always been an essential programme of frontier domestic policy. The Afghan and Frontier campaigns prior to 1877 had proved the extreme importance of good lines of communication to and across the north-west frontier of India.[113a] The frontier was responsible before 1878 for the building of the railways from the Indus to Quetta and from the Jhelum through Rawalpindi to the Indus and

110. F. H. Thornton's Life of Sandeman.

111. Lady Betty Balfour's Indian Administration of Lord Lytton, Ch. IV.

112. Foreign Secretary to Govt. of India to Sandeman, in Asiatic Quarterly Review, July 1895.

113. Report of Decentralization Committee, 1909, p. 20.

113a. Thornton's Life of Sandeman.

Peshawar.[114] In 1881 on the initiative of Sir Donald Stewart the Commander-in-Chief, the construction of military roads like the Hurnai road and the Pishin road and the Bolan Pass Road received an impetus and the railway to Khojak was built to facilitate operations in southern Afghanistan and to hold Khandahar "in the palm of our hand without the trouble of holding it before we require it."[115] Another Commander-in-Chief, Lord Roberts[116] was convinced that the improvement of communications was of far greater importance than the immediate construction of posts and entrenchments, for there were no better defences and civilizers than roads and railways. The Frontier was also responsible for the North West line from Karachi to Lahore and the bridge over the Indus at Sukkur. While in 1884 only 131 miles of railway were under construction, in 1888, 670 miles of railway were opened on the frontier. In Lord Lansdowne's time an expenditure of Rs. 13,50,00,000 was assigned to frontier railroads.[117] And later on in Lord Curzon's time lines were constructed from Peshawar to Bannu through the Kohat Pass, from Khusalgarh to Kohat connected already with the military base at Rawalpindi and from Kohat to Thal and from Nowshera to Dargai Road all in the British territory and all built by 1902. And later in 1926 the railway from Peshawar to Landi Khana took the railway to the end of the Khyber.

Roads.

The building of roads has also been accepted as one of the chief means of controlling and civilizing the frontier tribes. The frontier in the British as in the Roman Empire has called for an extensive making of roads. As Hannibal and Napoleon the British realised the military importance of roads.

114. Report of Commission to enquire into the organization and Expenditure of the Army in India, 1879.

115. Life of Sir Donald Stewart by Elmslie.

116. Forty-one Years in India by Elmslie.

117. Speeches—Financial Statement, 1889-90 in Speeches—Government of India Press.

Like General Wade in the Highlands of Scotland in the middle of the 18th century who built a series of roads through the mountain passes which were admirably adapted for the movements of large bodies of troops and for the transport of artillery, the British have depended on roads as a means of pacification of the frontier. To meet the "dubious plan" so ran the Report of a Royal Commission on the Army in 1879 "of holding the marches with frontier levies a road and railway policy was necessary to bring the tribes more closely under the influence of the British government and to provide the strategical means for military concentration."[118] The five settled districts are well equipped with roads, the total length being 962 miles, of which 468 miles are considered to be of military importance.[119] A circular road *via* Razmak through Waziristan has been recently completed.[120]

A Military P.W.D.

Public Works, even civil works are in the charge of a Military Works Department on the Frontier.[121] The Public Works in the Frontier Province have been carried out by a military department, the military Engineering Service on behalf of the civil administration. Even now although the civil element has been introduced, military engineer predominates in the higher cadres.[122]

Frontier, creation of towns.

The establishment of towns in the frontier districts has been due to the military and the administrative motive. They have all been created by Government or the Army not by Commerce or industry. Kohat, Wana, Razmack, Abbotabad, Bannu, Hazara, Dera-Ismail-Khan, Dera-Ghazi-Khan form not only a line of frontier posts but the advance guard of civiliza-

118. John Buchan's Life of Lord Minto.
119. Report of North West Frontier Province Subjects Committee, 1931.
120. Report of Indian Statutory Commission, Vol. I.
121. Report of Frontier Enquiry Committee, 1924.
122. India Office List, N. W. F. Provinces, 1937.

tion and culture. They are like the towns planted by the Romans on the frontier, like, for instance, those planted by Constantine Capronymus (741-775 A.D.) the Byzantine emperor who after invading the Bulgarian country and defeating the Bulgarians in battles built a line of Greek towns and Asiatic colonies along the northern portions of the empire.

Unity of Frontier administration.

The general build of the frontier government has to be different from that of other provinces. The intimate connection between the settled districts or administered areas as they are called in frontier administrative language and the tribal areas, the exact line of geographical determination being difficult to draw, and the tribes having tribal, social, religious and commercial relations with peoples in the administered area it has till recently been recognised that the whole of the frontier province must be treated and governed as a whole. The duty of maintaining friendly relations with and control over the trans-frontier tribes has been taken to be inseparable from that of managing the tracts within the British[123] area, The populations on either side of the boundary line are closely interwoven and intermingled socially, commercially and in all matters of every day life as were the inhabitants of Nancy and Metz in France in 1870-1918. British subjects constantly visit undefended territory, the hillmen migrate to British districts there is no impassable gulf between the British and frontier territory.[124] And within the tribal area "Mahsud links with Wazir, Wazir with Zakha Khel, Zakha Khel with Orakzai, Orakzai with Afridi, Afridi with Mohmand, Mohmand with Bajaur, Bajaur with Dir, Dir with Swat, Swat with Buner, Buner with the Indus Valley, Indus Valley with the Black Mountain."[125] Even before the constitution of the

123. Report of Frontier Enquiry Committee.
124. Report of Frontier Enquiry Committee, 1926.
125. *Ibid.*

separate Frontier Province when its districts still belonged to the Punjab it was recognised that all the circumstances pointed to the creation of a single frontier charge entrusted to the management of a single officer under the immediate direction of the Government of India.[126] When Lord Curzon resolved on the separation of the frontier districts from the Punjab he realised the impossibility of severing the external relations of the tribes from their internal administration. He would not separate the politics of the hills from the politics of the plains. The separation of the trans-frontier from the cis-frontier aspect of many questions disposed of by frontier officers has been declared to be impossible.

Frontier and Provincial Autonomy.

Even the introduction of popular government into the administered area has not interfered with the operation of the principle of unity. The Governor of the North West Frontier Province continues to be the Agent to the Governor-General in regard to the tribal area as was the Commissioner of the old politically unregenerate province. The Political Agents exercising their powers of advice, check, and control in tribal tracts act as subordinate to the Governor as agent to the Governor-General and not to the Government of the province.[127] The introduction of a constitutional system of government into the administered area of the frontier province has not destroyed the most important of its peculiarities. Only the five settled districts constitute the new Governor's Province that has been created and the tribal tracts continue to be the concern of the Central Government.[128] The " responsibility " of the popular ministers of the province is subject to the special responsibility of the Governor as Agent to the

126. Lord Lansdowne quoted in Report of the Frontier Enquiry Committee, 1922.

127. Government of India Act 1935, S. 11(1) S. 123 (1).

128. Report of North West Frontier Province Subjects Committee, 1931.

Governor-General in the tribal and trans-border area.[129] The Frontier Crimes Regulations the system of government of the tribes by subsidies, the Khassadar system, the use of tribal levies have not in any way been modified by the introduction of responsible government into the frontier province. The frontier constabulary, frontier remissions and allowances, and strategic roads, have been excluded from the purview of the provincial government and classified as central subjects to be administered by the Governor as Agent of the Governor-General.[130]

Frontier and provincial progress.

When the Frontier province was constituted, Sir Macworth Young who had stoutly opposed the separation of the frontier from the Punjab which had so long and with honour administered it feared that there would be a general deterioration in the civil administration of the province. He feared that in a small frontier province, directly subordinate to the Foreign Department of the Government of India there would be a tendency for officers to scamp the more humdrum duties of civil administration and play to the political gallery.[131] That this prophecy has to some extent come true is shown by the finding of a recent official enquiry into Frontier affairs that in spite of the heavy expenditure on the Frontier the expenditure on the beneficent department of administration has fallen behind the standards of the Punjab and that in these respects the province has suffered by the separation.[132] Land revenue, water-rates and

129. Report of Joint Select Committee on Indian Constitutional Reform.

130. Report of North West Frontier Subjects Committee, 1937—Government of India Act 1938, Sect. 33(e) ; 38(1) d(ii) ; 81d(ii).

131. Michael O'Dwyer in India as I know it.

132. Report of North West Frontier Province Subjects Committee, 1931.

local rates in the Frontier province came to be higher than those obtaining in the Punjab.[133]

Frontier and Central Government—Dependence.

The relations between the provincial government of the frontier with the central government are different from those of other provinces with the central government. The Frontier province was made directly dependent on the Government of India when it was constituted into separate existence. From the beginning its military position and its financial circumstances prevented it from being as self-dependent as other provinces of India.[134] It has not been able to make both ends meet without subsidies and subventions from the Government of India. Financially and constitutionally the Government of India has had direct control and jurisdiction over it. Frontier Public Works as in the time of Lord Lawrence belonged to the Central Government.[135] Till the coming of constitutional reforms the Budget of the North West Frontier Province had been directly controlled by the Central Government.[136] The Government of the frontier may be described as that of a local government administering it on behalf of the Central Government of India. Its peculiar position, its intimate connection with the defence of India, the quasi-military, and diplomatic character of many of its problems, its poverty and consequent financial dependence on the Government of India, the close and at times inextricable connection between internal and external affairs, all these influences have called for wider powers of control and closer supervision by the Governor-General-in-Council than that which he exercises over other provinces.[137] Nor has the introduction of responsible govern-

133. Reply of Chief Commissioner of North West Frontier Province quoted in Report of North West Frontier Subjects Committee, 1931.

134. Report of Decentralization Commission, 1909, Volume I, page 14.

135. Aitchison's Lord Lawrence, Rulers of India Series.

136. Report of North West Frontier Subjects Committee, 1931.

137. Frontier Enquiry Committee Report.

ment in the province served to destroy this dependence. The financial dependence continues. Before the reforms the provinces was in receipt of a contribution of a crore of rupees annually from the Central Government. This subvention continues and so does the dependence of the province on the Government of India.

Influence of Frontier on Government of India—Government by Council reduced.

Nor has the central government, the Government of India itself escaped the influence of the Frontier. Consideration of the frontier has effected important changes in the working of the Government of India. Government by Council, as we have seen was a characteristic feature of the government of India till recent times. Both in the Indian and in the " Home " government, in the Company as well as in the Crown era, that system of government has prevailed. But the Governor-General had been given the right and the power to override his Council whenever circumstances required it. The Frontier has made resort to these overriding powers of the Governor-General more frequent. Not only by overriding but without consulting his council has the Governor-General allowed himself to act. And the Secretary of State also has been used to acting by himself without consulting his Council. Lord Ellenborough had been in the habit of corresponding by himself with the Secret Department of the Court of Directors as well as with commanding officers in the field during the Afghanistan operations of 1842.[138] Lord Salisbury indeed began the practice in Lord Northbrook's time of conducting the government of India to a very large extent by private correspondence between the Secretary of State and the Viceroy, treating in foreign affairs the Viceroy as the Secretary of State for foreign affairs in England would treat an Ambas-

138. Papers relating to Military Operations in Afghanistan presented to both Houses of Parliament, 1847.

sador or Minister at a foreign court.[139] The spirited forward frontier policy of posting British officers on the frontier of Afghanistan, of occupying Quetta and other advanced portions was handed on from Bartle Frere and Rawlinson by Lord Salisbury to Lord Northbrook.[140] Lord Northbrook found that in matters of Indian foreign policy the Viceroy was brought into the same relationship to the Secretary of State for India as that in which the sovereign's representative at a foreign court stands to the Secretary of State for Foreign Affairs. The placing of British agents at Herat and possibly at Kandahar with the object of supplying Her Majesty's Government with a more exact and constant information was suggested by Lord Salisbury who was disposed to rattle off orders from home."[141]

And differences of opinion betwen Lord Salisbury and Lord Northbrook in the policy towards Afghanistan was one of the causes of the Viceroy's resignation for Lord Northbrook "refused to look upon himself as a departmental officer". Lord Lytton in his conduct of frontier and foreign policy set aside or greatly contracted the consultative rights of his colleagues on his council and Lord Salisbury did the same with regard to his Council as Secretary of State for India. Lord Lytton when he came out to India brought with him a dispatch of Lord Salisbury's on Afghan affairs dated 28th February 1876, but it was addressed to the Governor-General not to the Governor-General-in-Council as was required by law.[142] The practice of settling the foreign policy of India by means of demi-official correspondence between the Secretary of State for India and the Viceroy dates from Lord

139. Lord Cromer quoted in Mallet's Life of Lord Northbrook, Chapter II.

140. Lord Salisbury's Despatch of 1875—Blue Book of Afghanistan, Edition, 2190, 1878.

141. Mallet's Life of Earl of Northbrook.

142. Lord Lytton's Indian Administration by Lady Betty Balfour, Chapter II.

Lytton's regime. From the beginning till the end of Lord Lytton's regime the foreign and frontier policy of the Government of India was settled by means of letters exchanged between the Viceroy and Lord Salisbury at first and Lord Cranbrook afterwards and instructions to local political agents and officers at the frontier also were sent by the Viceroy alone.[143] Not that the Governor-General's Council was entirely eliminated as the final dispatches on important questions went in the name of the Governor-General's Council. But important matters of policy and questions requiring executive decision were settled between the Governor-General at this end and the Secretary of State at the other. Lord Lytton able and self-reliant as he was could carry on the conduct of foreign policy without the aid of the Foreign Secretary, and used his own Military Secretary to be the bearer of confidential communications with foreign chiefs. In 1876 Lord Lytton's Military Secretary and not a political officer was dispatched to Major Sandeman with full powers to explain the views of the Government and bearing letters from the Viceroy to Major Sandeman and the Khan of Khelat. In 1877 Lord Lytton sent his Military Secretary Col. Colley and not any officer of the Political Department, unofficially to Peshwar to ascertain the real facts of the situation there and to assist the Viceroy in arriving at decisions on the proposals submitted to him.[144] In August 1878 Lord Lytton wrote to Lord Cranbrook who had just succeeded the Marquiss of Salisbury as Secretary of State for India asking permission to send a British mission to Khelat.[145] The dependence of Lord Lytton on Private Secretaries and Military Secretaries in these matters resulted in no accurate records being kept of important transactions or events like the Umballa Durbar. Extracts

143. Lord Lytton's Indian Administration by Lady Betty Balfour, Chapter II.

144. *Ibid,* Chapter V.

145. Life of Field Marshall Sir F. Haines by R. I. Rait.

from private notes and memoranda have been put forward to establish certain points of controversy.[146]

Lord Lansdowne, when he was Viceroy, found that in foreign policy the Viceroy did not possess entire freedom of action but was controlled and sometimes overridden by the Secretary of State whose actions were dictated by parliamentary considerations which had little regard for the true interests of India. Lord Lansdowne had an impression that "the raj of Governors-General was nearing its end". He was inclined to lay at the door of the telegraph the interference of Whitehall with the decisions of the Governor-General-in-Council.

Another brilliant Viceroy Lord Curzon was powerful enough and learned enough on the frontier question to reduce his Council to the position of advisers rather than of colleagues. The man who wanted to reduce the Governors of Madras and Bombay to the positions of Lieutenant Governors did not expect or get opposition from his colleagues. His frontier and foreign policy was his own and carried through by his persuasive influence with the Home Government.[147]

Foreign and frontier policy loomed large in the regime of Lord Morley and Lord Minto as joint rulers of India. In this period also the conduct of frontier and foreign policy was carried on by means of correspondence, between the Secretary of State and the Governor-General. Lord Minto's statement of his frontier policy in view of the altered position of Russia in Asia after the battle of Tsuishima is to be found in a letter to the Secretary of State dated 12th June 1906.[148] Before the Anglo-Russian conversations in regard to the spheres of influence of England and Russia in Central Asia a lengthy correspondence had passed between the Secretary of State and the Viceroy.[149] The Government of India Act of 1935 which

146. *Ibid* and Afghanistan Correspondence.
147. Life of Lord Curzon by Ronaldshay, Volume III.
148. Lord Minto by John Buchan.
149. *Ibid.*

makes the Viceroy solely responsible for defence and foreign affairs is but the climax of a long-drawn process.

The Frontier and the Foreign Department.

Frontier policy like the rest of foreign policy has been deemed important enough to be in the portfolio of the Governor-General himself. The Frontier has increased the power and prestige of the Foreign Department. It has for its head the Viceroy and Governor-General himself. Foreign affairs in India while they included the affairs of Native States and relations with China with Tibet, with Afghanistan with Maskat the Aden protectorate (till recently) in the main arise out of and are connected with the frontier tribes and problems.[150] They have ever been the concern of the Foreign office of the Government in England. The observation of Seeley that the Frontier has thrown on British foreign policy a great burden of anxiety has been proved true by the history of the Frontier ever since. It was the Frontier that gave the Foreign office of England an Asiatic Policy to study, what Seeley called, the "balance of Asia". And in recent years Lord Curzon was justified in calling the Foreign Department of the Government of India, the Asiatic Department of the English Foreign Office.

The Frontier and Indian Finance.

The Frontier has affected profoundly the financial policy and administration of the Government of India. That Frontier policy and Indian finance are as inseparable as foreign policy and finance in western countries,[151] has been proved by the history of Indian finance from the time it began to be concerned with the frontier. When the first Afghan war began in 1839 there was a surplus of £ 10 millions in the Indian Treasury. By the end of the war in 1841 all this was spent and a

150. Lord Curzon's Minute, 27th August 1900 in East India (North West Frontier) Papers Command, 496—1901.

151. Sir Auckland Colvin in Nineteenth Century, November 1895.

loan of £ 5 millions had to be raised at an unusually high rate of interest. Such a financial crisis was produced by this war that the Governor-General-in-Council at one time contemplated stoppage of payment to the Court of Directors of the remittances for the supply of the Home Treasury.[152] The forward frontier policy has been, whatever its military argument, an expensive policy. The favourite argument of the advocates of that policy, that military expenditure would not be increased as the garrisons and troops stationed in Scinde and the Punjab might be diminished as soon as an improved frontier line was obtained has not been substantiated by the course of Indian military expenditure. Lord Lawrence foresaw no limits to the expenditure which a permanent advance of the frontier might[153] require. The Ambeyla campaign of 1863 gave the Finance Minister of the day occasion to observe that if the military forces were frequently employed as it had lately been twice the then existing army would be insufficient.[153a] The Commander-in-Chief had based upon what had taken place a proposal for increasing the strength of all the native regiments in Northern India. The increase in army expenditure from £ 12,764,000 in 1862-3 to £ 14,640,000 in 1865-66 was attributed to two small frontier wars, the war in the north west frontier and the war in Bhootan.[154] The high taxation which such a policy would entail was dreaded by financial authorities like Sir Evelyn Baring,[155] later the great Lord Cromer. Apart from the Afghan War the direct cost of which was Rs. 223,110,000 Major Baring could not doubt that

152. Eastwick—Lord Lytton and the Afghan War.

153. Evidence of Lord Lawrence, 4th January 1870 in Evidence before Select Committee on East India Finance—also quoted by Colvin in Nineteenth Century, November 1895.

153a. Minute of Hon'ble Sir C. E. Trevelyan, 25th January 1864, Appendix 14 to Minutes of Sub Committee on East India Finance, 1873.

154. Mr. Samuel Laing in House of Commons, 19th July 1866—Hansard.

155. Memorandum on Reduction of Kandahar in Papers relating to the occupation of Kandahar.

a great deal of the expenditure debited to the ordinary military account really belonged to the war and that money spent for it was set down among civil charges. For instance the constitution of the Punjab Northern State Railway which had to be hurried for the purpose of moving troops and supplies was not debited to war expenditure. Similarly the pay of political officers during the war and the cost of the purchase of the neutrality of tribesmen on the frontier were debited to civil expenditure.[156] Improvement in Indian finance was considered hardly likely on another occasion when a forward policy on the frontier was contemplated as long as Indian revenues were depleted by the claims of frontier extension or exposed to the risks and requirements of war.[157] The total cost of the Second Afghan War was 25 crores of rupees. During the Afghan war a sum of £ 670,000 was taken by the central government from the provinces.[158] The expenditure in India on account of the special military expenditure in connection with precautions in 1885-86 on the north-west frontier was Rs. 2,114,590.[159] Between 1883-84 and 1893-94 there were more considerable frontier expeditions every year and the total cost of these expeditions in this decade was Rs. 18,990,000.[160] In 1886-87 the government was compelled to make a large addition to its military estimates to increase the provision for interest on loan capital to be expended on frontier railways and works.[161] In 1886 the

156. Col. Hanna's Backwards and Forwards, Chapter II—Hanna *op. cit.*

157. Sir Auckland Colvin in Indian Frontier and Indian Finance, 19th century, November 1895.

158. Minute by Hon'ble Sir Evelyan Baring, 11th August 1883, Correspondence relating to a reduction of expenditure in India.

159. Summary of measures of the Viceroyalty of the Marquess of Dufferin Military Department, 1886.

160. Summary of measures in the Military Department on the Viceroyalty of Lord Lansdowne, 1894.

161. Financial Statement of Finance Member from 1886-87 on Governor-General's Council.

Income-tax Bill was defended by the Governor-General-in-Council as due partly to the military preparations on the north west frontier. In the period 1885-95 when great activity prevailed on the frontier from Quetta to Giligit, from Sikkim to Burma the expeditions and operations on the North West frontier alone absorbed Rs. 52,569,000. In a single year a new item of mobilization, i.e., the purchase and preparation of transport animals, provisions, equipment so that in case of need an army corps may be in a position to take the field cost Rs. 2,035,000.[162] The Frontier has made mobilization to this limited extent an annual event in succeeding years and this item figures in the Indian Budget in one form or another. The increase in expenditure from 1883-84 to 1892-93 was due most of all to military expenditure and mainly to frontier charges.[163] The balance of these 12 years was a deficit of Rs. 6,000,000. By 1888 £8,500,000 had been spent on frontier defences.[164] In 1889 the expenditure caused by the frontier war nearly £ 2 millions and the total expenditure on the frontier by that year lying between 7 and 8 millions. The frontier blaze of 1897 was put out only after an expenditure of £ 2½ millions sterling.[165] The frontier has more than once upset the calculations of the Indian Finance Member, revised estimates going above the first estimates, the actuals soaring high over the revised estimates. For instance the first estimate of the Chitral expedition was Rs. 1,500,000 the sum actually spent was Rs. 17,647,000 or nearly 12 times.[166] And that has been the case down to the latest Waziristan operations. As more than one Finance Member of the Government of India has

162. Sir Auckland Colvin in Nineteenth Century, November 1895.

163. Sir Auckland Colvin in Nineteenth Century, November 1895.

164. G. N. Curzon in Nineteenth Century, June 1888.

165. Thorburn quoted in Hansard in Debate on East India Revenue Accounts, 11th August, 1898, Volume LXIV, Fourth Series.

166. Extract from Col. Hanna's Backwards and Forwards in Minutes of Evidence before the Royal Commission on the administration of the expenditure of India (Welby), Volume III, 1895-1900.

observed these little expeditions on the frontier are hardly self-supporting. A modification of frontier policy sometimes brings about a reduction in military expenditure. In 1899-1900 the frontier policy inaugurated by Lord Curzon which consisted in withdrawal of large troops from the frontier as a whole and concentrating handy garrisons in a few posts effected a considerable saving.[167] And Lord Curzon could take credit for the result that whereas in the year 1898-99 the Indian taxpayer had to pay £ 4½ millions for frontier warfare the total cost of military operations in 1899-1900 was only £ 248,000.[168] But that may have been because the tribes had not provoked the Government into frontier expeditions and as a matter of fact the Mohamad proceedings of 1902-03 cost Rs. 16 lakhs.[169] In his time as ever a frontier campaign has been the most unprofitable of all undertakings. The prophecy of Lord Lansdowne[170] that with an extended frontier we cannot look forward in the immediate future to a time when such expeditions will become unnecessary is being fulfilled even at the present moment.

It was not only the army and the expenditure on little wars of the frontier that made large inroads into the finances of India. Normal and permanent incidents of frontier administration added to its cost. Subsidies for peace and levies of troops from among tribes, douceurs to tribal chiefs, roads and railways and military works like redoubts, military posts, blockhouses necessary to carry out the more modern frontier policy of the Government of India have had to be paid from the treasury of the Government of India or by means of sub-

167. Lord Curzon's speech on Financial Statement, 28th March 1900 in Collected Speeches of Lord Curzon, Volume I.

168. Lord Curzon's Financial Statement, 1902-03 Collected speeches, Volume III.

169. Speech at United India Club—Collected Speeches, Volume III.

170. Speech on Financial Statement for 1889-1890 in speeches—Government of India Press, 1892.

ventions and contributions to the provincial treasury. The so-called "political expenditure" has been created mostly by frontier policy. Nepal has been presented every year during and after the Great War with an annual sum of Rs. 10 lakhs in recognition of the service rendered during the war.[171]

Frontier Finance.

Frontier finance has necessarily had to suffer from annual deficits. The Indian frontier on account of its physical and political and military circumstances can never pay its way. It does not cover a compact area, and therefore requires large expenditure on communications. Many parts of the province are sparsely inhabited and most of the land is unproductive. The nature of certain sections of the inhabitants in and across the border make the incidence of crime high. The expenditure on police and jails has necessarily to be disproportionately large. The control of Indian interests connected with defence and police require that the standard of administration should be high. All this means high expenditure and a poor province like the Frontier province can hardly be expected to meet it. The North West Frontier Province has necessarily to be a deficit province. From the time of its creation its expenditure has exceeded its revenues. In 1901-02 its revenue was 36 lakhs, its expenditure 74 lakhs. By 1921-22 the deficit had risen to Rs. 140 lakhs, the expenditure by 200 against an income of 60 lakhs. In 1927-28 the deficit was Rs. 2,06,07,000, in 1930-31 2,90,76,000.[172] It must therefore look to subventions from the Government of India. The subvention received before the introduction of constitutional reforms and which amounted to 1 crore annually still continues.

Frontier and Indian policy.

The debt of India has been increased by the Frontier. "Our debt has increased with our frontier" said Sir Henry

171. Report of the Indian Retrenchment Committee, 1922-23, Part V, Political Expenditure.

172. Report of the North West Frontier Subjects Committee, 1931.

Lawrence as early as 1847.[173] And the prediction of another great Commander Sir William Mansfield that the debt of India would be inevitably increased by the forward frontier policy has come true.

Frontier and Indian Policy.

Through finance, the Frontier has affected the course of domestic policy and administration. It has played no inconsiderable part in distracting the minds of the rulers of India from the important questions of internal policy, from insurance against famine, from the construction of necessary public works and improving the agrarian conditions of the people which are so closely connected with the prosperity and even the security of India.[174] From 1838 to 1897 progress and advance beyond the Indus have timed with the arrest of progress to the east of it. The long starvation of the civil administration of India was attributed in 1898[175] to the expenditure on the frontier.

The Frontier and the Foreign Department.

While the Frontier has been a source of profound and never ending anxiety to the Finance Department it has served to increase the prestige of another important department of Government. The Political and Foreign Department of the Government of India received a great accession of strength and prestige ever since the Frontier began to play a dominant part in Indian politics. The Frontier has added considerably to the numerical strength of this department. Some of the highest appointments in the Department have gone to officers who won their spurs on the frontier. The Forward Policy has given scope for the activities of the officers of the department at the centre as at the frontier end. Quite recently the

173. Lord Harington quoted in Auckland Colvin's article in Nineteenth Century, December 1897.

174. Auckland Colvin in *op. cit.*

175. Thorburn quoted in Hansard Debate on East India Revenue Accounts, 11th August 1898, Volume LXIV, Fourth series.

Frontier has divided the Foreign and Political Department of the Government of India which dates from Company days into the Political Department in charge of the affairs of Indian States and the Foreign Department in charge of foreign and frontier affairs.

The Frontier and the Army—Increase.

Of all the institutions of the central government it is on the Army that the Frontier has placed the strongest impress of its influence. First of all the Frontier has called for an increase in the numerical strength of the army. The course of retrenchment in army expenditure soon after the mutiny did not last long. The fear of experienced army commanders like Sir William Mansfield in 1864 and Sir Henry Norman in 1879 that the army would be increased by 30,000 men, that the proportion of British troops would have to be increased against frontier expeditions was soon realised. The advance of Russia towards the frontier raised the strength of the cavalry by 4 squadrons in the Bengal, Punjab, Frontier force, Bombay and Central India Horse regiments, and the Madras regiments by 3 squadrons. These new regiments were raised in Bengal and Madras.[176] The occupation of fresh territory after the Penjdeh incident led to a reserve of 10,753 Europeans and 8,336 natives troops being formed. In 1887-88 a further addition of 10,826 active soldiers was made to the established strength bringing the total to 29,973.

Influence of the Frontier on the composition of the army.

The composition of the Indian Army has been considerably modified by the influence of the Frontier. As the *raison d'être* of the army came to be more and more the defence of the frontier and as it came to be concentrated more and more on the frontier and was required more and more for frontier purposes, the recruitment to the Indian army has come to be

176. Appendix XII, Note on the strength of the Army II, Native Army, Report of the Finance Committee, 1886, Volume II.

more and more from the frontier and among frontier peoples. In this new recruiting policy another of the predictions of opponents of the Forward Policy has been realised. Lawrence, and Mansfield[177] had deprecated the employment of Pathan and other northern hillmen in the territories beyond the borders. They were not sure of the fidelity of troops levied from among the tribes aganist whom military action would have to be taken. These fears were confirmed by that great frontier officer, General John Jacob. He was of the definite opinion that the enlistment of Brahuis and Afghans was in the highest degree ' injudicious and injurious." Close association with these people for more than 15 years, with opportunities of observing and trying them in every way had driven him to the conclusion that these tribes although more ferocious, cunning, more muscularly developed had far less courage, less intellect, were less faithful and less trustworthy, had less sense of honour than the Hindustanis.[178] The history of the Indian frontier warfare is full of incidents proving the wisdom of these fears. On General Roberts' night march to the Spengai Koht and the subsequent assault on the Afghan " sunyas " the Pathan companies of the 29th Punjab Native Infantry proved to be untrustworthy and on all the lines of advance desertions were frequent and the enemy were kept informed of the British plans and movements. The attack on the Waziristan Delimitation Commission at Wana in 1894 was led by deserters.[179] Nor has the danger been little of letting a stream of tribesmen trained in the British army go back to the tribes from whom they had been recruited. But the single argument that for the frontier warfare frontiermen are the best has been strong enough to set aside these fears and warnings. The necessity of enlisting in the army the people of the new countries in the north-west has been argued to be a mere continuation of the policy which has

177. Col. C. P. Hanna, Asiatic Revenue of January 1897.
178. General John Jacob by A. I. Shand.
179. *Ibid.*

always been pursued in the past of improving the quality of the army as new and better recruiting fields are discovered.[180] The first two and a half years of the Great War of 1914-1917 brought about 120,000 Punjabis to the colours.[181] In 1917, of the 186,000 recruits raised for the War, 95,000 were from the Punjab and 91,000 from the rest of India. In 1918 up to the armistice, 317,000 were raised in India of which 134,000 were from the Punjab and 183,000 from the rest of India.[182] At the beginning of the war the Punjab had about 100,000 men of all ranks in the army, at the close of the war no less than 500,000 had served with the colours. On the eve of the war one half of the Indian army was drawn from the Punjab, one sixth from the Frontier and trans-border Pathans and Gurkhas from Nepal and less than one third from the rest of India.[183] The necessity of providing an efficient army for service against a European army beyond the frontier has led to an increase of regiments of the northern races and to a diminution of those portions of the army which used to be recruited from Hindustan, the Deccan and southern India.[184] This tendency in recruitment to the Indian army has moved the centre of gravity of the military system of India more and more to the northwest. The Punjab and the Frontier are the main recruiting sources of the Indian army. Frontier warfare and policy have been held to require that the army must be composed mainly of the Sikh, the Punjabi, the Pathan, and the Baluchi and the Gurkha.

180. Letter from the Government of India to Secretary of State for India, No. 172, Military, 2nd November 1892, Papers on proposed changes in the Indian Army system, London Parliamentary Papers, 1890.

181. Michael O'Dwyer—India as I know it.

182. Finlay—Greece under the Romans.

183. *Ibid.*

184. Letters from Government of India to Secretary of State, Military 192, 2nd November 1892, in Fourth Paper respecting proposed changes in the Indian army system—London Parliamentary Papers, 1897.

In Rome also with the coming of the frontier the recruitment of Italians fell. Augustus reserved the privilege of serving in the Praetorian Cohorts, the Household Guards, to the Italians but under the Flavians they ceased to be enrolled in the legions and military spirit declined among the Italians. Augustus the statesman had tried to stem this tendency by requiring that every member of the senatorial and equestrian[185] order should serve as a subaltern in the legion or in the auxiliaries as a prelude to a civil career. In the later Roman Empire the policy of proportional recruitment from the barbarians was dictated by the fear of drafting too large a porportion of the industrious classes into a tax-free army. But in India it was not this economic argument but the honest conviction, that for frontier warfare frontier peoples were better than more inland peoples that prevailed. As in the Roman Empire the barbarians became the chosen troops of the empire so the northwest frontiermen have become the favourite recruits of the Indian army. In Rome these favourites discovered their own importance and behaved with as great turbulence as the Praetorian bands in the early history of the Empire.

A suspicion that this preponderance of Punjab and frontier peoples may not be all to the benefit of the Indian army has driven the army authorities to the employment of soldiers that are not even Indian. Like the barbarians recruited in the early Roman empire or the Persian troops in the Byzantine armies of the 9th century, Gurkhas from Nepal have been recruited under treaty rights acquired by the British Government to act as a counterpoise to the men of the frontier. An increase in the Punjabi infantry about 1900 had as its necessary sequel a further addition of Gurkha troops and the enlistment of more trans-border Pathans in the Frontier Militia. The addition of Gurkhas alone in the years of

185. Stuart Jones the Roman Empire, story of the native series.

Lord Kitchener's administration amounted to 6,000.[186] In 1917, 12,000 were recruited from Nepal and in 1918 up to the armistice 10,000.[187] The employment of mercenary troops has been used to counteract the preponderence of the troops recruited in the Punjab and on the frontier.[188] In the Roman Empire also mercenery troops were employed till Aurelian, 275 A.D. set his face against the employment of mercenaries drown from barbarian peoples in return for yearly subsidies; he was always ready to incorporate his conquered forces in the ranks of the Roman army but only on the condition that they were organised as regular auxiliary regiments.[189]

The gallant record of the troops from the Punjab and the Frontier in frontier wars and expeditions led the military authorities from Lord Roberts onwards to concentrate on the Punjab fighting men, the Rajput Dogras of the lower Himalayas, the Punjab Muslims of the north-west frontier, the Sikhs of the central districts, the Jats of the south-east Punjab, to the neglect of the fighting material of other provinces.[190] But Roman experience shows how frontier troops become localised in temper, feelings and outlook and become identified with the frontier peoples rather than with the peoples of the rest of the empire. In the Roman Empire towards the end, provincial governments made use of the frontier troops in aid of provincial ambitions.[191] Thus the frontier army threatened the unity of the empire.

186. Aurthur's life of Lord Kitchener, Volume II, chapter LIX.

187. Michael O'Dwyer—India as I know it.

188. Despatch of the Government of India to the Secretary of State for India, Military 132, November 1892 in Fourth Papers respecting proposed changes in the Indian Army system—London Parliamentary Papers, 1893.

189. Finlay—Greece under the Romans.

190. Michael O'Dwyer, *Op. cit.*

191. Miller—The Roman Empire—History of European Constitution, Volume II.

The Frontier and Irregular Forces.

One peculiar characteristic of the Indian Army in its composition also has been influenced by the frontier. The frontier did not invent the Irregular forces for the Indian Army. But it strengthened the tendency towards the formation of such troops. The most famous of such troops was the Punjab Irregular Force which after 1865 became known as the Punjab Frontier Force. It was first raised in 1849 under the orders of the Marquess of Dalhousie. It was entrusted with the duty of watching the frontier. Up to 1889 it had taken part in no less than 20 different expeditions or encounters. It had made a name for itself by its loyalty in the crisis of 1857-58 and its troops took part in the siege and capture of Delhi, in the relief and capture of Lucknow. In the Yuzufzai and Ambeyla campaigns of 1863, in the Afghan campaigns of 1878-81 in numerous minor expeditions it played a part not unworthy of its history. Originally composed of 3 light field battalions, 5 regiments of cavalry, and 5 of infantry ; it had in 1886 an additional corps of guides, 4 native mountain batteries, 1 garrison battery, and an additional regiment of infantry.[192]

The Guides were another irregular force raised in the Punjab. They were raised by Lieutenant Lumsden in 1846 on the orders of Sir Henry Lawrence. The object was to have trustworthy men who could at a moment's notice act as guides to troops in the field, collect intelligence beyond as well as within the border. The arming and dressing of the Guides was to be according to Lumsden's fancy. The Guides according to the intention of their maker were to be the right hand of the army and the left of the political officer. " Lumsden's Guides " distinguished themselves in the Punjah campaign of 1849 in the Battle of Guzerat. They proved their loyalty in the Mutiny. This corps consisted originally of one troop of cavalry and two of infantry. Entrusted at first with the duty

192. G. O. 23rd July 1886, published in a Brief account of the Punjab Frontier Force by D. U. Dey, 1903.

of watch and ward over the Yusufzais and the country east of the Swat and Kabul rivers they ever since have taken part in the defence of the frontier and frontier expeditions together with the Punjab Frontier force.[193] Another frontier force was that raised by Col. John Jacob on the Scinde frontier. The Silladar system used in the recruiting and organization of the cavalry was tried for the infantry also of this force.[194]

The decision of the Government of India in 1897 to substitute locally recruited militia corps for regulars in all posts in the tribal country lying between the old administrative border and the Durand line has given large increases to this Frontier force. The Khyber rifles in custody of the Khyber, and the Kurram and north and south Waziristan was to be in the charge of its own militia, and the Samana Rifles in Samana. The militia forces composed of a couple of battalions 400 to 600 strong were intended to replace the large garrisons of regular troops which had been kept in the frontier valleys since 1897.[195] To guard against the consequence of these militiamen going after their service in the militia back to the tribes to the increasing danger from the frontier, Lord Kitchener proposed the formation of reserves of these militiamen to be called up in case of war to service anywhere in the Punjab, North West Frontier Province, Scinde or Baluchistan. The grant of pensions to these militiamen in Lord Minto's time was intended still further to secure their loyal service to the Indian Army.[196] The irregular forces which include militia, scout formations, tribal and district levies and Khassadars have increased greatly both in number and cost since

193. Lumsden of the Guides—by Lumsden and Elmslie, Ch. VIII.

194. Letters to Col. Durand on the reorganization of the Indian Army by H. B. E. Frere, 1851 printed form.

195. Minute by Viceroy on Frontier Administration, 27th August, 1900 in East India (North Western Frontier) Papers, Command 496-1901.

196. Life of Lord Kitchener by Arthur, Volume II, Chapter LXV.

1913-14 mainly owing to the Waziristan policy.[197] The Frontier Scouts are a recent example of the irregular system which the Frontier seems to demand and use.

The Frontier and Fighting Methods.

The equipment and fighting methods of the army have been considerably influenced by the Frontier. The history of the Roman Empire had already revealed the influence which the Frontier may exert on an army. While in the Republican period the Roman army was a field army in the Imperial period with a fixed frontier the army was organized as a cordon system.[198] In the beginning the system of the Roman armies had been devised to make them efficient on the open field of battle, the Romans were the invaders and they knew they could force their enemies to fight pitched battles. But the frontier of the Roman Empire required a very different method for their defence. The chief duty of the army came to be to occupy an extended line against an active enemy far inferior in the field. The necessity of effecting rapid movements of the troops in bodies varying continually in number became a primary object in the new tactics. Constantine in the fourth century remodelled the legions by reducing the number to 1,500, separated the cavalry entirely from the infantry and placed them under a different command, increased the number of light troops, constituted new divisions in the forces and modified the arms and weapons.[199] In the 9th century the Saracens with their large bodies of light troops plundering the country forced the Roman armies into the defensive. Alike in recruitment, organization and methods of fighting and tactics the army of the Empire became a frontier army. Mommsen

197. Report of the Indian Retrenchment Committee, 1922-23, Part V.

198. Miller—The Roman Empire—Colonization of Europe, Volume II.

199. Finlay—Greece under the Romans.

described the imperial army of Rome as the sum of its frontier garrisons.

Similarly in India the Frontier has changed the equipment and fighting methods of the Indian Army. The Frontier has changed the uniform of the army. Drab, later khaki, was substituted for scarlet. First the Guides and later the rest of the army adopted the colour which resembled the face of the country, hill and dale.[200] The necessity for having the officers dressed as much alike as the men was realised in the Malakand campaign. It was found advisable for officers to drop the helmet and don the turban to avoid the special attentions of the tribesmen.[201] Transport has been found to be more necessary on the frontier with its deficient communications than anywhere else. With or without roads the mule is found the most suitable means of transport. A good commissariat *bandobust* is the essence of the success of a frontier expedition in these unpeopled and uncultivated parts. Rifles and riflemen had to be increased in the frontier forces.[202] Volley-firing has been found useless against the quickly moving figures of the enemy.[203] The "sniper" can be countered only by counter-sniping and "picking out good shots and giving them permission to fire when they saw their opportunity without waiting for the word of command" has been recommended. Concentrated artillery action has been found useful not so much in killing the enemy as in keeping them from occupying dangerous positions. Cavalry which is as useful for reconnaissance work in the collection of intelligence on the frontier as elsewhere, in actual practice is found in these mountain actions to be useful especially in protecting one of the flanks. The ground hardly admits cavalry charg-

200. Report of Administration of the Punjab Territories, 1851-52 to 1952-53.

201. W. S. Churchill—The Malakand Field Force.

202. Report of Administration of the Punjab Territories, 1851-52 to 1852-53.

203. W. S. Churchill—The Malakand Field Force.

ing in any formation. The cavalryman is useful with his carbine dismounted with his mounted fellows covering him.[204] Mountain batteries which could go over any ground that armed men can climb have to be extensively used. The smooth-bore three pounder of 1857 was displaced by the rifled seven-pounder carried with its carriage and wheels on mules.[205] And on the frontier, the army has to be much more mobile than in the plains. Movable columns rather than field forces are required by frontier conditions. For frontier defence it has been found that the more locally constituted and local organization of the frontier militia and levies has been more useful than the regular military machine.[206] As in the later Roman Empire under Dioclation and Constantine when the old stationary frontier army was replaced by mobile reserves, the frontier forces of India have to be more mobile than elsewhere. In recent years the value of air forces on the frontier has been tested. Action from the air has been able to overcome well-known and formidable difficulties of terrain.[207] The rapidity of aeroplane attacks is another military advantage in a roadless frontier and against a fast-moving enemy. Bombing is only partially successful here as elsewhere. The Royal Air Force has been useful as an auxilliary to the army. But whether it can be used as a primary and independent weapon in whole, or partial substitution for ground troops remains to be seen.

The Frontier and Army Organization.

The organization of the Indian Army has been considerably influenced by the Frontier. It has strengthened if it did not create the tendency to centralization. The control of the army on the frontier by the Punjab Government was held

204. W. S. Churchill—The Malakand Field Force.

205. Report of Commission to enquire into the organization and expenditure of India.

206. Report of Administration of North West Frontier from 1921-22.

207. The Army in India and its evolution.

to destroy that unity of command which is absolutely and indispensably necessary for the success of military operations on the frontier. The Punjab Frontier Force was thus made as early as 1880 part of the regular army under the orders of the Commander-in-Chief.[208] The distribution of commands has been influenced by the Frontier. The bulk of the Indian army is concentrated in the Punjab and the N.W. Frontier Province.[209] The Indian army under Lord Kitchener's and later schemes of distribution[210] spreads like an Indian palm leaf fan, the body of the fan turning round the military stations of Lahore, Rawalpindi, Peshawar and Quetta and the handle tapering towards the centre and the south of India.

Punjabization of the Government of India.

Corresponding to the process called by Mommsen the Illyricisation of the Roman empire by which the provinces of Illyria influenced the constitution of the military and civil organization of the Roman empire, there has been in India what has been called as early as 1865 the Punjabization of the Government of India. The Illyrians exercised that influence because ten legions of the Danube were raised from them. The Indian army as we have seen has been mostly recruited from the peoples of the Punjab. The Government of India and its secretariat have been filled in progressively increasing numbers from the Punjab. Military officers serving in the Punjab, for the simple reason that the bulk of the Indian army has been concentrated there ever since the Frontier began to influence policy, have had better chances than those serving in other parts of India of being taken to Army Headquarters and the General Staff. After the Mutiny of 1857, when the whole fabric of administration in Upper India had to be reconstructed. Lord Canning drew some of

208. Report of the Commission appointed by the Governor-General-in-Council to enquire into the organization and expenditure of the Army in India.

209. The Army in India and its evolution.

210. *Ibid.*

his best men from the Punjab and when he was criticised for it only answered that he must take more.[211] It was a frontier war that directed the appointment of Sir John Lawrence, the greatest of them all, beyond the possibility of doubt to be Viceroy and Governor-General in succession to Lord Elgin.[212] "These Punjabis work the press and work the India Council" was the lament of officials elsewhere.[213]

Sir John Lawrence himself a Punjab official strengthened this process of Punjabization in the civil services when he became Governor-General. Men that he had known well were appointed to prize appointments in the Government of India and in provincial governments directly under it. Richard Temple became Chief Commissioner of the Central Provinces. Sir Robert Napier was appointed to be Commander-in-Chief of the Bombay army in the teeth of the opposition of the Horse Guards, Mortimer Durand to the Military Membership of the Governor-General's Council,[214] Charles Hathaway, Civil Surgeon of the Punjab service, as Lawrence's Private Secretary. Sir Walter Lawrence, another Punjab Civilian became Private Secretary to Lord Curzon so did Dunlop Smith of the army in the Punjab became in 1901 Political Agent of the Phulkian States and in 1905 Private Secretary to Lord Minto.[215] Among the distinguished Punjab Officials that have in recent times been taken into the Government of India may be mentioned Sir Denis Fitzpatrick and Sir Charles Rivaz who became members of the Governor-General's Council in Lord Curzon's time, Sir Louis Dane who became Resident at Kashmir, Foreign Secretary to the Government of India (1903) Head of the mission to Kabul (1904-05), Sir Denzil Ibbetson who also became Secretary to the Government of India in

211. Aitchison's Lord Lawrence in Rulers of India Series.
212. Aitchison's Lord Lawrence in Rulers of India Series.
213. Life of Bartle Frere by Martineau.
214. Life of Lord Lawrence by B. Smith, Volume II, Chapter XII.
215. John Lawrence—Rulers of India Series.

the Revenue and Agricultural Department, Chief Commissioner of the Central Provinces, Member of the Governor-General's Council, 1902, Sir Michael O'Dwyer Resident of Hyderabad, Agent to the Governor-General, Col. Roos Keppel. Sir A. H. Grant who became Secretary to Chief Commissioner, North West Frontier Province, sent on the mission to Kabul, 1904-05, Deputy Secretary, Government of India and Secretary and Commissioner of North West Frontier Province (1919-22), Sir J. L. Maffey who became Deputy Secretary in Government of India, Private Secretary to the Governor-General, Chief Commissioner and Agent to the Governor-General, in North West Frontier Province, H. W Bolton who rose to be the Chief Commissioner of North West Frontier Province, F. W. Johnstone, the Chief Commissioner in Baluchistan, Lt. Col. Blackenny, W. P. Barton, R. I. Glancy, S. L. Pears who rose to be Residents of the first class, Sir Denis Bray and Mr. Holwell who became Foreign Secretaries to the Government of India, Sir F. Humphreys, who became British Minister in Kabul and Major St. John, Agent to the Governor-General for the Punjab State.[216] Other Punjab officials who were translated to higher spheres were J. H Morris, Settlement Officer in the Punjab, who became Chief Commissioner of the Central Provinces. Macworth Young who went to the Government of India in the Political Department before he came back to the Punjab as its Governor, Sir Henry Machmahon who became Foreign Secretary, Sir Edward Maclagan who became Secretary to Government of India before he went to the Punjab as its Governor, and J. P Thompson Secretary in the Political Department. Recent accessions from the Punjab to the rank of highly placed officers in the Government of India were Sir Malcolm Hailey who became Finance Member of the Government of India and Governor of two provinces, Sir Montagu Butler who became

216. Sir Michael O'Dwyer's India as I know it and India office Lis 1935.

Governor of the Central Provinces and the present Governor of the Punjab who was formerly Secretary in the Home Department of the Government of India.

An analysis of the personnel of the Secretariat of the Government of India in the last 30 years confirms this impression of the influence of the Punjab in the Government of India. The army, military, and public works departments composed as they are mostly of military men were filled with officers from the Punjab where the bulk of the Indian army is to be found. The Political and Foreign Departments to the extent to which they are composed of military officers bristle with men from the Punjab or the Frontier. Even the civil members of this department mostly hail from the Punjab.[217] There is rarely a time when a civilian from the Punjab is not a member of the Governor-General's Council. Other provinces must wait their turn for a member. The Punjab need not.

The Frontier has done other things to the government beside sending officials from the Punjab and itself to the Government of India. It was Lawrence[218] that made Simla the capital of India for the larger portion of the year and the Lieutenant Governor of the Punjab was invited to bring his government to Simla so that the discussion and decision of frontier questions might be made effective. This propinquity of Simla to the Punjab and the Punjab Government made the punjabization of the Government of India a continous process. The summer capital of India drew its winter capital towards it. Delhi District had been detached on the morrow of the Mutiny from the North West Provinces and added to the Punjab on account of the services of the rulers and soldiers of the Punjab in the capture of Delhi. The removal of the capital of India from Calcutta to Delhi was not directly determined by

217. India Office Lists of 1900, 1910 and 1925 and the Combined Civil Lists for India and Burma of recent years.

218. Life of Lord Lawrence by Bosworth Smith, Vol. II Ch. XII.

considerations of the Frontier. But one of the arguments for the change was that Delhi was the old historic capital of India and to both the invading Aryans and Muslims Delhi was the capital nearest to the frontier. As Constantine removed to Constantinople because it was the centre of gravity of the later Roman empire so to a Government which looked upon the North West Frontier as the only frontier, Delhi was the centre of political as of strategic gravity.

The Frontier and the Unity of India.

The Frontier has brought about political results that have affected more important things than the machinery of government. The Frontier has helped to bring India together. The defence of the frontier has brought the Indian States and British India together. Lord Lytton had felt in 1877 that with the possibility of war with Russia it was of vital importance "to rouse the enthusiasm and secure the loyalty of all the great feudatories."[219] Troops from Patiala served in the Afghan campaign of 1879. In 1887 when rumours of the Russian menace spread over India, the Nizam of Hyderabad wrote a letter to the Viceroy protesting that no inhabitant of India could be indifferent to the persistent advance of another great military power towards India, that the frontier of India should be put in a proper state of defence, that the princes of India were as alive as the peoples of British India to the importance of safeguarding the frontier.[220] The Nizam then offered a contribution of 20 lakhs annually for 3 years towards the expenses of frontier defence and war.[221] This offer was acknowledged to have produced a very considerable effect upon other Indian States.[222] The other princes follow-

219. Lord Lytton in Letter in Lord Lytton's India administration by Lady Betty Balfour, Chapter, IV.

220. Sorabji Jehangir in Representative Princes of India—The Nizam of Hyderabad.

221. *Ibid.*

222. Lord Lansdowne in speech at Hyderabad, 3rd November 1891

ed and the amount of these voluntary offerings of the princes of India amounted to 10,380,000 rupees.[223] Also offers of additional levies of troops, camels and lands were made at that time. Lord Dufferin's scheme of associating the forces of Indian States with the defence of India has been welcomed and taken advantage of by most of the Indian States. In later times also, Indian States have come to the help of the Government of India in frontier wars. Officials of the Foreign office like Mortimer Durand urged a reform of the armies of native states so as to make them efficient for the defence of India, breaking with the old policy of keeping down the military strength of the States.[224] Offers of Imperial service troops have been made by more than one Indian prince on the occasion of frontier expeditions as in 1895 by Scindia.[225] Troops from the Rampur State were placed at the disposal of the Government in the Mohmand campaign of 1897.[226] The Imperial Service Troops have been placed under the supervision of the Government of India "for purposes of imperial defence."[227]

The Frontier has thrown India on itself. Till British rule reached the frontier it could not present India with a defined political unity. The policy of finding a frontier for India in Afghanistan if it had succeeded would have postponed *sine die* the consolidation of the sense of Indian unity. India would have become part of a British Asiatic empire stretching from Persia to the Malay Peninsula. By the

223. George N. Curzon in Nineteenth Century, June 1886.

224. Life of Sir Alfred Lyall by Martimer Durand Speech of Lord Lansdowne 23rd October 1890 at Patiala in Speeches—Government of India Press.

225. Speech by the Earl of Elgin—1st November 1895, Speeches, Government of India Press, 1893.

226. Speeches of Earl of Reading, Volume I, page 381, Government of India Press, 1926.

227. Speech by Lord Lansdowne, 3rd November 1891 in Speeches, Government of India Press, 1895.

abandoning of this forward policy and the identification of the political with the natural frontier of India, India has been made conscious of and attached to its political unity. It has given definition to the land of India and therefore to Indian patriotism. The frontier has given form and, therefore, force to Indian nationalism.

Comparisons and Contrasts—Rome.

The Indian Frontier system affords interesting parallels and contrasts to the frontier experiences of other empires. The Roman frontier affords such parallels and contrasts. There is contrast in the land and the people affected by the two frontier systems. While the differences between the Roman people and their frontier tribes were differences in degree the difference between the peoples on the two sides of the Indian frontier have been differences in kind. In religion, civilization and culture the differences are fundamental. The Roman frontier tribes were not nomads, were capable and desirous of civilization. The Roman frontier was largely a river frontier. The later Byzantine empire in the east was confronted by mountain ranges with a few passes. The Roman frontier was physical and substantial. The Limes was made up of vertical and horizontal stakes and wooden palisides and Hadrian's wall from the Tyne to the Solway in Britain was a stone wall and from the Firth to the Clyde a turf wall. There were differences in treatment of the frontier peoples. The Roman empire relied on the influences of civilization. The settlement of tribes in Roman territory was encouraged, of the Suabians by Cæsar on the left bank of the Rhine and the Sigambri by Tiberius. Roman cities and colonies were planted all along the frontier and in tribal territory itself. This Roman practice was followed by the Byzantine emperors in the middle of the 10th century. Constantine Copronymus after invading the country of the Bulgars and defeating them in battles built a line of Greek towns and Asiatic colonies along the northern frontiers of the empire. The history of the Roman frontier also records a coming and going between

a forward policy and a cautious policy. Augustus had kept to the river frontier of the Rhine and the valley of the Drave as a natural line of defence. But under Claudius a legionary camp was created at Carnutium on the Upper Danube. Under the Flavian emperors the frontier was pushed beyond the Rhine and the Danube. This forward policy was renounced by Aurelian in 275 A.D. who went back to Augustus' frontier of the Rhine and the Danube and gave up the province of Dacia. The Roman frontier like the Indian has influenced the course of political development. The centralization of the Roman imperial government, the growing despotism of the Cæsars the increasing influence of the army in governmental affairs from the succession to the imperial purple to the determination of policy and the recruitment of personnel in the administration, as well as the liberality of extension of Roman citizenship were due to the frontier. The final dissolution of the empire was not solely caused by the frontier but was considerably influenced by it.

The Frontier of the United States of America.

In another part of the world but in a time contemporary to the Indian frontier, the part played by the Frontier in determining the course of historical and political development is worthy of note. In the history and politics of the United States of America the Frontier has played a decisive part. Here also the Frontier has brought into contact more or less civilised peoples with more or less savage tribes. But whereas in India the frontier is a barrier between settled peoples and nomadic, restless tribes, the American frontier has been an elastic line of separation ready to give way to the march of the white colonists and immigrants, who extended their settlements at the expense of their Red Indian predecessors. There have been wars, raids, excursions, but the penetration of the frontier has been comparatively peaceful. The Indian tribes just fold their tents and recede before the steady march of the American frontiersmen. The American frontier has just rolled itself up before the pressure of the oncoming

colonists. It has acted not like the rigid Indian mountain barrier but as a chain of locks in a canal opening its gates at the call of the new comer and letting him pass through. And this pressure on the American frontier was exerted by the individual American not by the Government of the United States. American individualism has extended the frontier. Even so, the influence of the Frontier not only on the character of the individuals—for the intense individualism of the American is now acknowledged by historians to be due largely to the influence of the frontier—but on the political evolution of the United States of America has been profound. The effect of the Frontier as an agent of consolidation is undeniable.[228] The British colonies at first and the States of the United States of America have had to take conscious measures of defence against the Indians. Particularism was strongest in colonies with no Indian frontier, says Turner, the historian of the American Frontier. The unifying tendencies of the period of the American Revolution were facilitated by previous co-operation in regard to the frontier.[229] The Frontier from that day to this has been a military training school keeping alive the power of resistance to aggression. The Frontier has also promoted the formation of a composite nationality, for the coast had been preponderately English but the later tides of immigration from the continent of Europe flowed across to the free lands beyond the frontier. The advance of the frontier decreased the dependence of the colonists on England and of the United States of America afterwards on Europe. Not only the growth of American nationalism but the evolution of the political institutions of the United States of America has been influenced by the frontier. The legislation and judicial interpretation which developed the jurisdiction and powers of the national government were called for by the needs and conditions of the frontier. Chief Justice Marshall who did so much to expand the authority of the Federal gov-

228. Turner—The Frontier in American History, Chapter I.
229. Turner—*op. cit.*

ernment was himself a frontiersman.[230] The increase of federal authority against the authority of the States has been ascribed to the frontier. The land legislation and the tariff reform of the United States of America have been conditioned by frontier ideas and needs.[231] The growing democracy of the United States of America was largely due to the coming of the frontier States into the Union. The multiplicity of religions on the frontier and the need for tolerating each other in the face of the common enemy extended the area of religious peace and toleration in the United States of America. On all departments of American life and action the frontier has stamped its influence. Not even in India has the influence of the Frontier been so far-reaching.

Nature and Man on the Frontier.

An Ottoman statesman[232] speaking of the frontier and of its influence in Turkish history complains of "the ever victorious frontier." In the Ottoman empire the frontier did not only bring incessant trouble but it was steadily and surely gaining at the expense of the empire, the frontier was gradually closing upon the centre of the empire. In India the empire has not receded before the advance of the frontier which has always been kept in its place. But the Indian frontier has ever been victorious in its influence on India.

As the traveller by road from India on his way into the Khyber after passing Jamrud at the gate mounts into the pass and gets into the thick interior of it after the friendly greeting of Ali Musjid, he finds himself enveloped and engulfed in the mountains around. Fold upon fold of barren bleak rocky hills rise up around and press on him. As the road takes him he leaves one fold to be caught in another. He sees noth-

230. Life of Marshall by Beveridge, Vol. I.

231. Turner *op. cit.*

232. Quoted in Ottoman Statescraft, the Book of Counsels of Vizier and Governor of Savur Munshi Pasha the Duftedar by W. L. Wright.

ing beyond them. The solitary tribesman or sentry that he finds perched upon a crag here or a ledge there or the thin long line of caravans escorted by the Khassadars that he meets on the way or the bits of green rice or golden corn in the valleys that he observes now and then only add by way of contrast to the stark unhumanity of the scene around him. He seems lost to the world and the world lost to him. He seems to have forgotten the smiling plains of India, the wide roaring waters of its rivers, that blue sea that once rivalled with the northern mountains as the frontier and which the facts of contemporary politics may once again bring within the cognizance of the statesman. The Frontier seems to be a thing apart, a thing existing by itself and for itself. The domination of Nature, and Nature at its fiercest over man is at its height. Is it any wonder that the Frontier has influenced so much the course of the history and the political development of India ? The facts of the frontier, have influenced the behaviour of its people, its internal administration and the government of India. Nature and man confront each other on the frontier, grim and growling. The history of the Frontier has shown how Nature has influenced man and his policy and his system of government. But the history of the frontier has also shown that while Nature may bend man—and it would be wise of him to bend before it—there is no call for him to be broken by it. Man here as elsewhere must break Nature's fetters or he " would lose himself in dotage."

CHAPTER V

THE STATE MADE BY THE ADMINISTRATION

> Those that have observed only from afar some parts of the machinery of a foreign government imagine when they have designed these parts in haste and by way of imitation that they bring into their country a complete system; no doubt, their enquiries have been useful, but for all that it is necessary that a superior hand should seize the materials, fashion them, adapt them to the place they must take in an ancient edifice.
>
> NAPOLEON TO MOLLIEN.

Administration and the making of the state.

"The increased activity and the recognized equity of the Government" said the Marquis of Hastings early in the 19th century "can alone solve the problem how the enormous population can be kept in tranquil obedience without any show of efficient strength."[1] That was the condition on which an alien Government like the British could maintain its authority. And that was the principle on which the administration of the country has been fashioned. The native Governments, when the British administration was being formed, were upheld by many powerful interests which did not obtain under British rule.[2] A landed aristocracy endowed with large powers of police and magistracy, native civil establishments living on service lands and fees and periodical presents rather than regular salaries in money, hereditary village officers with land grants or remissions on their own or the village rent, were, either not available to the British Government or delibarately renounced by them. In the place of these old native supports to government, the British had to maintain their authority by a well-built and properly articulated machinery of administration. A British ruler of India was of the opinion

1. Private Journal of the Marquiss of Hastings, February 20, 1814.
2. Sir Thomas Munro in Report on Malabar, 4th July 1817, in Madras Revenue Selections, Selection from Records of East India House, Volume I, 1820.

that government by forms and procedure must necessarily take the place of native institutions of self-government.[3]

The modern Police—military origins.

The work and service of some of the most important departments of Government like the Military, the Revenue, the Survey in building up the State in India have already been reviewed. The work done by some others of the more important departments and by the administration as a whole in this direction remains to be told. The establishment of peace and order is a primary necessity in the life of the State. And the history of the institutions that perform this duty fills an important chapter in the history of the State. We have traced the beginnings of the police to its connection with the land revenue system of the country. We have seen how when the police was separated from the revenue system and began as a special department of Government it started its modern history under military auspices. The militarisation of the police system of the country gave it a centralized organization. It was a system imposed on the people, especially the people of the villages from outside, from the centre of government. The local village police system which had flourished in the days of the native rulers of the country could not live in the new atmosphere and we have already traced its decline and fall. The history of the new centralized police may be dated from 1832 when the old police system had been authoritatively[4] shown up to be corrupt, inefficient and oppressive, the superior officers, the magistrates and subordinate revenue officers, being unable to exercise adequate supervision. The combination of magisterial with police functions imposed an intolerable burden on the shoulders of the District Magistrate.[5]

3. Elphinstone in Life of Montstuart Elphinstone by Colebrooke, Volume II.

4. Report of Select Committee of 1832 quoted in Report of Indian Police Commission, 1903.

5. Mr. Ricketts' Report on Civil Establishments and Salaries, pages 426-427.

But action was taken only much later. In Bengal a Committee was appointed in 1838 to draw up a plan for the more efficient organization of the mofussil police. The Committee condemned the old system but made no positive recommendation except that one of its members[6] proposed the formation of a centralized organization with a superintendent-general, and deputies and assistants—a plan which was adopted in Bengal only 25 years later. The influence of the success of Sir Charles Napier, who organized the police of his province of Scinde on the military model of the Royal Irish Constabulary with a quasi-military discipline and dress soon told elsewhere. The Scinde Police System was adopted in Bombay in 1847 and in the Punjab in 1849. As organized in 1853 the Bombay police consisted of district superintendents, native Tahsil police officers, the supreme control of the police being transferred from the Court of Faujdari Adaulat to the local Government.[7] In Madras till 1843 the supervision of the police had been entrusted to the Courts of Circuit and then transferred to Zillah Judges.[8] The disadvantages and dangers of this system were obvious. The state of the police in the districts was in 1855 reported to be most unsatisfactory, the want of an efficient, preventive and detective police force calling badly for a remedy. The magistrates were debarred by the other calls on their energies from devoting to the police that constant care and attention which are essential to the detection and punishment of crime. The inability of the police establishment to cope with the prevailing amount of crime or to ensure protection to person or property was being latterly more than ever marked and notorious ; in 1854 there were 1,724 dacoities of which 481 were attended with aggravating circumstances.[9] In Madras the disclosures of the Torture Commission

6. Sir Frederick Halliday.

7. Report of Indian Police Commission, 1903.

8. Mr. Rickett's Report on Civil Establishments and Salaries, 1858, page, 413.

9. Letter of Madras Government to Supreme Government, 14th August 1855, quoted in Rickett's Report, page 413.

sounded the doom of the old village and revenue system of police. In 1858-59 a separate Police department was formed for Madras distinct from the Revenue and the Magistracy and placed in charge of an officer[10] who had made a special study of the Irish system. Districts were placed under Superintendents with a Commissioner for the whole presidency.

Reform and reorganization—a civil police.

In 1861 the Government of India appointed a Commission to enquire into the whole question of police administration. This Commission recommended the abolition of the military police wherever it existed and the formation of a civil, centralized, specialised police organization. But care was to be taken that the general responsibility of the Collector and Magistrate for the maintenance of peace and order was not to be impaired. The recommendations of the Commission were passed into law in 1861.[11] And the present police organization in almost all the provinces dates from that time. The Police was reorganized in Madras in 1865 at a cost of 31 lakhs, in Punjab, at a cost of 26 lakhs, in North West Provinces at a cost of 32½ lakhs and in Oude at a cost of 10 lakhs.[12] The Bombay police was regularised by a local Act passed in 1867. A separate Railway Police but under the head of the police in each province was formed in 1867.

Thus for the old village and district police with its organic connection with the revenue system of the country was substituted a centralized system, with a hirearchy of officials from the Inspector-General to the constable recruited from anywhere, not necessarily or exclusively from the villages or districts where they were to work and trained under a quasi-military discipline. The history of the police till 1861, only showed the need for the separation of police from revenue

10. Mr. (later) Sir William Robinson.

11. Act V of 1861.

12. Survey of measures in the administration of Sir John Lawrence, 1869.

and the establishment of a specialized department. It made out no case for the neglect of the village and village life and organization in the formation of the new police system. The village is still used. But the whole strength and activity of the police are derived from sources external and superior to the village and the district, little or no incentive remaining in the village to look after the prevention and detection of crime in the neighbourhood.

Military influences persist.

In spite of its civil character, the circumstances of India have prevented it from shedding altogether traces of its military origins. In 1886 the attention of the Government of India was drawn to the serious riots which occured in various cities of Upper India on the occasion of the great Hindu and Muslim religious festivals and to the inability of the police to deal with such breaches of the peace. The civil police was reported to have behaved badly in more than one locality and it appeared doubtful whether it was suited for use in such emergencies. Lord Dufferein's Government therefore had to consider whether it might not be desirable to organise a reserve of semi-military police armed and disciplined on the same principles as the Irish Constabulary which might be kept at certain centres and made use of when serious trouble arose in any large towns.[13] And since then armed quasi-military reserve police forces have been established in every province. Apart from the Reserve police the Indian police still retains traces of its military origins. Its recruitment—recently recruitment to the police has been excluded by the Government of India Act of 1935 from the purview of Public Service Commissions—its training, its drill, its dress, its equipment, its manner have all been of a more or less military character.

Its growth in numbers and cost.

The numerical strength of the police has shown a steady increase.

13. Summary of Principal Measures in the Viceroyalty of the Marquess of Dufferin and Ava, 1858.

In 1870 the total cost of the police in India was £24,34,735.[14] In 1888 the total strength of the organized civil police force was about 1,29,000 men, and the cost 242 lakhs; in 1901, the strength was 1,45,000 men and the cost 328 lakhs.[15] In 1915 the sanctioned strength of the police force was 204,218 and the cost of the police was Rs. 6,44,90,531, in 1924 it was 1,96,182 but the cost had risen to 10,62,05,663.[16]

Modern organization.

Improvements in organization have also been made since the new police system was established in 1861. Under that system the police establishment of each province was under the authority of its local Government. The head of the provincial service was called the Inspector-General who till recently was a member of the Indian Civil Service. The province was divided into ranges each under a Deputy Inspector-General. In some provinces as in Bombay there are no Deputy Inspectors-General of Police but the Revenue Commissioners of the Division have official control over the police. The district police is in the charge of a District Superintendent, who is made responsible for the discipline and internal management of the force. In regard to the preservation of peace and the control of crime in the district the District Superintendent of Police is under the supervising authority of the District Collector and Magistrate. In Madras the control of the District Magistrate has been said to be less detailed than in other provinces. In large districts the Superintendent had an Assistant who either works under him at headquarters or as was usual in Madras held charge of a portion of the district. The controlling staff was at first almost entirely European. The district was divided for police

14. Evidence of Sir H. S. Anderson, 20th June 1871, Minutes of Evidence before Select Committee on East India Finance, 1871.

15. Imperial Gazetteer, Volume IV, Chapter XII, 1907.

16. Statistical Abstract of British India, 1915-16 to 1924-25.

purposes into circles or sections placed under Inspectors. In Madras and Bengal the Inspector was placed in charge of a sub-division and was made directly responsible for the working of its police. In Bombay and United Provinces he was stationed at the headquarters and had to tour through his circle. The Inspector's Circle was divided into smaller sections in each of which is a police station with a subordinate officer in charge. In Bengal and the United Provinces he was Sub-Inspector, in Madras a head constable, in Bombay a chief constable.[17]

In 1902 on the recommendations of a Police Commission changes were introduced in the police organization which has given the police in the provinces still greater striking force. The remuneration of the subordinate grades of police officers was increased, a new class of Indian Deputy Superintendents was created who were to exercise functions similar to those of the European Assistant Superintendents and to whom the post of District Superintendent of Police was open.

Criminal Intelligence work.

To obtain greater co-ordination of inter-provincial police work an Imperial Department of Criminal Intelligence was created in 1904. The object of this new department was to collect and communicate information regarding such forms of organized crime as are committed by offenders operating along the railway system and by criminal tribes, wandering gangs, organised dacoits, professional poisoners, forgers, coiners and the like whose operations extend beyond the limits of a single province.[18] It was also to work in connection with the police of the Native States. The Director of Criminal Intelligence has been allowed to carry on immediate correspondence with, though not in control of, similar branches of criminal investigation in the provinces.

17. Imperial Gazetteer, Volume IV, Chapter XII.

18. Memorandum on the Development of Indian Administration by W. S. Meyer presented to Decentralization Committee, 1907.

History of the C.I.D.—The Thagi and Dacoity Department.

The Director of Criminal Intelligence is the administrative descendant of an official who at the head of his department played a memorable part in the suppression of some of the most serious and most organized conspiracies against public peace and order that the annals of Indian crime reveal. This was the Superintendent of the Thagi and Dakait Department. As early as the times of Lord Hastings and Lord Amherst in consequence of the general and anarchic disturbances for which the Pindaris had made themselves notorious, bands of highway gang robbers had been discovered and broken up. Most famous of these highway robbers were the Thags who added poisoning and strangling to their instruments of operation. It was by one of the great measures of that great administrator Lord William Bentinck that this challenge to public order in central and northern India was first taken up. In 1829[19] special orders and full powers were given to Mr. F. C. Smith, Agent to the Governor-General in the Narbada territories a division corresponding to the present Central India Agency and Central Provinces—to proceed against the Thugs and to put down their association with a strong hand. But it is with the name of Major afterwards Sir William Sleeman that the suppression of Thagi will always be associated. Major Low in Oude, Mr. Wilson in Bundelkand, Col. Stewart in Hyderabad were other officers in other parts of India who were especially charged with the duty of exterminating this pest. A new department was organised entrusted with this special work—called superfluously the Thagi and Dacoity Department—for Dacoity is derived from Thug. The active operations of the Thagi Department in its campaign against the Thugs properly so called covered a period of six years and during that time 2,000 Thugs were arrested. Of these 1,500 were sentenced either to death or to varying periods

19. Boulger's Lord William Bentinck in Rulers of India Series, Chapter III.

of transportation.[20] The campaign against the Thugs was ensured success by the executive officials being entrusted with the judicial powers of sentencing the criminals to punishment.[21] The active co-operation of the Durbars of the native States of Oude, Hyderabad, Gwalior helped in the speedy ending of this species of crime.

But long after the Thugs were suppressed, the Thagi and Dacoity Department was kept up to deal with organized gang robbery such as is called dacoity in the police and penal language of India. In Bengal a Thagi and Dacoity Department was established in 1852. The officers were vested with full magisterial powers in the districts to which their labours extended, they executed their own warrants and acted independently of other police and magisterial officers. The duties called for much care, attention and discretion. An estimate of the difficulty and laboriousness may be gathered from the number of records which had to be laid before the Court of Session and Sudder Adaulat amounting in one trial to 107 *misls*, averaging in heavy cases about 30, in ordinary cases 12 or 15 and in none falling short of 5 or 6 independently of the record of the proceedings before committment.[22] A Thagi and Dacoity Departments was in operation since 1861 for the suppression of dacoity in the territories of the States of Hyderabad, Central India and Rajaputana. It did not interfere with the authority of the governments of the Native States in the suppression of ordinary crime, but at the request of the political officers it investigated cases that occurred on the borders of States and British territory. At the head of the Department was the General Superintendent and the Thagi and Dacoity department itself was under the Foreign Department of the Government of India.[23] In 1884

20. *Ibid.*
21. Boulger's Life of Lord Bentinck in Rulers of India Series, Chapter III.
22. Mr. Rickett's Report on Civil Establishments and Salaries, 1858.
23. Imperial Gazetteer, Volume IV, Chapter XII.

they were found to have enough to do. The dacoities numbered 335 during that year, 280 persons were arrested of whom 84 were convicted. Thagi or poisoning cases were still reported, in 1885 11 cases, 11 arrests, but no convictions.[24] In 1887 the Department was entrusted with the work of collecting and comparing intelligence regarding organized crime. But this work was later taken up by the Criminal Intelligence Department. With the reduction of Dacoity in the territories for which the Department was maintained, it was abolished in 1904.

The Work of the Indian Police.

While special departments for the suppression of particular forms of crime have been successful in attaining their objective, the campaign of the ordinary police organization was not quite successful. Although the bulk of the people maintained their law abiding character there was in the period 1861-1900 a considerable increase of crime in the principal provinces and the increase has been especially marked in the case of heinous offences such as murder, dacoity and robbery.[25] In 1880 the number of offences against the State and public tranquility were 7,825, of murder 1,779, other serious offences against the persons 18,014, of dacoity 981, in 1890, they were 10,845, 5,465, 27,055, 1,631,in 1,900 they were 15,761, 3,484, 42,702, 3,906, in 1910, they were 11,700; 4,031; 47,750, 2,150,[26] in 1915; they were 11,750, 4,772, 51,995, 3,746; in 1924, they were 15,272, 5,899, 56,597, 4,367. The proportion of convictions obtained had been about one-third of the offences detected in all these classes except dacoity where the proportion is only one-sixth.[27] It is more in the

24. Thagi and Dacoity Department—Report of the Finance Committee, 1886, Volume II.

25. Imperial Gazetteer, Volume IV, Chapter XII.

26. Statistical Abstract of British India for the years 1800-90, 1890-1900, 1901-02 to 1910-11 and 1915-16 to 1924-25.

27. *Ibid.*

preservation of peace and order and in the suppression of offences against the State rather than in the detection and punishment of offences against the individual that the Indian police has rendered its greatest service to the country.

The Political Department.

While the Police Department has tried to secure the maintenance of peace and order in British India, there was the peace between British India and the other parts of India which did not come directly under the sovereign jurisdiction of the British Government, but for the internal peace and order of which it was ultimately responsible. That wider *pax britannica* in India was secured by another department of the Government of India. This was the Political Department.

Residents—Commercial Origins.

We have seen how this department and its officers acquired their designation. We have traced the commercial origins of these officers.[27-a] The ancestor of the modern Resident at the courts of Native States was the Commercial Resident of the East India Company—called Resident, as he was the resident agent of the Company to distinguish him from travelling agents of the Company. We have also seen how the commercial origins expanded the scope and activities of these officers. The Commercial Resident was to report on and advance in all possible ways and by all possible methods all the commercial interests of the Company. And as political and even military methods might at times and in certain circumstances be necessary, the Commercial Resident used them. The early Residents were not prevented from concerning themselves with the internal affairs of the States in which they were placed. Mr. Becher (1769-70) at Murshidabad exerted every means to alleviate the sufferings of the famine-stricken people, [28] having been entrusted with the

27-a. See pages 111-115 *ante.*

28. Life of Sir Charles Grant by H. Morris, 1904.

local control of the revenue administration of Bengal. Mr. Bristow, Resident at Lucknow 1774-81, acted as if he had been entrusted with the government of Oude. He in fact complained of the "discretional power" which he said the Vizir had left him, although in the end the Vizir had to complain of Bristow's attempts to annihilate his authority.[29] He also was able to suppress a mutiny of one of the Company's battalions. The footing and conditions on which the Minister was to be allowed to administer the affairs of Oude was co-operation with the Governor-General's Agent without whose knowledge and participation nothing was to be done in his official character.[30] Mr. Bristow was instructed by the Governor-General in Council to obtain early and minute information of the state of the province of Oude and other territories of the Nawab, their government, their military defence, the distribution of the Nawab's forces, their resources, dispositions and actual conduct of the Zamindars and the means taken for restoring and preserving the quiet of the country, the character and movements of the principal Amils and the state of the collection of revenue.[31] Mr. Duncan, Resident at Benares (1785-95), was commended by Lord Cornwallis for going on a tour with the Rajah through the whole province with a view to a minute examination of the internal condition of that valuable country and was particularly to establish regular courts for the administration of justice. The Resident at Benares distinguished himself also in the collection of land and other revenues in the territories of the

29. Letter of Bristow, 1st May 1776, in selection from State Papers in Foreign Department (1772-85) edited by G. W. Forrest, Volume II and under date 1783, Volume III, Buckland's Dictionary of Indian Biography.

30. Instructions from Government quoted in letter from Mr. Bristow, 24th February 1784 in Selection from State Papers in Foreign Department (1772-85) edited by G. W. Forrest.

31. Letter of Governor-General to Mr. John Bristow, 9th July 1783, in Selections from State Papers in Foreign Department, 1772-85 edited by G. W. Forrest, Volume III.

Rajah.[32] Residents[33] were appointed to act as Agents of the Governor-General at the capitals of the Company's own provinces as at Fort St. George and Bombay in the time of Warren Hastings for the purpose of transmitting to the Governor-General in Council such information and intelligence as it may be material for them to know of all " political matters and events which had a relation to their Presidencies and to the Company's interests in general ".[34] The Governments of those Presidencies were to furnish to these Residents " the progressive detail of their political transactions, the state of their revenues and in general information of all other matters the knowledge of which may be of use in their correspondence with these Governments and which may the better enable them to compete with each other for the advancement of the common interest ".[35] Till 1789 the Residents looked after the commercial interests of the Company when an order was passed by the Governor-General-in-Council preventing the Residents at foreign courts from any concern in commercial transactions.[36] But the political officers of the Government of India have not been able to shake off the influence of their commercial origins. Even as late as 1930 the political officer at Leh with a Kashmiri colleague has been concerned with trade between India and Chinese Turkistan in this case the business being the historical and romantic commerce in silk, musk, turquoise, tea, jade, furs, gold and mules.

32. Governor-General-in-Council to Court of Directors, 25th August, 1792, in Lord Cornwallis Correspondence, Volume II.

33. Lord Cornwallis to the Court of Directors, 31st March 1788 in Correspondence of Lord Cornwallis, Volume I, Appendix XXIII.

34. Kennion—Diversions of an Indian Political.

35. Letter from the Governor-General and Council, Fort William, 6th July 1781 in Selections from State Papers in the Foreign Department (1772-1785) edited by G. W. Forrest, Volume III.

36. Letter from Resident at Lucknow to Edward Hay, Secretary to Government, dated 25th March 1789, in Home Public Proceedings, 1789, Imperial Record Manuscripts.

The spacious days of the Political Department.

It was in the regime of Lord Wellesley that the Political Department and political officers reached the stage of expansive activity. The uncertainty, variety, novelty of business and the importance of the political officers' situation was noted in 1800 by a young recruit to the department—Mountstuart Elphinstone. Intelligence work was one of the main tasks of the officer accredited to native courts or camps.[37] The situation of native Rajahs' armies and the course of intrigues at their courts had to be reported on.[38] Native news writers were employed by them in the early days although their employment at Lucknow was ordered to be ended in 1809.[39] Some suspicion of the consequences of Residents getting into touch with the officials of native States accounts for the policy of keeping them apart and at arms length as was the policy of the Nizam of Hyderabad as late as 1837.[40] Sometimes the political officer of those days was saddled with military duties. Malcolm was during the war of 1805-06 Governor-General's Agent as well as Brigadier General with the forces.[41] Charles Metcalfe rode with General Smith in 1805 as his political aide. It was his duty to conduct all the diplomatic business of the campaign, he had to see to the collection and diffusion of accurate information on the movements of the enemy and of British detachments in different parts of the country. He was at once the Secretary and Persian Translator of the military commander and the representative of the Governor-General in the districts in which the British forces operated. He wrote Persian letters to the chiefs and issued proclama-

37. Letters in Life of Montstuart Elphinstone by Colebrooke, Volume I. Life and Correspondence of Charles Metcalfe by Kaye, Volume I.

38. *Ibid.*

39. Resolution by Governor-General-in-Council, 27th March 1809, Home Department, No. 18, Imperial Record Manuscripts.

40. Letter of General Fraser to Lord Auckland, April 6, 1839 in Memoir and Correspondence of General J. S. Fraser.

41. Life of Malcolm in Lives of Indian Officers by Kaye, Volume I.

tions to the inhabitants of the country through which the forces passed.[42] War and diplomacy were the twin spheres of activity of the early political. "A Political Agent" writes one such officer "is never so likely to succeed as at the head of an army".[43] These political officers have also directly and immediately administered the internal affairs of the States to which they were sent for varying periods of time. Col. John Munro, Resident at Travancore (1815-25) from particular circumstances was obliged to take charge of the internal administration both of Travancore and Cochin in all its departments and in fact as Dewan or Minister for upwards of three years.[44] In Hyderabad in 1820-30 the interference of the Resident and the appointment of European officers in different parts of the country saved the people from the exactions of Amils and farmers sanctioned by the Minister of the Nizam.[45] Similar beneficial results were seen in Oude in the early years of the 19th century.[46] The improved administration in Jodhpur and Jesselmere in 1832 was attributed to the presence of the English Resident and the fear of displeasing the English although there were no treaty stipulations calling for the Resident's interference.[47] During the minority of the rulers of States or in times of regency the Resident or other political officer played a dominant part in the administration of the States. But at other times they were called upon to perform tasks which were not connected with their diplomatic duties. Thus in 1793 Captain Kirkpatrick was asked to investigate the natural products of Nepal.[48] In

42. Kaye's Life and Correspondence of Charles Metcalfe, Volume I.

43. Malcolm, *ibid.*

44. Col. J. Munro's Evidence 26th March 1832 in Minutes of Evidence on Affairs of East India Company, 1832, Volume Revenue.

45. Home Public, 15th Dec. 1825, No. 86, Imperial Record Manuscripts.

46. Evidence of W. B. Bayley, 21st February in Evidence on East Indian Affairs, before Select Committee of House of Commons.

47. Col. Baillies' Evidence in *ibid.*

48. Pages 1446-49 O.C. 3rd June 1793, Imperial Record Manuscripts.

1825 the Resident at Lucknow suggested the formation of a Vaccine Establishment in Oude.[49] In 1848 the Resident at Lucknow was asked to give his opinion on the supply of timber from the Punjab Government for building purposes in Bombay and Scinde. Captain Burnes went to Kabul not only to look after commerce but to survey the land to see into affairs and judge of what was to be done hereafter, " to spy out the land " like Joshua's messengers in Canaan.[50]

The year 1813 marks the dividing line between the earlier theory of the relation of allies to each other and the later theory and practice of the relationship of paramount power and subordinate states. [51] The nature and results of the war of 1817-18 strengthened the tendency of Residents to interpose their advice and influence for the amelioration of the condition of the subjects of the native princes. This interference added considerably to the duties of the Resident. [52] "We place a Resident who is really king of the country, whatever injunctions of non-interference he may act under ", said James Mill, the historian. [53] The interference of Residents and other political officers in the affairs of the native States was a necessary consequence of the subsidiary system. [54] If the subsidiary system was not to be abandoned it was the duty of the British Government to render it as beneficial or rather as little detrimental as possible to the interests of the inhabit-

49. Evidence 27th February 1832 in Evidence before Select Committee on East India Affairs, 1832.

50. Quoted in Lord Auckland by Captain Trotter in Rulers of India Series.

51. Letter from David Hill, 17th January 1832—Appendix to Report from Select Committee of House of Commons, 1832.

52. Letter of Col. Pitman, 19th March 1832 in Appendix to Report from Select Committee of House of Commons, 1832.

53. Evidence of James Mill, 16th February 1832, before Select Committee on East India Affairs, 1832, Volume VI, Political and Finance.

54. See Evidence of Munro, Malcolm, Baillie in Report from Select Committee on affairs of East India Company, 1832.

ants of the allied States.[55] To enable him to keep an eye on the internal administration of the State the Resident had to undertake frequent and inclusive tours of the territories of the State.[56] Even when in Lord William Bentinck's time the "quixotic attempt" as it was called by him of governing the states in Rajputana by political agents was given up, the preservation of tranquility and the introduction of that general law by which the relations and intercourse of European nations are mutually regulated, became the only duty of the Government, the duties of a political officer in Rajputana continued to be wholly executive and required the character of a judge and arbitrator to perform them.[57] In the early stages of the history of the relations between Indian States and the British Government as in recent times,the Residents or Political Agents have been called upon to mediate between the princes and their feudatories as in Mewar and Jaipur in 1832 between Gwalior and Gohad, between Baroda and Kathiawar Chiefs. Revenue demands were enforced by the Resident at Lucknow with the aid of British troops which were used also to quell an insurrection.[58] The well-known case of Palmer and Company at Hyderabad in 1820 showed the dangers of loose control in the affairs of native States involving as it did the good name of the Govenor-General.[59] The British Resident at Lahore in 1850 was able to abolish duties on 27 articles chiefly the products of domestic industry, indigenous agriculture and internal commerce.[60] The family

55. Report of Select Committee on affairs of East India Company, 1832.

56. Life and Correspondence of Charles Metcalfe by Kaye, Volume II.

57. Minute by Lord William Bentinck, Delhi, March 30, 1832 in Lord W. Bentinck's Simla Minutes, Imperial Record Manuscripts.

58. Evidence of Col. Baillie, 25th February, 1832, before Select Committee on East India Affairs, 1832.

59. Letter of Metcalfe in Kaye's Lives of Indian Officers.

60. Report on Administration of the Punjab, 1849-50 to 1850-51.

affairs of the houses of the native rulers made the Residents' duties sometimes delicate and even domestic. The domestic embarrassments of Rajahs as of the Rajahs of Tanjore in 1850, their numerous widows, their differences and complaints, their requisitions for aid and attendance when visiting shrines, requisitions for funds for making female ornaments and quarrels about funds and allowances, payments to charity houses and choultries kept the Resident busy and concerned.[61] Describing his duties as political Assistant and Agent to the Governor-General, Sir Henry Lawrence said about 1850 that he had to perform during a single day almost every description of civil as well as military duty. In Rajputana, especially where there were no defined rules, where princes, Thakurs, Traders, Ryots however they object to the theory of interference all pressed for its exercise in their own favour, there was from one cause or another interference in very quarter involving the necessity of constant enquiry if not interference. The Agent was constantly obliged to read scores of letters before he could with propriety refuse to reopen a case.[62] On the frontier the administration of native territory by the political officers was even more intimate. As Political Officer in Bannu and Waziristan Edwardes was charged with the revenue settlement of the whole district. In Central India, the Agent to the Governor-General was also Opium Agent and collected and remitted to Bombay by means of *hoondis* annually about 1853 above a crore of rupees. The Agent had also about the sametime to hear appeals from all the trials and commitments by the officers of the Thagi Department. The supervision of the Resident over the administration by the Dewan of the States of Travancore and Cochin continued to be close and detailed and was called in the middle of the 19th century "a most extraordinary system."[63]

61. Letter of Collector-Resident of Tanjore quoted in Rickett's Report, Page 290.

62. Sir Henry Lawrence quoted in Rickett's Report, page 574.

63. Rickett's Report, page 681.

Variation in duties of Residents and Political agents.

The duties of Residents, of course, varied with the nature of the engagements between the British Government and the Indian States. To sum them up, they were the organs of communication between the Government of India and the rulers of native States. They conducted negotiations, reported all important occurrences at the native courts and kept the supreme Government informed of the resources, character, and administration of the princes to whom they were accredited. They offered advice and some times help to those princes in matters both of internal and external concern. And when requested they arbitrated differences between them and their subjects and neighbours. The operations of the British forces placed in the territory of the native states were placed under the control and direction of the Resident[64] as in the case of the Hyderabad Contingent in Hyderabad or the Central India Horse, the Bhopal Battalion, the Mina or Bhil Corps in Central India. These military functions of Residents and Governor-General's Agents were deprecated by the Duke of Wellington in 1842 who, while agreeing that the diplomatic agent of the British Government should have a control over the operations of the troops who should not be involved in them without the knowledge and even the requisition of the Resident, laid down the view that those requisitions should be made only after conference and in concert with the commanding officers of the troops. He attributed the lack of energy on the part of military officers during the campaign in Afghanistan of October 1841 to January 1842 to the ordering and dispositions of troops by the inferior political agents and deputies of Sir W. Macnaghten. He makes specific mention that the orders sent from Kabul to General Sale to march from Jallalabad to Kabul to support the troops at Kabul were sent not by General Elphinstone commanding the troops at Kabul but by Sir

64. Letter from W. McCulloch in Appendix to Report from Select Committee of House of Commons, 1832, also letter of N. B. Edmondstone (*Ibid.*)

William Macnaghten, Resident at the Court of Shah Shuja transmitted through his deputies.[65] Similar activity of a political officer led to the resignation in 1852 of Sir Colin Campbell because he was censured by Lord Dalhousie for not crossing the Malakand ford at the behest of the Commissioner for Peshawar—an operation he considered at that time and with his force to be unsound. The story of other frontier operations also revealed the activities of politicals in military matters.[66] But the usefulness of the political officers to the army was acknowledged as in the case of Major Broadfoot to the command of Lord Hardinge in the Sikh War.[67]

Much of the work of a Resident was of a general, discretionary character. Reports, tabular statements and judicial decisions could not show the real work and responsibility of a political agent most of which would consist in watching events and preventing things happening than in office or cutcherry work. A political officer, Sir Henry Lawrence confessed, may have worked 18 or more hours of 24 and have nothing in the shape of orders and decisions to show but still may have done really useful work for the State and the Government of India.[68]

Even on the Frontier, the Political Officer was useful. In 1836 on the Nepal frontier it was estimated that the Residency was a better warrant for the inviolability of the frontier than the local corps which was exclusively appropriated to that frontier and at one-eighth of the expense.[69] Military commanders like Sir Frederic Roberts found political officers like Col. Garrow Waterfield, Commissioner of Pisin, very useful and loyal as political advisers.[70] In 1900 the duties of

65. Colchester—Indian Administration of Lord Ellenborough.

66. Robertson—Chitral the story of a minor siege.

67. Evidence of Lord Hardinge before Select Committee on Government of Territories, 1853.

68. Sir Henry Lawrence quoted in Rickett's Report, page 573.

69. Letter to Government of India from Resident, 4th July 1836 in Rickett's Report on Civil Establishments and Salaries, page 677-1851.

70. Forty-one Years in India by Lord Roberts, Volume II.

the Political Officer attached to military troops were described as those of a staff officer of the General in Command for communications and negotiations with the people of the country, the provision and payment for everything supplied by the people and for obtaining information.[71]

One peculiar function of the Resident was performed by him as a judicial officer in regard to "political" cases. The political courts constituted by those trying these political cases were not liable to appeals to the Judicial Committee of the Privy Council.[72]

The variety of the duties of political officers was immense —greater even that of a Collector of a ryotwari district. The settlement of succession to the *gadi*, the government of the State during the minority or the infirmity or incapacity of a ruler, suppression of disorders in the State or of a mutiny of the State troops, the settlement of land revenue in assigned districts as in the Berars of the Nizam's Dominions, the civilization of backward tribes, intelligence work with an army on the march on the frontier, in addition to diplomatic duties properly called, lent colour and even the spice of danger to a political officer's career.

This description of the duties of political officers has been true down to modern times. At one moment, to quote the graphic description of Lord Curzon, grinding in the offices of the Foreign Department, at another the political officer may be required to stiffen the administration of a backward native State, at a third he may be presiding over a Jirga of unruly tribesmen on the frontier, at a fourth he may be demarcating boundaries amid the wilds of Tibet or the sands of Seistan.[73]

71. The Political Service on N. W. Frontier by Soldier and Student of the Frontier, Asiatic Review, July 1900.

72. Hemchand Devchand v. Azeem Sahalal and Taluk of Kota Saugar v. State of Gondal.

73. Lord Curzon in speech at the United Service Club, Simla, 30th September 1903, collected speeches, Volume IV.

In practice in recent times the interference of political officers in the affairs of the native States is not so direct or so sustained as it used to be before the Mutiny. Although, in some of the Rajputana States the control has been more direct. A proof of this is to be found in the fact that some of these States like Rewa paid an annual contribution in 1907-12 of Rs. 44,451 towards the expenses of the Balekhand Agency on the ground that it was responsible for the internal management of the State. In 1911 some of the States of Rajputana were released from this contribution towards the expenses of their Political Agencies.[74] The right of exercise of soverignty and internal autonomy granted by the Queen's Proclamation of 1858 reduced the volume of direct administration of the affairs of States by Residents and political officers. Save in the special and temporary case of a Regency the Resident has no administrative power. He can only report on the life and rule of States in which he has no longer an executive charge.[75] And it is by advice to the Chief rather than by directions to the Dewan or other officials of the State that the modern Resident interprets his duty of supervision.[76] A modern Resident like Sir Henry Daly avoided most sedulously the system of official correspondence as irksome to native Durbars. Personal meetings and talks with the chiefs, even if it involved journeys by mail carts of 400 miles were his favourite method. " Go and talk to him " was his standing advice when his assistants complained of the difficulty of getting things done by a Chief.[77] But the political officer still continues to be the " Jack of all Trades " that he was in the old days although he does not work at all of them so seriously and consequently as he did in former days.[78]

74. Secretary of State's Despatch, 25th October 1912—Pol. No. 109.

75. Memoir of Sir Henry Daly by Major Daly, 1905.

76. Hints for the conduct of business in a Residency by C. L. Shore late Political Resident, Rajputana and Gwalior in Asiatic Quarterly Review, October 1891.

77. Memoir of Sir Henry Daly by Major Daly, 1905.

78. Kennion—Diversions of an Indian Political, 1930.

Unique Diplomatic Officials.

From the beginning the duties and functions of the Resident or minor political officer made him an unique diplomatic official. The annals of international diplomacy elsewhere do not acquaint us with such a diplomatic agent. As the international circumstances in India were not like international relationships elsewhere, as the sovereignty of the native States and their relations with the British Government were of a class apart and *sui generis* so also were the position and power of the Indian Resident. None of the Rajahs and Nawabs acquired all the rights, though they usurped most of the powers of sovereignty. None of them bore the title of Kings, except the Nawab of Oude late in the Company's history. The political circumstances in which the Resident worked added to the commercial origins of the office explain why he neither acquired the designation nor the power of diplomatic agents elsewhere. The fact that when the Company sent diplomatic agents to independent kingdoms like Kabul and Persia they were called Envoys strengthens the force of this explanation.[79] He was not an ambassador in the European sense of the term. Although some of his duties and functions were those of an ambassador he was not quite an ambassador. He shared the duties of an ambassador in representing diplomatically the British Government at the court of the Native State—he negotiated treaties, alliances, conveyed the views of the two Governments on matters of mutual interest to each other and acted generally as the personal connecting link between them. But he was more and less than an ambassador. He was more than an ambassador for, as the representative of a power that had the rights and duties of paramount sovereignty in India, he had powers of intervention and interference in the internal affairs of the native States that transcended merely ambassadorial duties. He had to perform the delicate task of governing those who

79. Letter of Col. Pitman in Appendix to Report of Select Committee of House of Commons, 1832, Volume VI, Political and Foreign.

from their status had to govern themselves.[80] He exercised military power for he had the direction and use of the British troops in the native State in his hands except in matters of discipline and detail as the Resident at Hyderabad in regard to the subsidiary and contingent forces.[81] Not only in 1842 but later on no functionary in any part of India under the rank of a Governor was invested with such extensive military authority. He is less than an ambassador for he has no plenipotentiary powers in any circumstances or contingency.[82] Information, suggestion, advice he might proffer to his government. But his every action is determined by the order of his Government. He is not the ambassador but the agent of the Government of India. This was forcibly brought home to one of the greatest of the political officers in the diplomatic history of British India by a masterful Governor-General. When Malcolm pleaded in regard to his handling of a particular diplomatic situation, the relations between Gwalior and Gohad that his attention had been actively directed to one subject, the promotion of the public interests, Lord Wellesley exclaimed " Mr. Malcolm's duty is to obey my orders and to enforce my instructions—I will look after the public interests."[83] Another trait which distinguishes the Indian Resident from an ambassador is that very often the Resident advocates the cause of the State he is set to watch. He develops a " local feeling " as Malcolm calls it and feels a partiality for the interests of the Court at which he resides.[84]

The unique position of the Resident is also illustrated in the nature of the control and check to which he is subjected.

80. Report of Select Committee on affairs of East India Company, 1832.

81. Memoir and Correspondence of General J. S. Fraser, page 128.

82. Report of Select Committee on affairs of East India Company, 1832.

83. Life and Correspondence of Major-General Sir John Malcolm by J. W. Kaye—Letter to Malcolm 22, 1804.

84. Life of Sir John Malcolm in Kaye's Lives of Indian Officers, Volume I.

Although in theory as asserted by Lord Wellesly the Government whose representative he is, is supreme, yet in practice this control is less rigid than that to which other important classes of functionaries are subjected. A Collector of Revenue is under the constant control of a Commissioner or Board of Revenue. The decisions of the Zilla Judge is liable to be reviewed by a Court of Appeal. A Political Resident on the other hand has been deemed to be the historian of his own proceedings.[85] And the Government at the centre might receive a false colouring of the situation from his reports. The time and distance between the centre and the circumference of government was another factor in the looseness of the control over this kind of officer.[86] About 1832 a reference made to the Government of India by its agents could not be expected to be dealt with in less than a month.[87] But the safeguard is that all important transactions at native courts are carried on in writing and the documents are transmitted to the Government. And the privity of the Resident's Assistants to almost every step he takes is another check upon his conduct.

Training in the Political Department.

The selection and training of these important and useful officers of Government was at the beginning a matter of anxious concern to the rulers of India especially to him who laid the foundations of the Political Department as a civil branch of the Indian Government. We have seen how and why the first officers of the Political Department were military. Only military men had the education, the training, the experience that were required for the performance of the dip-

85. Letter of W. M. Culloch, 17th June 1837, in Appendix to Report of Select Committee of House of Commons on East India Affairs, 1832.

86. Letter of N. B. Edmondstone, India House, 21st Feb. 1832 in Appendix to Report of Select Committee of House of Commons, Volume VI, Political and Foreign.

87. Letter of Major Close in Appendix to Report of Select Committee on East India Affairs, 1832.

lomatic duties. The civil servants of the Company were competent for the performance of mercantile duties. And when Lord Cornwallis required diplomatic agents he looked to the army to supply them. It was Lord Wellesley who first turned to the civil servants of the Company to furnish him with the agents that he required as the instrument of his policy towards the native States. In 1801 he made known his views on the importance to the general interests both of the civil and military services that political and diplomatic situations should be filled by civil servants and to this end he proposed that an adequate number of the younger class of civil servants should be regularly educated under the eye of the Governor-General himself in such a course of official business as would render them proper assistants for the despatch of affairs of government in the Secret Foreign and Political Department. He found in 1806 that the situations in the political line which were open to the younger civil servants of the Company were of an inferior kind and those that were appointed to them necessarily looked to be transferred to the other lines of service in which emolument and promotion were certain. The consequence was that it was difficult and impracticable to select civil servants duly qualified to supply vacancies in the higher political and diplomatic situations.[88] Although he was in favour of introducing competent civil servants into the department he advocated the use of military men whenever he found them specially fitted for political work as when he insisted on the appointment of Col. Kirkpatrick to the political department against the orders of the Court of Directors.[89] In 1834 and later the Political Department was looked upon as a welcome outlet[90]

88. Minute by the Governor-General (Lord Wellesley) dated 10th July 1806, Foreign Department Memorandum, 1801-10, Volume II, Imperial Record Manuscript.

89. Wellesley to Addington, 10th January 1802—Wellesley's Despatches, Volume III.

90. Life of Captain Arthur Conolly—in Kaye's Lives of India Officers, Volume II.

for the energies of aspiring young soldiers kept down by the seniority system.

In 1873 military officers seconded for employment in the Political Department were to be certified as to their conciliatory manner towards the native soldiery and the people of the country. They were also required to pass an examination in Wheaton's International Law and Aitchison's Treaties and in the Persian language.[91]

Organization of the Department.

The organization of the department has undergone progressive development. The Foreign and Political Department of the Government of India come into existence—as an offshoot of the Secret Board of the Governor-General-in-Council. The Foreign Department came into existence in 1783 as another offshoot of the Secret Department.[92] It was at first known as the Secret and Political and Foreign Department which name it bore till 1842.[93] The Secret Branch comprised wars, negotiation and peace, the Political dealt with feudatory or native territory within India, and the Foreign with the relations between the Company's Government and Asiatic States beyond India. We shall describe it as the Foreign and Political department. Previous to the first administration of Lord Cornwallis there had existed a Persian Translator to Government and a Persian Translator to the Governor-General. Both were undefinably the channels of political communication and correspondence, in which situation of unfixed responsibility " the avenues to intrigue and corruption were laid open ". Cornwallis made the Persian

91. Appendix to Report of Select Committee on East India Finance, 1873, Volume III.

92. Handbook to the Records of the Government of India in the Imperial Record Department by Abdul Ali. Hunter's Life of the Earl of Mayo, Volume I.

93. *Ibid.*

Translator to Government the sole channel of communication between the Governor-General and the natives. The salary was Rs. 1,500 per mensem with an allowance of Rs. 700 per mensem. But it was Lord Wellesley who reorganised it and gave it its historic form. His "spacious days" required it. He took the Political Department in his particular keeping. It was in 1801 that Lord Wellesley convinced of the importance to the general interests that political and diplomatic situations should be filled by civil servants proposed as we have seen that an adequate number of the younger class of civil servants should be regularly educated under the eye of the Governor-General on such a course of public business as shall render them proper instruments for the despatch of the affairs of government in the Secret Foreign and Political Department. He next resolved on the abolition of the office of Persian Translator and its absorption with necessary parts of its establishment in the office of the Secret Foreign and Political Department. The office was united with that of Secretary in the Secret Foreign and Political Department. The Department was then to consist of one Secretary in the Secret Foreign and Political Department acting also as Persian Secretary, 3 assistants to the Persian Secretary, 7 assistants in the Secret Foreign and Political Department and one Keeper of Records, the salary of the abolished Persian Translator becoming part of the salary of the First Assistant to the Persian Secretary. The Secretary was to have 8 persons acting under him. To ensure secrecy only civil servants of the Company were to be employed on a salary of Rs. 800 per mensem. The Keeper of Records was to have a special salary of Rs. 1,000 per mensem in view of his arduous duties of collecting, collating, fair-copying all documents received and of the confidential character of his work.[94] He placed the office composed of persons on whose integrity and powers he could place the fullest trust immediately under his immediate superintendence and in his

94. Memorandum on the Persian Secretary by Mr. Edmondstone in Miscellaneous Memoranda, Volume IV, Imperial Record Manuscripts.—Minute of Lord Wellesley dated 19th March 1801, in Foreign Department Memorandum, 1801-10, Volume II, Imperial Record Manuscripts.

immediate neighbourhood in Government House as he found it necessary to adopt a system of extraordinary precaution with a view to securing the secret, prompt and accurate disposition of the political branch of the Government. He thought " it would be utterly impracticable under any system of less precaution or of more indirect control to conduct the political concerns of the Government with the precision, promptitude and secrecy indispensably requisite for their success."[95] He attributed the success of his diplomatic and military arrangements to those new methods of reorganization of the Department. Finding that the addition of the duties of the Persian translator to the office of the Secretary in the Secret Foreign and Political Department and the increase in the work of the Secretary on account of secret wars and annexations, and the intermediate appointment of a Deputy to the Secretary had not made the relations and intercourse between native chiefs and leaders and the Governor-General frequent and attractive and some of them ceasing to attend the Durbar of the Governor-General, Lord Wellesley further proposed the appointment of a Persian Secretary to Government who would personally attend to the concerns and interests of this class of native dignitaries, to conduct the Governor-General's Persian correspondence, to be the immediate agent of the Governor-General's attentions, to have immediate communication with Government and to render an account of his proceedings and duties directly to the supreme authority. He was to prepare for the Governor-General's signature instruments which were to bind the British Government and the other States in India.[96] He was consequently to be separate from the Secretary in the Secret Foreign and Political Department receiving a salary of Rs. 28,000 per mensem with an assistant at Rs. 12,000 per mensem.

95. Minute of Wellesley.

96. Minute by Governor-General dated 20th July 1806 in Foreign Department Memoranda 1801-10, Volume II, Imperial Record Manuscripts and note by Mr. Edmondstone 1806 in Foreign Department in Miscellaneous Memoranda, Volume IV, Imperial Record Manuscripts.

Such was the reorganization given to the Department which on account of the Governor-General's predilections was known as "Lord Wellesley's Office". Some of the most promising young civilians were gathered together in this office which was held in Government House itself under the superintendence of a Chief Secretary and of the Governor-General himself." They were introduced to and trained in the handling of those great movements of war and diplomacy which occupied the time and attention of that expansive Governor-General. It was in this school of statesmanship that some of the great politicals of that time won their spurs.—Metcalfe.[97] Barlow, Edmondstone, John Adam, Malcolm, Kirkpatrick. Wellesley's office was also his family—for it was composed of men in whose integrity he had complete confidence and who came into the most frequent and intimate contact with him.[98]

A Typical Political Secretary.

Typical of the work and influence of the Political Department of those spacious days was the career of Neil Benjamin Edmondstone. Coming to Calcutta in the civil service in 1783, appointed early to the Secretariat, he became Persian Translator to Government, Private Secretary to two successive Governors-General, went with Lord Wellesley on his campaign against Tipoo Sultan, was Secretary in 1801 to Government in the Foreign Department, Chief Secretary to Government in 1809 and ended up as Member of the Supreme Council, 1812-1818 and as Director of the East India Company in 1820. As Secretary in the Foreign Department he was included among the many eminent public servants who helped to build up the "great raj" and who had not a superior and scarcely an equal. He was the political foreman of a succession of Governors-General.[99] Like a good civil servant his lot was to

97. Life of Metcalfe in Lives of India Officers by Kaye.
98. Life and Correspondence of Charles Metcalfe by Kaye, Vol. II.
99. Kaye in Lives of India Officers, Malcolm, Volume II.

be ostensibly little more than the mouth piece of others. It is only those that have some acquaintance with the records of those times that can detect his hand in the shaping of many of the policies of those times connected with the relations of the British Government with the other powers in India and in the development of the department of which he was the titular but effective head.

Under Lord Hastings.

The succession of great events in the governor-generalship of Lord Hastings led to still further development in the organization of this department. On account of the great accession of business in the political branch of the Government created by those events and which was expected to increase rather than diminish, the foreign correspondence was transferred and attached to the office of Secretary to Government in the Public Department which on account of the multifarious duties performed by it was in future to be called the General, Foreign and Commercial Departments.[100] But the masterful governor-generalship of Lord Hastings and the circumstances of the Indian Government of 1819-20 were not of a nature to place any large amount of power in the hands of a Political Secretary.[101] In 1823 the office of the Deputy Secretary in the Persian Department and in the Political Department was vested in one person as a temporary measure.[102] The ' family ' character of this office given to it in Wellesley's time continued to distinguish it in that of the Marquess of Hastings. Metcalfe was not only Political Secretary but Private Secretary whose functions were mainly of a public character.[103]

100. Resolution of Vice-President in Council, 5th June 1818 in Home Department Proceedings, 1818, Imperial Record Manuscripts.

101. Kaye's Life and Correspondence of Charles Metcalfe, Volume I.

102. Minute by Governor-General in Foreign Miscellaneous 195-B, Imperial Record Manuscripts.

103. Life and Correspondence of Charles Metcalfe by Kaye, Vol. I.

The language of Indian Diplomacy.

An important change in the work of the Political Department and political officers was the change in the language of Indian diplomacy which took place in 1832. Persian had been the diplomatic language till then when Lord William Bentinck substituted English for it as part of his declared policy of increasing the importance and prestige of the English language.[104] Even the native princes seemed to have appreciated the change. Ranjit Singh is said to have attached great value to the English letter he received from Lord Ellenborough in which he detected a more genuine expression of the sentiments of the Government of India than in the exaggerated and hackneyed expressions of Persian correspondence. The Jaipur Durbar also wished to conduct their correspondence in English as they wished the Governor-General to have a correct representation of their views.[105]

Work of the Foreign and Political Department.

In the middle of the 19th century also although the period of expansion had come to an end the Foreign Department and the Foreign Secretary were important units in the administration. The head of the Foreign Department was expected " to have the knowledge, the cleverness, the tact, the presence the politeness to enable him with credit to perform the part of interpreter, master of ceremonies, guide and adviser in the personal intercourse which may take place between the Governor-General and the Asiatic potentates great and small from Persia to Siam, from Travancore to Turkistan."[106] Seeing that in dealing with the Chiefs the influence of the Foreign Secretary would succeed where threats and entreaties, gold and promises would fail one can realise how important this official was and how injurious to the interests of Gov-

104. Evidence of Sir C. E. Trevelyan, 21st June 1853 in Minutes of Evidence of Select Committee on Government of India Territories, 1853.

105. Evidence of Sir C. E. Trevelyan, 23rd June 1853, in *ibid.*

106. Mr. Rickett's Report on Civil Establishments and Salaries, 1858. —Also Life and Correspondence of Charles Metcalfe by Kaye, Vol. I.

ernment would be "an awkward or inhabile Foreign Secretary". In addition to political duties the Foreign Department was in 1858 found administering the territories immediately under the Supreme Government—the Punjab, Oude, Nagpur, Pegu, Mysore, the Ceded districts of Hyderabad. And the whole of the Frontier was under the Foreign Department from the time a frontier territory came into being even when it was administered by Punjab or Bombay. Even now after provincial autonomy was introduced, the tribal areas are still under the jurisdiction of this department.

Though the Chief Commissioners and Commissioners of those territories were invested with large powers the supreme administration for these territories was the Government of India in the Foreign Department and the Foreign Secretary was expected to be thoroughly acquainted with the system and course of administration in them. As a contemporary official account describes his duties "whether the reference to the Supreme Government concerns operations against hill tribes near Peshawar or the power to be exercised by a Goung Gyoop in Pegu or the survey of a village boundary or the Nepal frontier of Oude, or in the imposition of a town duty in Mysore, the Secretary's note was expected to supply all the requisite information.[107] As the Foreign Department was immediately under the Governor-General, he being the member of Council charged with its management, under a masterful Governor-General like Lord Dalhousie or Lord Curzon, the Foreign Secretary, even when he was a man like Sir Henry Elliot, was reduced to the position of an Assistant. This particular Foreign Secretary was allowed to spend most of his time in the pursuit of his own historical studies to the benefit of historical scholarship.[108] But in normal times the Foreign Secretary was the real head of his department.

Although the Foreign Department was deprived of these duties of provincial administration when these territories

107. Mr. Rickett's Report on Civil Establishment and Salaries, 1858.
108. Dalhousie in Rulers of India Series.

were constituted into provinces or incorporated into other provinces, yet its diplomatic work and duties put it in the first rank of the departments of the Government of India. The increasing importance of foreign policy as India came to be an important unit in the strategy and diplomacy of the British Empire, the new worries and anxieties of frontier policy, the changed status of the native States after the Queen's Proclamation of 1858, tended to invest the work of the Foreign Department with a growing prestige.[109] Towards the end as at the beginning of the 19th century the Foreign Secretaryship was the most important secretaryship in the Government of India. It continued to be " the veritable embodiment of the Government in its relations with native India ". The native chiefs looked upon him as the " Shattar Azim " as the Chief Secretary. By Englishman it is regarded as the blue ribbon of the civil service. The most confidential relations between the Foreign Secretary and the titular head of the department the Viceroy is of the essence of his office. The Foreign Secretary has to be the Pere Joseph of the Governor-General.[110] By the beginning of the 20th century this department had according to Lord Curzon become the Asiatic Branch of the Foreign Office of England.[111] Now as formerly the Foreign Department carries a correspondence with Residents or Political Agents in Turkish Arabia, in Persia, Zanzibar Meshed, Burmah, it is in direct charge of British relations with Afghanistan, Baluchistan and watches the state of affairs all over Central Asia.[112] It has also to deal with the civilian representatives of foreign States in India, some of whom have diplomatic rank. Its ceremonial duties now as before entrust it with the management of the great State ceremonials, durbars, investitures and with the arrangements connected with the Indian orders and honours.

109. Lord Curzon in Speech in Budget Debate of 1902-03 in Collected Speeches, Volume III.

110. Mortimer Duran's Life, Sir Alfred Lyall.

111. *Ibid.*

112. *Ibid.*

In February 1906 the Political Department which had been united with the Foreign Department was separated and constituted into a self-contained service with reserves for leave, deputation, training.[113] A new Secretary, the Political Secretary was also created in 1913 to preside over the office of the Political Department. The Political Department is connected with the relations of the British Government with the Indian States, while the Foreign Department is concerned with the Frontier and the external affairs of India.

At the outposts also the strength of the Department has grown. As early as 1829 the Court of Directors had complained that the political agencies were considerably more numerous than an exclusive attention to British interests either require or justify. One provincial Government alone that of Bombay in 1826-27 had incurred an expenditure of Rs. 9,57,600 on its political agencies.[114] But in 1832 an Agent to the Governor-General to control the Residents and Political Officers in the various states of Rajputana was created. In 1854 an Agent to the Governor-General for the States of Central India was created,[115] and the number has gone on increasing. In 1881, it had risen to 222, in 1890 245, in 1900 it was 175, in 1936, 165.[115-a]

Recruitment in the Political Department.

The sources of recruitment open to the Political Department were the same as for the higher services of the other departments. On account of the special qualifications of military men for the duties of this department, army men as we have seen predominated in the early years and even now form a considerable proportion of this service. But the need

113. Secretary of State's Despatch, 29th May 1906, Pol. No. 57 in Selection of Despatches.

114. Letter of Calcutta Civil Finance Committee, 26th April 1820 in General Appendix to Report of Select Committee on East India Affairs, 1832.

115. Rickett's Report, page 573.

115-a. See page 187 *ante*.

for introducing the native element into this service did not escape the notice and roused the advocacy of some of the ablest rulers of India. Early in the 19th century indeed the Marquess of Wellesley thought that "it was not consistent with the dignity of the British Government to employ any native of this country at a foreign court and that the British interests could not with any degree of safety be confided to any person of that description." No native of India according to his experience could possess a sufficient knowledge of the political interests of the British nation nor of the principles and maxims which regulate its conduct.[116] But even he acknowledged that the natives of India may occasionally be employed with advantage for the promotion of temporary views of policy or for the attainment of separate and limited objects[117] and instanced the services of Mehdi Ali Khan who merited reward and approbation but not the appointment to work like that which was entrusted to Captain Malcolm in 1801.[118] But a few years later Sir John Malcolm regretted that there was no opening for natives, the system of depression of the native becoming more alarming as the British power extended. He would not have ministerial servants or Moonshis raised to rank or influence but would have natives of status and experience associated with the British Residents "in the task of rule and in the benefits and gratifications which accrue from it." [119]

In addition to the other obstacles of suspicion and prejudice which operated against the introduction of natives of India into the higher grades of the public service in India, the peculiar composition of the Residents' office was added. The assistants and aides-de-camp of the Resident formed the Residents' "family".[120] The secrecy and confidential character

116. Wellesley to Court of Directors, September 28, 1801 in Wellesley's Despatches, edited by Martin, Volume II.

117. *Ibid.*

118. *Ibid.*

119. Life of Malcolm in Kaye's Lives of India Officers, Volume II.

120. Life of Montstuart Elphinstone by Colebrooke, Volume I.

of most of the business transacted at a Residency made the relations between the Resident and his assistants intimate and domestic. The Resident was generally given the choice of the members of his " family " although the practice of headquarters choosing a family for him was not unknown as in the case of Elphinstone on his embassy to Kabul.

But necessity forced the department to employ natives as agents of the British Government stationed at native courts. The career of Lutfullah[121] one of the few native officials of the Company's Government who has left memorials of his life proves it. He started his career as Munshi to the Political Agent in charge of the Bhils at Nalcher, became Superintendent of Bubrawar in Kathiawar under the Political Agent of Kathiawar on a salary of Rs. 100 per mensem, then entered the office of Mr. Eastwick,[122] Assistant Resident in Scinde, establishing contacts with amirs and governors not open to European officers, became Secretary to Mir Jafar Ali, son-in-law of the Nawab of Surat who had been sequestrated of his property and who proceeded to England to appeal to the authorities.

The process of introducing natives into this department did not begin even by the middle of the 19th century. Even the life and work of men like Gangadhar Sastri, Minister of Baroda, a person of great shrewdness and talents, " who keeps the whole State of Baroda in the highest order and lavishes in Poona his money and marshalls his *savari* in such style as to draw the attention of the whole place[123] " did not tempt the governments of the early 19th century to admit natives into the political department. Sir Henry Lawrence much as he desired the employment of natives did not consider that there was any suitable work in the Political Department in the Rajputana Agency for them. But Sir R. Hamilton, Governor-General's Agent in Central India, knew no more important

121. Life of Montstuart Elphinstone by Colebrooke, Volume I.
122. Autobiography translated and edited by Eastwick, 1855.
123. Life of Montstuart Elphinstone by Abbuke.

aid to a high political functionary than a trustworthy educated native assistant, one who can be sent not only to deliver messages but advice and counsel to a chief, to point out what may be required and the grounds on which proposals may be made " and suggested Rs. 500 as the lowest scale of pay for them.[124] It is only in recent years that Indians have been introduced into the higher grades of the Political Department.

The policy of appointing native assistants to Residents and Agents did not receive much encouragement from the notorious case of Muroopant, the native assistant to the Resident at Baroda. Charged with corruption and misleading his superior by withholding evidence in the case of the trials of two natives and by conveying erroneous information he made the affairs of the Baroda Residency on the eve of the Mutiny smell unsavoury and handed them down to history as Baroda Khutput.[125] But the example of Wagh Punt whom Wellington compared to Talleyrand, showed what wise selection and sound training might have made of Indian resources in India.

Expenditure in the Department.

The importance of this Department may also be assumed from the expenditure involved in its conduct. The diplomatic expenditure of the India Government has ever been large. The principle is said to have been established by Lord Cornwallis in 1792 that each Resident should be enabled to lay by and save the whole of his salary and that all his expenses, public and private, should be found by his Government. The wisdom of Lord Cornwallis' arrangement was to be explained by the highly responsible position of a Resident, the dangerous and intriguing temptations to which he was liable and the traditions set up by their predecessors the Commercial Residents. The absence since Lord Cornwallis' time from the careers of the political officers of those malpractices which

124. Quoted in Rickett's Report, pages 578.

125. See Goldsmid's Life of Outram and Martineau's Life of Sir Bartle Frere.

had been notorious before his time was enough justification for his rule.[126] The data for calculating this expenditure on this department has been diffused and inadequate. It was as a result of Lord Cornwallis reforms that the Delhi Resident in 1806 was drawing a consolidated allowance of Rs. 8,652 a month; being Rs. 2,839 salary, with Rs. 5,193 as Resident's charges.[127]

The emoluments of Residents was in keeping with their dignity and their duties. About 1804 we find Charles Metcalfe drawing a salary of Rs. 800 with deputation allowance of Rs. 12 a day as an attache' in the Governor-General's office, later Rs 400 a month in 1807, Rs 750 a month as Assistant to the Delhi Resident[128] being nearly Rs. 5,000 a year less than he had received before, at another time he was receiving Rs. 1,000[129] About 1815 the salary of a Resident of the first class was Rs. 3,500 a month, the expenses of his establishment being made good by Government to a certain extent[130] The salary of a first class Resident was from Rs. 50,000 to Rs 40,000 per annum in 1843. The reduction of the Baroda Resident's salary to Rs 36,000 in 1847 was said to account to some extent for the scandals after 1847 and for a loss in the esteem and prestige of that Residency.[131]

In 1827 the ordinary disbursements on the diplomatic agencies of the India Government exclusive of pensions and military escorts and including troops amounted to £4,00,000 and including temporary expenditure about half a million sterling which was much more than the diplomatic

126. Letter of Col Pitman in Appendix to Report of Select Committee of House of Commons on East India Affairs, 1832

127 Life and Correspondence of Charles Metcalfe, Volume I

128. *Ibid.*

129. *Ibid.*

130 Political History of India, 1784-1823 by Malcolm, Volume II

131. Rickett's Report on Civil Establishments and Salaries, 1858

ıd consular charges of Great Britain. The charge was then)% of the gross revenue of India.[132] That proportion has een kept up ever since then. The expenditure on this ser- ice has risen from Rs 1,190,000 in 1856-57 to[133] Rs 4,20,000 in 375-76 to Rs. 106-20,000 in 1895-96 The chief causes of ıcrease were the subsidy to the Amir of Afghanistan, other ıbsidies, political agents in Baluchistan frontier, levies and ayments to tribes.[134] In 1902-03 the Political expenditure 'as 123 lakhs[135] In 1913-14 the actual expenditure was .s. 1,72,80,000 In 1921-22, the revised estimate was .s. 2,14,95,000.[136]

Some of the ıtems of expenditure were peculiar The oriental diplomatist's" best auxiliary, a costly supply f presents[137] has ever been an ordinary incident of political xpenditure. Subsidies are paid by the British Government s that of Rs 12,000 a year to the Sikhim Durbar and the 'ontier tribes Political and territorial pensions consisting of ensions and allowances to native princes and chiefs conse- uent upon obligation ıncurred on the taking over of their erritories, also charitable allowances granted for political urposes The charge on these political pensions was :s 812,000 in 1875-76, Rs 454,000 in 1895-96[138] Quasi-mili- ary forces and police engaged on watch and ward were paid ut of the Political Department Budget Trade agen- ıes, refugees, state pensioners, the lighting and buoying of ıe Persian Gulf were other ıtems of political expenditure.[139]

132 Letter of Captain Crawford in Report of Select Committee of ouse of Commons on East India Affairs, 1832

133. Report of Commission on Expenditure in India, 1900

134 Final Report of Royal Commission on Expenditure of India, 1897.

135 Imperial Gazetteer, Volume IV, Finance, 1907 edition

136 Report of the Indian Retrenchment Committee, 1922-23, Part V, olitical expenditure

137 Kaye's Life and Correspondence of Charles Metcalfe, Volume I

138 Final Report of the Royal Commission on Administration of xpenditure of India, Volume IV

139. Report of the Indian Retrenchment Committee, 1922-23, Part V, olitical Expenditure.

The services of the Department.

High expenditure on this department has been justified by the services it has rendered to the country. It has kept the international peace of India. Although its expenditure is proportionately higher than the diplomatic expenditure of England and other countries of Europe, it must be remembered that it has kept the peace between countries as large as and more numerous than the Europeans States outside Russia. After the wars of conquest had ended, very few military operations have been found necessary to keep this peace. Political officers and their diplomatic activities have reduced the volume of military action in India outside the Frontier to the vanishing point. It is not the failure of this work but the peculiar frontier policy followed against the tribes north of Baluchistan that account for the little wars on the Indian frontier. It was acknowledged in 1836 that while both prior to and subsequent to the last Nepalese War four local corps were exclusively appropriated to the Nepal frontier, they had all been gradually withdrawn under cover of the Residency at Khatmandu which was a better warrant for the inviolability of the frontier at one-eighth of the expense.[140] The Department has kept the peace not only between the States and between the States and the British Government. It has contributed to the maintenance of peace and order within each individual State. Indirectly, by advice, suggestion, by pressure, by rewards, by threats, officers of the Department have promoted the prosperity of the States. They have raised the standards of administration in the States. They were a crude substitute for the public opinion of those States which from various causes had been eliminated. Their record is not altogether free from blame. Intrigue, machiavellian movements, rudeness,[141] undiplomatic action have characterized the behaviour of some of them in their relations with the rulers of the States. But the work and conduct of a Henry

140. Rickett's Report on Civil Establishments and Salaries, page 677.
141. See Russell's Tour with the Prince of Wales.

Lawrence, an Edwardes, a Kirkpatrick, a Low, redeem the record of the Political Department. It has rendered unforgettable service to the unity and progress of India. It has saved the existence of many an Indian State. It was not its policy, neither of the Department nor of the Residents and Agents, to extinguish the lives of those states. It has been the powerful and efficient instrument of Paramountcy so necessary for the unity and integrity of India. Much of the administration and political progress of the States is due to the activities of the Residents. It is true that political affairs absorbed the attention of Government throughout the 19th century to the detriment of the other duties of government. " The multiplicity and perplexing details arising out of the extension of political relations " observed an official critic in 1832 " has trenched most seriously upon the time and attention both of the Government of India and of the authorities at home and have tended in no slight degree to direct to foreign interests a large portion of these cares which might perhaps have been more profitably bestowed on improving the administration of our own territories."[142] But that was not altogether the fault of the Department. Although it may have suggested the policy, the ultimate responsibility was that of the Government. It was an efficient instrument of that policy.

The Finance Department—its services to the State.

Among the links that bind a people to its State one of the most important is money. Called the " universal fuel " it makes the machinery of the modern State work. Money is the sinews not only of war but of peace. And the financial history of a State is in large parts its political and constitutional history. Taxation is the heavy chain that binds a people to the anchorage of the State. Primitive, tribal, State-less people are without taxes as without annals. A history of taxation in most countries has been the history of its constitu-

142. Evidence of W. McCulloch, 13th February 1832, Report of Select Committee in House of Commons on East India Affairs, 1832.

tional development. Taxation has led to representative government. The finances of a people have played a determining part in its political development. These conclusions of history are illustrated in a striking manner in the history of finance in British India. Through land revenue, we have seen how the hold of the Government over the people was asserted from the beginning. But this hold was exercised only over the agricultural population which however constituted the vast majority. Excise, opium, customs extended the threads of the cash nexus of the State with the people over the urban sections of the population. Till the middle of the 19th century the Governments at the centre and the provinces were able to meet their expenditure from these sources of revenue. But the wars of the early 19th century reaching their climax in the military operations of the Sepoy Mutiny threw the finances of India into disorder. The growing volume of the Indian Debt called for a drastic change in the finance system of India.

Organisation of Finance Department.

The first change in the financial system brought about as a consequence of that dividing event in the history of British rule in India was the establishment of a separate Financial Department for the Government of India.

Till 1861 there had been no separate department of the Government of India. The Gevernor-in-Council was in charge of the finances as of every other business of government. And he was in charge of the finances of the whole of British India. Under the East India Company the financial relations between the supreme and local governments have been likened to those of a merchant to his clerk.[143] Every thing was dependent on Calcutta and there was no principle on which the assignments of money to subordinate governments were made. Local Governments tried to get all they could and as happens in such cases the most clamourous not the most necessitous or the most deserving got

143. Aitchison's Lawrence, Rulers of India Series.

the biggest share.[144] And the Government of India had to deal with the most petty affairs of the provinces. This pitch and toss method, this parish vestry system as Sir Henry Maine called it, of carrying on the business of a great country was not renounced till late in the Crown era. There was no doubt a financial department in the form of a Colonial and Financial Department in 1820-46. In 1837 the Financial Department was united to the Home Department, in 1858 there was a Financial Department to the extent of having finance Secretaries, an under-Secretary and an office. But in the sense of a Department having separate independent existence under a Member of Council and having powers of control and check and care of the finances of India, it did not exist till 1861. A finance Secretariat may be said to have existed but without any real power or responsibility.[145] The Secretary in charge of the office was confined to the disbursement of public money without power or even cognisance in any shape of the revenues by which the Treasury was to be supplied. Lord Ellenborough was one of the first to call the attention of the Court of Directors to this lack of a good Finance Department in the Government of India[146] and of an officer charged with the duty of viewing the expenditure of the State as a whole and of amending items of expenditure not only by themselves but in relation to other items. The administration of finance was in the hands of the Finance Secretary and the Accountant-General—there was no Finance Member of the Governor-General's Council. The Finance Secretary on the eve of the mutiny was the Financial Adviser of the Governor-General. So much was expected of him and so little were members of the Governor-General's Council versed in financial matters that he had to be a man " who for years had employed a capacity

144. *Ibid.*

145. Mr. James Wilson in Financial Statement in Legislative Council, debate 18th February 1860.

146. Quoted in Mr. Wilson's Financial Settlement, *op. cit.* Also Canning by Cunningham in Rulers of India Series.

of rare excellence in financial studies, a salary of Rs. 50,000 per annum was proposed for him, as well as his recruitment from any part of the British empire." [147]

With the appointment of Mr. James Wilson to the Council of the Governor-General to bring order into the finances of India and with the introduction by Lord Canning of the Portfolio system in regard to the conduct of the executive business of the Government the history of a separate Finance Department began. This Finance Department was charged with the administration of the finances of not only the Government of India but of all the Provincial Governments. It was a consequence of that tendency towards centralization which dated from the Charter Act of 1833. This tendency was strengthened by the conditions and circumstances of the Mutiny and its results.[148] But although there was centralization, control over the expenditure of the provinces was not realised. When the provinces were more free financially they exercised thrift and restraint, but when the finances were collected into a common centre, the only object that local administration had was to get the largest possible share of the common fund."[149] The Bombay Government for instance soon after the Mutiny was under no control from the Governor-General-in-Council. In spite of the Governor-General-in-Council writing his fingers off in objection and reprimand, the Government of Bombay went on incurring expenditure in deference to popular interests and supported by the council of India.[150] On one occasion the Bombay Government when asked by the central Government to send up necessary proposals for public works

147. Report of Mr. Rickett's Commission to report on Civil Establishments and Salaries, 1858.

148. Evidence of Sir C. E. Trevelyan, 25th February 1873 before Select Committee on East India Finance, 1873, Volume III.

149. *Ibid.*

150. Evidence of Sir C. E. Trevelyan, 25th February 1873 before Select Committee on East India Finance, 1873, Volume III.

called up a conference of District Collectors and gathered up the projects for public works of all sorts that had ever been proposed and sent them up for sanction of all of them to the Government of India,[151] and started on some of these works before sanction was received. Again although the Indian Navy was abolished in 1861, a naval establishment and ships and works were still maintained by the Government of Bombay under other names but at about the same cost. The financial decentralization system of Lord Mayo gave the provinces more legitimate financial autonomy which was increased by subsequent constitutional reforms till the climax of provincial financial autonomy was secured by the Government of India Act of 1915 to be still farther advanced by the act of 1935. But other reforms in the finance departments of the Indian Governments due to the administrative energy of Lord Mayo are not so well-known. He insisted on punctuality in the submission of the estimates by the local governments and departments. He ensured the submission to the central government of full information upon the progress of the finances month by month. He arranged for more time and greater deliberation being bestowed in the Finance Department on the preparation of the estimates. Fuller statements had to be recorded of the grounds on which correct figures in the estimates had been prepared by the Department and their reasons were carefully considered by the Governor-General-in-Council before any figure was finally allowed a place in the Budget. These estimates were compiled in those times from facts supplied from about 300 treasuries, 13 departments of the Government of India, 11 separate Governments or administrations each one of which must exercise a certain degree of independent judgment in making the initial calculations.[152] Provincial Governments secured their own Finance Departments in 1919. The

151. *Ibid.*, 21st February, 1873.
152. Hunter's Life of Earl of Mayo, Volume II.

establishment of Finance Departments for the Government of India and for the Provincial Governments served to strengthen the hold of Government over the people. The chains of gold that bind a people to its State and Government began to be thrown out in different directions so as to bind different sections of the people.

New Taxation and the making of the State—the Income-Tax.

The Finance Department as soon as it was established began to manifest powers of discovering new forms of financial contacts with the people. It started its career with the application of a new tax—the Income Tax. It was introduced by Mr. James Wilson in 1860-61 amidst much popular and official opposition which latter culminated in the publication of an official minute of opposition by Sir Charles Trevelyan, Governor of Madras, and his resignation. Together with the License Tax which was tried temporarily in 1867-68 it has brought new classes of people into the orbit of taxation. These were mainly the urban classes of merchants and industrialists and professional men and official servants who till then had paid no taxes to the State except indirectly through customs and salt or opium or excise. These classes began to bear the burden of direct taxation. Their numbers have varied according to the rate of assessment. In 1860-61 there were 882,009 paying Rs. 1,77,22,262, in 1870-71 there were 448,274 paying Rs. 2,07,11,846.[153] It was calculated in 1871 that only 1 in 300 of the people paid income-tax but that at least one half of the people were subject to the vexatious inquisition and treatment that are to be expected from tax-gatherers bent upon having large returns.[154] In 1886-87 it was reckoned that the total number of income-tax

153. Appendix to Report of Select Committee on East India Finance, 1872, Volume II.

154. Evidence of Mr. J. D'Costa, 5th July 1872 before Select Committee on East India Finance, Volume II, 1872 also Mr. Grant Duff in House of Commons, Hansard CCXIII, 1872, who said it was 1 in 400.

payers was 910,000 persons of whom 102,000 were receiving fixed salaries. [155]

The income-tax was once described by Gladstone as " a mighty engine of finance " and it has proved to be so in India. Lord Ellenborough's[156] prophecy that " it would not be possible to find the men and machinery that would be required for assessing and collecting this kind of tax and of a constant rivalry between contention on the one side and of fraud on the other " has been disproved largely if not conclusively by the history of the Income-tax Department.

With the progressive decrease of land revenue in India which in 1842-43 found 60% of the total gross revenue of the country, dropped down to 43.4% in 1862-63 to 31% in 1882-83 to 30% in 1902-03[157] to 15% in 1929-30 it is to direct forms of taxation and the people affected by it that the State must look for its progress.

The political disadvantages of direct taxation are well-known. They were voiced in the early years of their operation—by officials of the experience of Sir Charles Trevelyan, Samuel Laing, Sir William Muir.[158] The discontent, the disturbance produced by the investigating and coercive processes, the opportunities for bribery and corruption that they produce, were used as argument against its continuance.[159] A country governed by an alien people it was said was especially susceptible to the evils of unpopularity. Lord Canning who submitted to the first income-tax only under the dire necessity

155. Memorandum of some of the Results of Indian Administration during past 20 years, 1889.

156. In House of Lords, 29th May 1860 in Hansard, Volume LLVII, 1860.

157. Truth about Land Revenue of India, January 1910, Quarterly Asiatic Review.

158. Evidence of Trevelyan Laing and D'Costa before Select Committee on East India Finance, 1872-73.

159. *Ibid.*

of making the finances of India safe is reported to have said "Danger for danger, I would rather risk governing India with an army of only 40,000 Europeans than having to impose unpopular taxation"[160] But in spite of these evils and disadvantages income-tax like other direct taxes, has secured the political progress of India. It has played a part in the promotion of the political unity of India. This result was feared by an official critic of the income-tax who thought that this common tax for the whole of India would give the mahajan of the North West Provinces, the sahukar of Bombay, the Brahman mirasdar of Tanjore and the Moplah traders of Malabar, a common war cry.[161] It has brought home to large numbers of people in the towns a sense of the State and of their duty of payment for the government of the State. It is the Income-tax that has allowed the Central Government to impress itself upon the people in the provinces. Till 1922 the tax was collected by the Land Revenue Department of the Provinces. A central Income-tax Department was created and its officials all over the provinces —the Commissioners, the Assistant Commissioners, the Income-tax Officers have spread the hold and jurisdiction of the Central Government to the people in the provinces. The very unpopularity of the taxes and the consequent political discontent have led to that demand for a due share of the people in the government of India that has been growing in volume since then. Income-tax has lent immediate strength to the cry of no taxation without representation which has lain at the root of the constitutional progress of the country. In spite of their small number it is the people that pay income-tax that have organised political agitation. Income-tax and political agitation have grown together. Little did the statesmen that introduced the income-tax into the finance system

160. Evidence of S. Laing, 28th June 1872 before Select Committee on East India Finance, 1872.

161. Memoranda of W. Robinson, Commissioner of Mofussil Police, 8th November 1859 in correspondence relating to Financial measure (East India), Parliamentary Papers, 25th May 1860.

of India dream that it would pave the way to the representative and responsible government that the country has been given.

The politics of the National Debt.

Through the National Debt also the Finance Department has made large numbers of people interested in the stability and solvency of the State. The Indian Debt is a *damnosa hereditas* from the East India Company. In 1775 the actual debt of the Company in India with interest at 8 per cent amounted to 70 lakhs.[162] A sinking fund had been created by the time of Lord Wellesley.[163] Bankers and merchants in Wellesley's times were reported to have lent the Government large sums of money on account of the vigour of the administration while a few months before they would not discount Treasury Bills at less than excessive interest. In Wellesley's time in 1793 the debt was Rs. 866,580 with an annual interest[164] of £746,933[165] in 1799 (1st May) it was Rs. 8,22,78,263. The public debt had increased by about £5½ millions in Lord Hastings' time.[166] Although the cash balances in the treasuries could have enabled his Government to pay off easily the debt as it stood then, he deemed it " highly impolitic to break a tie which so obviously secured the attachment of the monied classes " to the Government of the day.[167] It was incurred to find the Investment, the cost of wars, the cost of the suppression of the Sepoy Mutiny. On the morrow of the Mutiny in 1862 the ordinary permanent debt of India was £97,037,062 not to speak of a sum of £12,000,000 owed to the

162. Marquiss of Hastings by Ross in Rulers of India Series.

163. *Ibid.*

164. Mr. Fraser's Minute, February 1773 in selections from State Papers in Foreign Department of the Government of India, 1772-1785, edited by G. W. Forrest, Volume I.

165. Hutton's Wellesley, Chapter VII in Rulers of India Series.

166. *Ibid.*

167. *Ibid.*

shareholders of the East India Company.[168] In the Crown period it has been increased on account of public works of utility.

The native Princes had also began to invest their money in Indian securities. Thus another chain was being forged which would keep this powerful interest attached to the State and Government of British India. The monied and propertied classes that had invested in the securities of the Government of India were among the most faithful supporters of the British power during the disaster of the Sepoy Mutiny.[169] The more the natives of India, said a Secretary of State for India[170] are primarily interested in the Public Debt of the country the more likely are they to be loyal subjects of the Queen. The national indebtedness of the country is fairly measured by the annual charge of interest which it has to pay in respect of debts. In 1862-3 it was £5,484,000, in 1870-71 £5.499,000.[171] The holders of Government securities have increased with the years since Government first began to float loans. In 1900 it was estimated that out of Rs. 103,000,0000 borrowed in India Rs. 250,000,000 was held in England, Rs. 480,000,000 was held by Europeans in India and Rs. 300,000,000 by natives of India.[172]

Audit and Accounts in India.

The efficiency and service to the State of a Finance Department depends much on the organization of Audit. One of the greatest administrative inventions of the early 19th century was the Audit.[173] It put down the corruption and waste of public money that had been rampant in the 18th

168. Wellesley's despatches edited by Malcolm, Volume II—Governor-General-in-Council to Court of Directors, January 1800.

169. Report of Commission on Expenditure in India, 1900.

170. In House of Commons, 18th February 1839.

171. Mr. S. Laing, 8th June 1872 in Minutes of Evidence before the Select Committee on East India Finance, 1872 Report, Volume II.

172. Report of the Commission on Expenditure in India, 1900.

173. Mrs. Webb in Methods of Social Study.

and early 19th century in England. The administration of the East India Company was not without Accountants and Accountants-General, Auditors and Auditors-General, Civil Auditors and Military Auditors. Accountants-General were found as early as 1757 in Bengal, one of them W. Larkins (1777-1792) being notorious enough to get into the speeches of Burke.[174] An Auditor-General functioned as early as 1778. But the Accountant-General in 1783 was expected only to receive and record the accounts of the land revenue collection sent from the Committee of Revenue.[175] But Larkins deserves to be remembered also for exercising himself in 1783 with proposals to prevent an improper issue of public money to persons who have no public occasion for it and for complaining about inequalities of salaries paid to assistants of equal status in different Government departments.[176] A Civil Auditor was appointed in 1787 by Lord Cornwallis for the examination and check of all expenditure in the civil departments.[177] But the system of audit in the absence of representative government was not so rigid as in England.[178] The backwardness of audit in India was shown by the combination of the offices of Accountant and Auditor. This combination existed from early days. In 1799 Lord Wellesley saw little incongruity in proposing the annexation of the office of Civil Auditor to the office of Deputy Accountant-General.[179]

174. Governor-General-in-Council to Court of Directors July 31, 1787 in Selection of State Papers of Governor-General in India, Volume II, edited by G. W. Forest.

175. Proceedings of the Committee of Revenue—Manuscripts, Imperial Record O. C. 25th November 1773, No. 1.

176. Letter from W. Larkins, pages 1129-33 O.C. 24th February 1784 and O.C. 24th February 1783, Imperial Records.

177. O. C. Index, Imperial Records Department; also Governor-General-in-Council to Court of Directors, July 31, 1787 in Selections of State Papers of Lord Cornwallis, ed. Forest, Vol. II.

178. Life of Sir John Malcolm in Kaye's Lives of India Officers, Vol. I.

179. Minutes of Governor-General, Pages 2535-48 O. C. 29th October 1799, N. 1. Manuscript Imperial Record Department.

Till the appointment of a Finance Member in 1861 the Accountant-General was also the financial adviser to the Government of India 'assisting' the Government with valuable advice on matters of finance.[180] In 1800 for instance the Accountant-General was directed by the Governor-General "to prepare the most accurate estimate of the probable receipts and disbursements of Bengal, Madras and Bombay for the year 1798-99.[181] The possibility of an Accountant making a good financial adviser was denied by an official critic in 1858 who deplored the habit of recruiting financial secretaries and advisers to Government from the Accountant's office.[182] An Imperial Audit Board consisting of the Auditor-General for India and the Chief of the Military Finance Department was appointed in 1860. These officials were to act together in all matters of general organization, policy and economy as affecting estimates, budget, audit and accounts and were to determine together any important questions that may arise in connection with the final appropriation and arrangements of a general nature.[183] The union of Audit and Accounts has persisted down to the present day. The Comptroller and Auditor created in 1865 has continued to be the head of the Accounts Department. The Accountants-General still do audit work as well as keep the accounts for the Government of India as for the provincial governments.[184] In recent years after the Government of India Act of 1919, the reports of the Comptroller and Auditor-General and the Accountants-General in the Provinces have been as a matter of practice not of law placed for examination and review by the Public Accounts Committees of Indian Legislatures. By

180. Mr. Rickett's Report on Revision of Civil Establishments and Salaries, 1858, published in 1866.

181. Wellesley's Despatches edited by Martin, Volume V.

182. *Ibid.*

183. Report on Indian Administration in Finance—in Annals of Indian Administration, Volume II.

184. Report of Royal Commission on the Administration of the Expenditure of India, 1900, Volume II.

the Act of 1935 this submission has been made a matter of law and obligation. The terms of tenure of office of the Comptroller and Auditor-General appointed by the Secretary of State under the Act of 1919 and by His Majesty the King of England as a Federal Court Judge by the Act of 1935 and the independence of provincial governments of the Accountants-General in the provinces make for the impartiality and efficiency of Indian Audit. But the combination of audit and accounts can never be satisfactory for the financial administration of such *étatiste* governments as those of India and the Provinces.

The absence of anything like the Treasury control exercised in England was deplored even in the Crown era.[185] Lord Ellenborough had attempted to introduce this interior control within the administration but had failed. When Sir Charles Trevelyan as Finance Member (1861-63) proposed a review of a large expensive establishment, the Member of Governor-General's Council in charge of the department protested to him that he could as soon think of interfering with his financial arrangements as he would expect him to interfere with the Member's establishment. The control over expenditure by the Finance Department had always been weak. It was not in the strong position of the Treasury in England. The weakness of the Finance Department was dramatically revealed in 1880 when the war expenditure was calculated to be likely to stand at 9½ millions of pounds. The estimates had been prepared with great care by the Accountant-General of the Military Department and the Finance Member, Sir John Strachey and Lord Lytton's Government accepted the calculation and made themselves responsible for it. It was observed at the end of 1880 that the cost of the war had been grossly underestimated. By the end of March already 5 millions had been actually spent of which the Finance Department was not aware at the time the Budget was prepared

185. Evidence of Sir C. E. Trevelyan, 23rd February 1873 before Select Committee on East India Finance, 1873, Volume III.

and published. And the total cost of the war was found ultimately to be £17½ million or 12 millions in excess of the estimate. It was not the increase of the final cost of the war which could not be anticipated but the error in not obtaining even approximate information which had actually occurred that caused a widespread distrust in the soundness of the financial system of India.[186] Historical difficulties arising from the relations between the Central and Provincial Governments and material difficulties arising from the immense number of treasuries provincial and district scattered all over the country prevented the proper control over expenditure.[187] While centralized finance was possible in a small and homogeneous country like England, decentralization in finance is inevitable in a country of the extent, the diversity and the complexity of India.[188]

Defects of Indian Accounts—and Reforms.

Even the Accounts system was backward. The system that existed when the Crown assumed the Government was that which had been established by the Company on "the good old mercantile double entry principle" since overlaid and confused by a variety of obsolete entries, irrecoverable balances, a number of complicated and unnecessary inter-presidential and inter-departmental advances and repayments.[189] The system of public accounts at the beginning of the Crown era retained many marks of their commercial origin and were kept with the elaborate detail appropriate to the affairs of a mercantile firm. Its accuracy of classification and multiplicity of heads made it too cumbrous for the public Accounts of a modern State. The accounts were so complete that the presentation was unpunctual. Detailed accounts about 4 or 5 years old are of no use to the financial

186. Lord Lytton's India Administration by Lady Balfour, Chap. I.

187. Mr. Grant Duff in House of Commons, 5th August 1870.

188. Report of Commission on Administration of the Expenditure of India, 1900, Volume IV.

189. Sir Charles Trevelyan in Financial Statement, 7th April 1864.

administration of a State.[190] The defects of the Indian system of accounts has long been known before an attempt was made to reform them after the assumption of the government by the Crown. The record of revenue and charge in the annual books of account differed widely from the actual income and from the actual expenditure and the ways and means of the year. This was caused by the fact that the revenue received in a year was credited as a receipt not necessarily of that year but of any previous or future year to which the corresponding revenue demand might have belonged and the payments in a year were treated not necessarily as that year's expenditure but as a charge of any past or future year to which the corresponding demand against Government belonged. And again, the cost of stores was not charged necessarily in the year of purchase against the ways and means of that year, but was debited to a store account and in lieu thereof the very different amount of value of stores expended in a year was charged against the year's income. In consequence of this wide discrepancy between the record of revenue and charge respectively in the regular books of account and the actual receipts and payments of the year, these latter had to be detailed in a separate record of receipts and disbursements as the revenue and finance accounts prescribed by Parliament. But though they approximated to the real transactions of the year, they were defective in several respects from not being made up from balanced books of accounts.

Another defect under the old system was the disjointed character of the civil, military and public works accounts which prevented any control over military and public works charges. The military accounts of the three presidencies were included in the civil accounts books of the three separate Governments of India, Madras and Bombay and the public works accounts of the several governments were included in the civil books of the respective presidencies.

190. Hunter's Life of the Earl of Mayo, Volume II.

Neither civil receipts and charges nor military and public works charges were ever brought together into a combined account for India.[191]

To remedy these defects of the Indian Accounts system two officials of the English treasury and War Offices, Foster and Whiffen were appointed to conduct an enquiry and suggest improvements. They recommended the separation of stores from the cash account, of revenue accounts of demand and collections from the ordinary treasury accounts, the treating of receipts and payments of a year as the revenue and charge of that year and the removal from the general books of account of minute statistical data which had overlaid them and had prevented their speedy compilation. The adoption of the reforms removed the defects, brought the record of revenue and charge in the regular books of account into accord with actual receipts and payments of the year, substituted monthly accounts of audited receipts and charges for an annual account which contained partly unaudited charges, and ensured the completion of the revenue and finance accounts earlier than under the old system. These improvements dated from the Revenue and Finance Accounts of 1864-65. Also the defects in the presentation of the civil, military and public accounts were remedied. The military and public works have been separated from the provincial civil accounts. Instead of closing into the local civil books as herebefore, they close into imperial books of military and public works accounts which are maintained under the Military and Public Works Departments of the Government of India whose special control over the expenditure in those departments is thereby strengthened. And finally imperial books embracing the civil, military and public works transactions for India have been established under the Comptroller General of accounts and the imperial military and public works accounts are closed in books in which the results of the civil receipts and charges

191. Memoranda—the Finance despatch of Government of India for the years 1864-69 by Sir R. Temple, 1869.

of each presidency and province and the consolidated imperial accounts of military and public works receipts and charges are incorporated from month to month and from year to year.[192] This Accounts reform also did away with the old system of preliminary audit popularly called preaudit of salary bills of officers and establishments and threw responsibility for the proper preparation of bills on heads of department modified pre-audit, i.e., audit at the time of payment being continued in the three Presidency towns.

At the same time measures were adopted for strengthening the accounts control of each department in its own office. In the lower provinces of Bengal the control exercised by the Board of Revenue over revenue accounts in the other presidencies was transferred from the Bengal Accountant-General to the Bengal Board of Revenue. In the Post and Telegraphs, the Comptroller of Postal accounts exercises similar accounts control as well as in the Forest and Public Works Department.

As a consequence of Foster and Whiffen's reforms the office of Civil Paymaster as separate from that of Accountant-General was abolished the latter being given a Deputy Accountant-General for inspecting treasuries.

In 1862-63 the staff of the Civil Accounts Department was reorganized as a separate department of the public service. In the course of 1864 the main principles of the English accounts system were introduced, i.e., that the estimates shall be taken from expenditure ensuing in course of payment within the year, that everything shall be debited or credited to the accounts of the year in which amount is received or paid, that the gross receipts should be credited to revenue and the gross expenditure debited to charge, that expenditure shall be provided for a final charge in the estimates of the department responsible for the general head of

192. Memoranda—the Finance despatch of Government of India for the years 1864-69 by Sir R. Temple, 1869.

service.[193] As a result of these reforms the finance and revenue accounts are now kept in the simplest possible form. The revenues as they accrue, and the disbursements as they take place, are recorded under a few uniform headings, whatever the year to which they relate. Transfer entries and adjustments between different branches are admitted only if of grave importance and after full discussion. The distinction between capital and revenue is unknown; or is recognised only in the separate heading of 'extraordinary' expenditure, namely that on reproductive public works. The finance and revenue accounts purport only to be roughly classified cash accounts. They do not pretend to show either the net cost of any individual service, still less of any branch of a service: or the exact net produce of any item of revenue. When such details are wanted (and as a matter of fact they often become of prime importance), they must be compiled as separate statements from the finance and revenue accounts the simplicity of which is not to be tampered with for any purpose whatever. Any desired degree of precision may be attained in such separate statements; but the finance and revenue accounts are designed only to furnish with promptitude, and in rough but sufficient details the facts and figures required for showing the financial out-turn of each year, and for regulating the ways and means in the next. All sums borrowed are recorded in a separate account; and are not mixed up with the revenue and expenditure.

Under this simple system the Indian accounts of the year (including the distant home charges) are completed about eight months after its close. A document is prepared towards the close of each financial year, which as already explained, sets forth (i) the completed accounts of the foregoing year (ii) a revised statement styled the regular estimates, of the revenue and expenditure of the current year then approaching its end; and (iii) a forecast of "budget estimate of the receipts and disbursements of the year about to begin. From

193. Sir Charles Trevelyan's Financial Statement, 7th April 1864.

the commencement of this system under the Right Hon. James Wilson in 1860, to the year of Lord Mayo's death, 1872, these statements were annually delivered before the legislature by the Finance Minister and there discussed in the presence of the public and the representatives of the press. Prepared with accuracy they placed the Government and the country in possession of full and recent information regarding the state of the finances at the close of each official year.[194]

The revelation of the defects in the financial system of India in 1880 when it was found that the cost of the Afghan War had been underestimated by £12 millions and the actual expenditure of £5 millions in the course of the year had not been detected showed that the military accounts department followed the old system which had taken note only of the classified and audited accounts and not of the actual outgoings from the treasuries.[195]

In later years as in 1881 the system of accounts has been still further improved.

The Registration Department and Property Rights.

For the security of the rights of property registration in a public office has been found useful. As early as 1799 a Regulation had been passed to allow the registration of assurances. Elphinstone's Bombay Code of 1827 introduced amendments. For the rest of India the Court of Directors called the attention of the Governments in India to the need of registering assurances but no general enactment was passed till 1864. A more or less complete system of record and registration of transfer of land existed in the Collector's office from about the beginning of the formation of the land revenue

194. Life of the Earl of Mayo, IV Viceroy of India by W. W. Hunter, Volume II.

195. Lord Lytton's Indian Administration by Lady Betty Balfour, Chapter X.

epartment in most provinces of British India.[196] Regulations f 1803 and 1838 had made legislative provision for such egistration in the North West Provinces.[197] In 1864 an Act[198] vas passed to provide for the registration of assurances. Inder this act no instruments in writing affecting immovable roperty to the extent of Rs. 100 or upwards and no written ease of immovable property for any period exceeding one ear could be received in evidence in any civil proceedings or e acted on by any public officer unless registered. Provision vas also made for the registration of wills and written authoization to adopt and of all written instruments whether oncerning movable or immovable property, but the registraion of such documents was not compulsory. A special effect vas given to the registration of bonds and other written obliations for the payment of money. Another Act of 1877[199] odified and amended the law as it then operated. A Registraon Department has as a result been formed in each province or the provision of facilities for registration. A comparative nalysis made in 1882-83 of the returns of registration in that ear and of previous years showed that registration displayed o tendency to increase in number though there was slight ncrease in value. Among the provinces, Bengal in that year urpassed Madras in both number of assurances registered nd value. Madras came next to Bengal in the optional egistration of assurances of immovable property and also in he total value of immovable property transferred but the ross revenue was much less and the expenditure higher in Bengal so that the net revenue was comparatively insignifiant. The figures of Bombay were small. The North West Provinces and the Punjab were also next to those of Bengal.

196. Mr. Thomason's letter on Registration in Collector's Office in Volume I of his Despatches in Selection of Records of North-West Province.

197. *Ibid.*

198. Act XVI of 1864 summarised in Annals of India Administration, Volume VIII, 1865.

199. Act III of 1877.

'he Central Provinces showed the greatest improvement in egistration in the year immediately preceding 1882-83[200] 'he number of registrations in 1915 was 4,374,317, in 1924, ,727,013 and the value of property transferred by registered ocuments in 1915 was 1,38,20,62,718 in 1924, 2,20,67,34,979— ot a large number in proportion to the population and the 'alue of property in India. Nor are the facilities for regis- ration considerable. In 1915 for the whole of Indian there vere 2,259 Registration offices which rose in 1924 to 2,276.[201]

'ublic Works Department.

While what we may call the security services have tried o provide for the minimum necessities of the State, other epartments of Government have tried to provide utilities hat would attach them still more to the State. While the ormer set of departments have tried to make the subject espect the State, others have tried to make them admire the tate. First among these public utility departments may e mentioned the Public Works Department. As we have al- eady seen public works in British India were at first exe- uted by the Army and men in charge of Military Boards n the three Presidencies. But the policy of administrative enevolence which was emerging in the thoughts and activi- ies of the rulers of India as soon as the era of military onquests and land revenue organization had come to an end owards the middle of the 19th century led to the formation f a civil public works department. In 1845 Thomason[202] ad urged the formation of a new agency for the superinten- ence of civil works in the North West Provinces independent f the Military Board at Calcutta. It was the policy of con- tructing railways by private companies under State guarantee nd of irrigation works constructed by the State that led

200. Statement of the moral and material progress of India, 1882-83.

201. Statistical abstract of British India, 1915-16 to 1924-25.

202. Minute, Board of Public Works in North-West Provinces in Mr. Thomason's Despatches, Volume I, Selections from the Records of North-West Provinces, 1856.

the formation of a Public Works Department. "For the proper superintendence and control of, operations so extensive and so various" said Lord Dalhousie "it is manifest that an organisation of the highest order must be requisite."[203] On the recommendation of a Commission appointed in 1850 a Department of Public Works was organised for the Government of India with subordinate departments for Madras and Bombay. Lord Dalhousie also stimulated the foundation of engineering colleges in Madras, Bombay and Bengal on the model of the Thomas Engineering College at Roorki.[204] One peculiarity of the constitution of the Public Works Department in its early days was that it did work not only for the Government of India but for the whole of India especially for provinces under the Lieutenant Governors. Professional argument and constitutional need for sanction by the Government of India of provincial public works whose cost did not exceed one lakh but exceeded Rs. 25,000 gave the Government of India "direct and vigilant control" over the execution of public works all over India.[205] The Department was therefore more strongly manned than other departments of Government of India and it had a numerous executive staff subdivided into branches. Another peculiarity of the early institution of the Department which has persisted in some provinces down to modern times was that the inconvenience of the professional head of the Department holding communication with local governments only through their Secretariat was got round by making him Secretary in the Department of Public Works. The Secretariat of the Public Works Department had already by the end of Lord Dalhousie's Governor-Generalship become a charge of great labour and of the most public importance. Soon the need for the division of the Department into three branches was felt. In 1863 the military section of public works was placed under an Inspector-General of Military Works. In 1867 Irrigation which

203. In his Farewell Minute, 1856, 28th February.
204. Lee Warner's Life of the Marquess of Dalhousie, Volume II.
205. Lord Dalhousie's Farewell Minute, 28th February 1856.

had assumed tremendous importance by this time was placed under an Inspector-General of Irrigation. Thus by 1867 there were three separate branches of the Public Works Department, the Military Works branch, the Civil Works branch including Irrigation and the Railway Branch. In 1867 the Secretariat staff was strengthened by the appointment of an Under Secretary and in 1870 of a Deputy Secretary for each of the branches—Military, Civil works including Irrigation and Railways. In 1870, the P. W. Accounts branch was added. In 1882 the Military Works were completely separated from the Civil Public Works Department. In 1896 Railway works were separated from the other civil works and completely separated from the Civil Public Works Department. By 1895 the Public Works Department had become a purely civil department. In 1896 Railway works were separated from the other civil works and placed under a separate Railway Board with a Railway Secretary. In 1905, railways were placed under the administration of a Railway Board under the new department of Commerce and Industry. Still further specialization took place in 1937 when Railways were placed under a new Department of Communications.

A similar development by separation and specialisation took place in the provinces. Before Lord Dalhousie's reforms[206] there had been in Madras no less than three departments of public works one under the Board of Revenue another under the Military Board and a third under the Superintendent of Roads. In Bombay the military Board had been the controlling authority operating through a staff of engineers and through the superintendent of Roads and Jails. Under Lord Dalhousie's regime Madras and Bombay soon had its own Public Works Department under a single head with sole authority and undivided responsibility and an adequate staff of subordinates.[207] Through Chief Engineers at headquarters, Superintending Engineers in

206. Lee Warner's Life of the Marquess of Dalhousie, Volume II.
207. *Ibid.*

groups of districts, Executive Engineers in charge of districts and Assistant Engineers in charge of sub-divisions and overseers and supervisors the great and beneficient work of the Public Works Department is spread into every part of the country.

Services of the P.W.D.

The work that the Public Works Department has done for the country is writ large on its surface. The roads and railways that it built, the Irrigation projects that it conceived and constructed and maintained have classed it among the beneficent departments of the State. It added to the great heritage it received from the native rulers of India. It had only to build on the magnificient foundations laid by the predecessors of the British rulers of India. In the single Presidency of Madras in 14 of the chief ryotwari districts there were as many as 43,000 irrigation works in repairs and 10,000 out of repairs.[208] When the Public Works Department began its history the total road mileage of India was hardly 5,000 miles, by 1880[209] it had increased to 20,000 miles of metalled road. In 1927 it is 47,770 miles of surfaced (26,850 miles) and unsurfaced roads made and maintained out of provincial funds and for which the Public Works Departments may be held to be responsible.[210] Of Railways there were in 1872 about 5,300, by 1901 there were 28,000 miles of railway carrying 195,000,000 passengers and 44,000,000 tons of goods[211] by the end of March 1931 it was about 42,281. The extension of roads and railways increased the facilities of communication for the people but also helped the State in its maintenance of peace and order. As early as 1810 it was noted by a District Judge in Bengal that the security of peace in Tipperah arose in a great degree from the numerous roads and bridges which

208. Reports on Public Works in Madras in 1853.

209. Richard Temple—India in 1880 quoted in Report of Indian Road Development Committee.

210. Report of Indian Road Development Committee.

211. India by Strachey 1903 and India in 1931.

materially facilitated the apprehension of offenders and strengthened the operations of the police.[212] The Irrigation branch of the Public Works Department had by 1903 given India 43,000 miles of canals and other works irrigating about 20,000,000 acres of land, by 1929-30 about 31,700,000 and when the new works like the Mettur and Lloyd Barrage are completed 40,000,000 acres will be irrigated. In money also the gains to the people have been considerable. The revenue in the Kistna and Godavari deltas in 1843-44 was £4,40,000, the revenue in 1870-71 rose to £1,040,000, the increase was £600,000 or 136 per cent.[213]

In all but the Irrigation branch the impact of the Public Works Department on the people is impersonal. The Government finances the works and its service is judged by its fruits in the facilities for communication that it provides. Its officials do not directly come into contact with the people. But in the Irrigation Department the contact of the official of the Department with the people is personal and frequent. Three distinct systems for the maintenance and management of irrigation works in India have been adopted. In Madras where irrigation had from time immemorial been practised on a large scale from numberless tanks which were managed and repaired by the villagers themselves Government has contented itself with assessment of the revenue of lands fed by such tanks and with letting the Public Works Department to carry out special repairs or improvements of the works. The Public Works Department Engineer rarely intervened. The villagers kept their tanks in order and the officers of the Revenue Department decided what lands and to what extent should bear a higher assessment or rent of these water advantages. The Irrigation Commission of 1901

212. Extract from Letter in Judicial Dept. of Court of Directors to Governor-General-in-Council, 28th Oct. 1814 in Papers relating to Police, Civil and Criminal Justice in Bengal, Fort St. George, Bombay, Parliamentary Papers, 1819.

213. Evidence of Lieut. Gen. Sir A. T. Cotton, 5—7—1832 before Select Committee on East India Finance, 1872, Volume II.

has allowed this system to go on. But when irrigation by canals in the deltaic regions was introduced, although the old system was first tried it was found necessary to entrust the Public Works Department officer with a large share of the management. He has nothing to do with the work of assessment or with the internal distribution of the supply which is passed into each water course. But the distribution of the supply between the various branches and distributaries of the canal system is entirely in the hands of the canal officer, he fixes the size of the outlets or sluices at the head of each village water course, regulates the quantity of water to be passed through each, decides how long each should run ; he considers all applications for water for lands not previously irrigated and these are not accepted until he has certified that a supply is available. The second system of irrigation management is followed in Northern India. Not only the distribution of water but the whole work of assessing the water rate is entrusted to the Public Works Department Engineer. The canal officers form a distinct branch of the Public Works Department. The effect of imposing on the irrigation officer the duty of supervising the assessment and the internal distribution of the water supply has brought him into a closer and kindlier touch with the cultivator and to give him a more detailed knowledge of their wants than would have been possible in Northern India under any other system of management. The third system of irrigation management is promoted in the Bombay Presidency and is intermediate between the Madras and the Northern India systems. In the Bombay, Deccan and in Guzerat, the first class irrigation works are managed entirely by the Public Works Department Officer but the second class works (on which there is usually a wet or consolidated assessment) are as regards revenue management under the control of the revenue officers, the Public Works Department Officers undertaking all necessary repairs. In two districts, Poona and Khandesh, special irrigation divisions have been formed the officers devoting themselves exclusively to irrigation. The importance of specialising the management of irrigation works is recognised here

as in Northern India, unlike the Madras practice. In Scinde the canal officers are responsible for all public works in their districts but except in Karachi, the canals are the principal works under their charge and they devote much attention to them. The assessment and remissions of water-rate are made by the revenue officers. The canal officers, therefore, in Scinde have not the advantage of being brought as closely into touch with the irrigators as could be the case if they were responsible for the work of assessment.[214] In Madras, even after the recommendation of the Irrigation Commission of 1901 was carried into effect that the canal officer should belong to a specialised department as in Northern India, and still more in Northern India the Irrigation officers of the Public Works Department have frequent opportunities of bringing themselves to the notice of the people. The distribution of the supply between the various branches and distributories of the canal system is entirely in the hands of the canal officer, he fixes the size of the outlets or sluices at the head of each village water-course, regulates the quantity of water to be passed through each and decides how long each should run, considers all applications for water for lands not previously irrigated and these are not accepted until he is satisfied that a supply is available.[215] In all other respects the administration of the canals is in the hands of the revenue officers who make the assessments on crops, deal with applications for remissions, make necessary attestation in the revenue assessments when new lands are brought under irrigation. Although as the Irrigation Commission contend, the management of canals and the distribution of water is as technical a process as their construction yet it cannot be denied that the dependence of the cultivator on the canal officer for his supply of water for his fields throws open avenues for oppression and corruption. And as the superior officials of the district the Assistant and Executive Engineer

214. The whole of this information about the Irrigation Branch of the Public Works Department is taken from the Report of the Irrigation Commission of 1901-1903.

215. Report of the Irrigation Commission, 1901-1903.

even in the great deltas have other matters to attend to beside the management of the canals like public buildings and roads, the supervision that alone can check the submission to temptation to which the situation of the canal officer subjects him is lacking.

Posts and Telegraphs.

A department that has served to promote the communication of the people with one another is the Postal and Telegraph Department. In the early days of the East India Company the post office system was formed solely to facilitate the correspondence of the Commercial Residents posted at the chief centres of trade, the Government of the Company at the Presidency towns, and the Directors of the Company considered as a body of merchants. Later when the Company became a governmental power this private post became the public post of the country. The usual system of monopoly so dear to the Company was applied to the working of the post office and stringent laws were passed from time to time against all private carriage of letters. Even after the post office became public it was not treated as a special department requiring specialised technical administration. All kinds of people were placed in charge of the post office in the days of the Company. In civil stations the post office was placed in the charge of the medical officer and in military stations the Station Staff, a Major of brigade or a Deputy Judge Advocate, or the Commissary of Ordnance, in some civil stations it was handed over to the Magistrate. The results of this insufficient system were the high and varying rates of postage, the want of compulsory stamping, and the inadequacy of post offices and personnel.[216] When it came to be definitely organised, the postal department was originally a provincial department for purposes of administration, although it was under a Director-General of Post offices with the Government

216. Captain Staples—Observations on the Indian Post Office, London, 1850, Introduction.

of India. The inferiority of the postal system in India and the unsatisfactory manner in which the post office had been found to exist in every Presidency induced Lord Dalhousie in 1850 to appoint a Commission to examine the postal system of India and to recommend changes towards improvement. By an Act passed in 1856 the postal administration became centralized under a Director-General with Postmasters-General in the provinces. Uniform rates of postage of half anna and one anna were paid. In 1869 the class of inspecting postmasters in Bengal was improved, the staff of these officials was strengthened in the three Presidencies and a class of sub-inspectors was created for visiting the post offices during the period 1864-69. The offices of the Director-General and the Postmaster-General were considerably revised and improved. The District Post for the carriage of official papers in the district was placed under the management of the local postmaster in all presidencies and provinces except Oude. The Indian Telegraph Department was also organized during this period. The three Directorships of this Department in Bengal, Madras and Bombay were abolished, the number of Superintendents' circles was increased, two Deputy Director-Generals and a special Superintendent for works and construction were added, two officers were appointed for instructing Assistant Superintendents of Circles and others in the improved methods and the executive details of European telegraphy, the number of signallers was increased by strengthening old offices and opening new offices, and new training schools.[217] Post office statistics reveal an interesting tale of the growing literacy and progress of the people as well as of the growing contacts between Government and people. In 1854-55 the year of the introduction of the half-anna postage stamp the number of letters, post-cards, newspapers etc. carried was about 28¾ millions and rose in 1858-59 to 51 millions. In 1859-60 the year after the Mutiny it dropped to 47¾ millions, in

217. Memorandum of the Finance Department of Government of India for the years 1864-67 by Sir R. Temple, 1869.

1861-62 still further to 46 millions. The decrease in the latter years was attributed[218] to the large decrease in the native army, the reduction of European troops, the closing of many newspaper presses in the North West Provinces. In these years it was found that only the commercial classes prepaid for their correspondence the large proportion of unpaid correspondence in the North West Provinces, Punjab, Bengal and Bombay being due to the large number of places of pilgrimage in the provinces to and from which a vast number of covers bearing postages were despatched on account of the uncertainty of their reaching the addresses of people who had no fixed abode. The handwriting of letters written by the lower orders of domestic servants, shoe-makers and others was found to be puzzling and indecipherable.[219]

In 1872-73 the number of articles rose to 109 millions, in 1882-83 to 186 millions,[220] to 532,000,000 in 1901,[221] in 1915-16 to 1,051,428,160, in 1924-25 to 1,244,425,255.[222] It cannot be said that the number of post offices and letter boxes is adequate for the population. In 1915-16 it was 19,328 and in 1924-25, 19,652, while the number of letter boxes in 1915-16 was 49,584, in 1924-25 it was 49,959.[223] Nor is the number of the delivery staff adequate to the area and population. The number of postmen and telegraph peons in 1913-14 was 31,207, in 1921-22 it rose only to 32,521.[224]

As regards telegraph communication there were in 1857, only 3000 miles of single telegraph wire, a few score of telegraph offices in 1859-60 there were 10,994 miles of telegraph

218. Report on Administration of Post Offices 1861-62 quoted in Annals of India Administration, 1862-63, Serampore.

219. *Ibid.*

220. Statement on the moral and material progress of India, 1882-83.

221. Statistical Abstract of British India, 1915-16 to 1925-26.

222. Statistical Abstract of British India, 1915-16 to 1925-26.

223. Statistical Abstract of British India, 1915-16 to 1925-26.

224. Report of Indian Retrenchment Committee (1922-23), Posts and Telegraph Department.

wires and 136 offices ; in 1901 there were 1,82,000 miles of wire and about 6,500,000 messages were delivered. In 1915-16 the total miles of wire were 306,468, in 1925-26, 352,994.[225] In 1915-16 the number of internal private messages was 14,339,407, in 1926-27 it was 16,957,816.[226]

Medical and Health Departments.

The Medical and Sanitary (or later Health) Departments have brought the State to the notice of the people in a kindly form. The military origins of the higher medical services have already been traced. A civil medical establishment came into existence soon after the establishment of Medical Colleges in the three Presidencies. In Bengal the local civil medical service came into existence in 1838. It is from these and other provincial medical colleges that the civil assistant surgeons have been recruited. In 1880 the civil medical administration separated itself from the military. While the chief medical charge of districts long continued to be in the hands of officers of the I.M.S., seconded for civil employ, in recent years a proportion of the districts have been placed in the charge of civil surgeons belonging to the provincial services. The subordinate hospital assistants are trained in medical schools of which more than 20 were established by 1900.[227] The head of the Medical Services in the presidencies is a Surgeon-General belonging to the I.M.S. while the head of the Medical Department of the Government of India is the Director-General of the I.M.S. Till 1904 he was also head of the Sanitary or Health Department. The Sanitary or Health Department became in 1904 a separate department with a provincial Director of Public Health and a Director-General at the centre as the sanitary organization of the country was considered inadequate and backward. A proposal made in 1903 establishing a Sanitary Engineering Service

225. *Ibid.*
226. *Ibid.*
227. Imperial Gazetteer, Volume IV, Chapter XIV.

separate from the Public Works Department was abandoned and the old system of selecting Sanitary Engineers from Engineers of the Public Works Department continued. A Women's Medical Service was formed in 1910.

By 1852 Madras had 22 district dispensaries, by 1854 Bombay had 21 and Bengal by 1859 had 45.[228] By 1880 the total number of public hospitals and dispensaries in British India under public control was 1,200 in 1890 about 1,700, in 1902 about 2,500,[229] by 1915 the number had risen to 2,995 and in 1924 to 3,688.[230] Small rural dispensaries began to be established in 1923 in Madras. As for the number of people that have sought medical relief at these public hospitals in 1901 it was 26½ million,[231] by 1915 it was 33,575,001, by 1925 it was 39,644,756.[232]

To organize the sanitation of villages where the bulk of the population of India is to be found the Local Boards and Village Sanitation Acts passed in 1865-71 and in 1883-85 permitting the formation of village services and village sanitary committees whose duty is to provide potable water, keep the village clean and deal with the accumulation of offensive matter and with nuisances, and who have the power to commit persons infringing the sanitary rules and to levy taxes or rents. In 1902-03 in Madras there were 379 village unions in the Presidency and the total amount spent on sanitation by the local bodies about five lakhs was much greater than in any other provinces. In 1914 sanitation was organised only in 715 municipalities while the 227 millions in the villages were without any sanitary care.[233] But even so only the fringe of rural sanitation has been touched. Vaccination also is confined

228. Imperial Gazetteer, Volume IV, Chapter XIV.
229. *Ibid.*
230. Statistical Abstract of British India, 1915-16 to 1924-25.
231. Imperial Gazetteer, Volume IV, Chapter XIV.
232. Statistical Abstract of British India, 1915-16 to 1924-25.
233. Surgeon-General King on Sanitation in the Administration of India in Asiatic Review, July 1914.

mainly to towns. In 1880-81 the proportion of persons who underwent vaccination to the total population was 27 per 1,000, in 1902-03, 35 per 1,000[234] in 1925-26 it was only about 15 millions out of a population of 245 millions.[235] The registration of of births, deaths and their causes has in the past 80 years been gradually extended over the whole of the country. A valuable body of information is thus collected concerning the mortality and diseases of the population.

The medical services seem still to nurse the rule of seniority for the selection of the heads of the services—the vicious principle as Lord Dalhousie[236] characterised it, upon which the direction and control of the department is based.

The Medical and Health Departments whose history has been illuminated by the work of men like Fryer, Ronald Ross, Leonard Rogers and McCarrison have deserved well of India.

The Forests and the State.

For the conservation and protection of the forests of India the Forest Department was formed in Lord Dalhousie's Governor-Generalship. Even before that the Government of the East India Company had been alive to the importance of forests in India and to the influence of forests on the climate and rainfall and asked the Madras Government to collect information on the subject.[237] As early as 1800 the Court of Directors wrote to the authorities in India that they should assert the royal rights over forests which had been asserted by native princes over the forests of Malabar and which had been neglected by the Indian Governments. In 1830 a complaint was made by the Indian Navy Board of Bombay about the want of timber and urged the appointment of a Conservator.

234. Imperial Gazetteer, Volume IV, Chapter XIV.

235. Statistical Abstract of British India, 1915-16 to 1924-25.

236. Lee Warner's Life of the Marquess of Dalhousie, Volume II.

237. Influence of trees on climate and productions in Parliamentary Papers, 1881, Command Papers, No. 3086 Appendix.

In 1832 the House of Commons had evidence before it of the neglected state of the forests particularly in Malabar and Bombay and measures of conservancy were urged. Small attempts were made by the Government of Bombay in 1835 to take up forest management. But nothing organized in forest management happened till the appointment of Dietrich Brandis in 1835 to Burma.[238] Forest Conservators had been appointed in Madras and Bombay in 1847-1851.[239] The practical necessity of the great need for timber for the newly started railways in addition to the older demands of the Indian Navy created this department in Madras and other provinces.[240] It was considered absolutely necessary to the due economy and preservation of the forests that a proper selection of trees to be cut down should be made and that care should be taken that the thinnings should be so arranged as to afford opportunities for young trees to replace those taken away. The Government were of opinion that there ought to be a careful, systematic and skilled Superintendent of Forests. But it was in 1864 that a Forest Department for the whole of India was organized, and the Government were able to secure the services of Sir Dietrich Brandis trained in the great school of German Forestry for the newly created post of Inspector-General of Forests to guide local governments to administer their forests for them. The initial forest staff was scanty and untrained. But the establishment of the Dehra Dun Forest College at Brandis' suggestion supplied the requisite training for subordinate officers,[241] Rangers and Sub-Assistant Conservators were trained. By 1895, 355 professionally trained men had left the school, 82 with the Forester's Certificate.[242]

238. Mr. C. B. Phillimore's Evidence, 25th April 1871, before Select Committee on East Indian Finance, 1871.

239. W. F. Meyer's Memorandum on British Administration in India.

240. Rickett's Report on Civil Establishment and Salaries, page 857-860.

241. W. F. Meyer's Memorandum on the British Administration in India presented to the Decentralization Committee.

242. Dietrich Brandis on Indian Forestry in Asiatic Review, 1893.

The higher grades of the Forest Department were recruited then as now from men trained in the forest schools of Oxford and Europe but they began to be sent only in 1869. From the beginning the employment of Indians in the Department was urged. " It cannot be sufficiently urged " said Brandis in 1871 " that unless the practice of rational forest management becomes the common property of the natives of the country, the pursuance of the measures now instituted and other ultimate beneficial effects will remain uncertain.[243]

The first Forest Act of British India was passed in 1865. It imposed penalties on mischief and trespass, sanctioned confiscation of stolen timber and implements and also enacted that the value of drift timber should be credited to Government.[244] The penalties were not severe—not as severe as the penalties imposed by the Forest Charters of the Norman Kings. This Act applied to all provinces except Madras and Bombay, the Governments of which were authorised to extend it to their territories but did not do it. Another Act was passed in 1878[245] which applied to Bombay but not to Madras for which province separate legislation was passed in 1881-82. The classifications of forests was the first administrative Step taken towards the administration of the forests. They were divided into two classes—reserved and unreserved, the reserved being those from which everybody except the Government officers are excluded, cuttings being allowed in the unreserved ones with the permission of the department. There are also forests appropriated to villages.[246]

The forests have been surveyed and demarcated since 1870. The total area of lands under the Forest Department is

243. Dietrich Brandis' 1868 Report in Parliamentary Returns on Forest Conservancy.

244. Mr. A. Cleghorn, 25th April 1871 in Evidence before the Select Committee on East Indian Finance, 1871.

245. Act VII of 1878.

246. Mr. Phillimore's Evidence, 25th April 1871, before Select Committee on East Indian Finance.

about 233,600 square miles or about 24 per cent of the whole area of British India of which 92,500 square miles form reserved forests, 10,000 protected, 131,000 square miles as unclaimed. The vast extent of forest land, the control exercised by the Forest Department over the previous rights and practices of the population, the fact that forest lands include jungle and grazing yard intermingled with cultivated areas " bring the Forest Department with intimate connection with the life of the people ".[247] If Indian forest administration is not sullied with tyrannies of William Rufus and the other Norman Rulers of England, the Forest Department in India has placed necessary and salutary, but none the less unwillingly accepted restrictions on the right of the people to use and abuse the forests of the country. The duties and obligations of the people to these forests has been brought home to them.

Census and Statistics.

The collection of information about the people to be governed has been felt to be an urgent need by the Government of one people placed in authority over another. Egypt, Persia, the Roman Empire organised the work of collecting such information. The first information required in organized states was about the number of the people and their property and social classifications and life. The census has been an historic instrument of imperial government. There went out a decree from Augustus Caesar that the whole world should be enrolled. Augustus' census and statistical survey was first made in Gaul in 27 B.C. and then extended to dependent kingdoms like Judaea. The enrolling was made by Cyrinus, the Governor of Syria and all went to be enrolled every one in his own city. The census enabled Vespasian to gauge the taxable resources of the empire. Towards the end of the 18th century when the East India Company was consolidating its conquests and the foundations of civil administration were laid attempts were made to acquire accurate information

247. Report of Decentralisation Committee, 1907, Volume I.

about the number of inhabitants in the conquerred territories. The unreliability of the information obtained and of the sources of that information is shown by the fact that the official impression of the population of Bengal, Bihar and Orissa soon after the acquisition of the Diwani was 10 millions. Sir W. Jones in 1787 surmised that the population of three provinces together with that of Benares was 24 millions and another official authority Mr. Colebrooke thought it was 30 millions. Lord Hastings confessed in 1816 that estimates of the number of inhabitants had been very loose from the habits of the people which forbade any stranger even a native officer to enter a house. But his Government directed the Collectors and Magistrates to specify the number of cities, towns and villages in their districts, from the revenue records available they made rough calculations and computed the population of the lower provinces to be the enormous figure of 70 millions.[248] The first provinces where a census was taken in the Crown era were the North West Provinces and the Punjab.[249] An Act was passed by the Legislative Council of Bombay but it was withdrawn and the taking of the census was postponed until 1861. The want of population returns became more and more felt as schemes of water-supply, drainage and lighting were brought forward and especially as the death duties returns showed a rapid and large increase of mortality. Sir Bartle Frere considered another Act to be brought forward but it was disallowed by the Government in England. The Government of India asked to bring in an Act for the whole of India declared it impolitic so soon after the Mutiny as it might be thought a move to punish the disloyal or increase the taxes. The Government of Bombay had therefore to undertake a census without the sanction of penalties. The first simultaneous census of India was conducted in 1871. In 1881 the system of synchronous

248. Private Journal of Marquess of Hastings, 10th November 1816.

249. Memorandum on some of the results of Indian Administration during the first 30 years of British rule in India, 1878, Official publications.

decennial census of all India was inaugurated. Most of the Native States also took a census of their population. The improvement in knowledge about the population is proved by the fact that while previous to 1871, the population of Bengal had been variously stated to be from 38 to 42 millions it was found after the census of 1871 to be 67 millions.

Every ten years since 1881 the census of the whole population of India has been taken. A large army of workers is mobilized for the work of the census, but the bulk of the workers are voluntary. The cost of the census of 1930 was 34 lakhs for the whole of India. But this is deemed money not wasted, on account of the great advantages to the administration. The knowledge of the population, of the variations of population and their causes, of the influence of religion, social life and habits, occupations, on the population, of the movements of population between the varius occupations, of trade and industries, of the incidence of disease, of literacy are of the utmost utility to the administration.

Other statistics beside that furnished by the census have also been available to Governments in India. Early in the 19th century Francis Buchanan furnished to the Government of Madras valuable information about the recently conquered territories as the result of his travels. Lord Mayo was the first in the Crown era to take up the collection of facts and figures about India. It was he that constituted what was called a department of knowledge, i.e., the department of statistics. The Imperial Gazeteer of India which is a monument to the genius and industry of William Wilson Hunter, the provincial gazetteers and the first of them being the Central Provinces Gazetteer which owed its origin to Sir Richard Temple and Sir Alfred Lyall and which preceded Hunter's Gazetteer the District manuals and Gazetteers of the provinces are fertile resources of historical and political information. The best return that the present generation can make to those great harvesters of fact is to follow in their wake

and make these sources of information up to date.[250] Since then the collection of statistics has been organised. The Director-General of Statistics who had existed before 1905 became in that year the Director-General of Commercial Intelligence and Statistics. The Statistical Abstract of British India published for the past 50 years contains information of the greatest use to the administrator, the political critic, and the social reformer.

The Archaeological Department.

A department that has done inestimable work for India's political progress is the Archaeological Department. Like Archaeological departments elsewhere it has stimulated the patriotism of the people, has given them a source of pride in their past and has knit a strong bond of national unity. The Company had little time or inclination for archaeological curiosity. It was in the viceroyalty of Sir John Lawrence that the attention of Government was turned to the need for discovering and protecting the monuments of the past. Orders were issued to all local governments and administrations on the subject of conserving and photographing architectural structures and remains, and other works of art in their respective jurisdictions.[251] Sir John Lawrence added to his many services to India that of saving the Moghul buildings of Agra and Delhi from the vandalism of the military authorities. A Director-Generaliship of Archaeology was created but was in abeyance since 1889. But the archaeological Department and work as we know it to-day is the creation of Lord Curzon. An Archaeological survey of India was made in 1899 for 5 years. The post of Director-General was renewed in 1900 and made permanent and provincial Directors and staffs have also come into being. While in 1898-99 the total expenditure of the Government of India was less than £ 3000 and that of

250. Life of Sir Alfred Lyall by Mortimer Durand.

251. Summary of measures in the Viceroyalty of Sir John Lawrence, 1869—Home Secretariat Press, Calcutta.

local Governments £4000, by 1904 it had risen to £37,000 a year from both sources. An Ancient Monuments Act was passed in 1904 during the passage of which in the Legislative Council, Lord Curzon quoted Horace

> Delicta majorum immeritus lues,
> Romane, donec templa refeceris
> Aedesque labentes deorum, et
> Foeda nigro simulacro firmo.

The impulse given by Lord Curzon to archaeological work has not lost its strength though now and then the state of India's finance has weakened it. The work of John Marshall on the fields of Harappa, Taxila, and Mohenjo Daro has served the cause of history as of the politics of India.

The Secretariat.

To hold these departments of government together whether they acted at the centre or at the circumference and bring them under the control of the supreme executive some superior organ of the administration is required to act as the eye and ear and hand of the Government. It is the organ through which the Government at the head oversees the acts of subordinate executive authorities, hears about their doings and sends directions or injunctions to them. It has been known in different countries by differet names. The most common is the Secretariat. In British India it began as the office of the Secretaries to the Governors and Governors-General in Council. The formidable Indian Secretariat of modern times, central or provincial had rather humble origins. When Warren Hastings first organised the Government of Bengal in 1772 a Secretary was appointed as clerk of the Council together with a Persian Translator, for Persian was then the language of diplomacy and of the courts of law. In 1783 he and his Council on the analogy of what had already taken place in the presidencies of Bombay and Madras and on account of the great weight of official business which had come into the Secretary's office and the increasing duties

of the Government, controlling and necessarily providing for the operations of the other Presidencies during the war, decided that the Secretary's office be divided into two branches, the Secret and the Public Departments with a separate Secretary for each. The Secretary of the Public Department was to receive a monthly salary and fees of Rs. 1,200 and assisted by a sub-secretary on Rs. 800, six assistants on Rs. 400 to Rs. 100, two examiners at Rs. 300, one Registrar on Rs. 300, four European monthly writers on Rs. 350 to 200, eight Portuguese writers on Rs. 200 to 100 a month and a number of menial native assistants, farash daftars, and peons. The Secretary, Secret Department, was to receive a salary of Rs. 1,800 a month without fees and assisted by a sub-secretary, 18 assistants from Rs. 400 to 100 a month, 2 examiners on Rs. 300, one Registrar on Rs. 300 and menial native subordinates.[252] The Public Secretary and his department were " to take cognizance of all letters from the other Presidencies not of a political nature and from China of all matters which regards commerce and shipping, of all private and personal applications and of all transactions with the subordinate offices of Government in their public capacities and of a public nature. The Secret Secretary and his department comprised all subjects of a " political " nature, all the correspondence with the Presidents and Select Committees at the other Presidencies and their councils on political affairs, all the correspondence with the Residents at foreign courts, all transactions with foreign native princes and every military operation or movement of troops which is either resolved or undertaken.[253] Under Lord Cornwallis three sub-secretaries were appointed for the three departments of Public, Secret and Revenue now looming into importance. In Lord Cornwallis' time the history of administrative specialization began, for civil servants instead of being permitted to hold offices in different depart-

252. Minute of the Board, 23rd September, Fort William, 10th December 1783 in Selection from the State Papers in Foreign Department 1772-1783 edited by G. W. Forest, Volume III.

253. *Ibid.*

ments began to be restricted to one branch of the service.[254] In the time of Lord Wellesley[255] there were a Chief Secretary and four departments each under a Secretary—the Public (Company's Investment, Shipping, Salt, Opium, Marine and Miscellaneous), the Secret Political and Foreign, the Revenue and Judicial, the Military. The Chief Secretary in Lord Wellesley's time was to continue to retain general control over all Departments leaving each Secretary autonomous and separate and free in regard to the transactions of his department excepting in cases in which the general authority of the Chief Secretary as head of the Secretariat or in consequence of special directions of the Governor-General in Council or the Governor-General was asserted. His Chief Secretary, Mr. Barlow was to receive a salary of Rs. 55,000 per annum without house allowance.[256] The number rose to six in Lord William Bentinck's time. Lord Auckland's regime saw the number of Secretaries reduced to three, the number of departments to four. Lord Ellenborough rendered one of his great administrative services to India when he reorganized the whole Secretariat on lines which held for a long time. His Departments were classified on an administratively logical basis. They were Home, Finance, Foreign, Military. The Railway created the Public Works Secretariat in Lord Dalhousie's time. Lord Mayo added that of Revenue and Agriculture following up a suggestion of the Famine Commission. The growth of the Legislative Council after 1860 led to the constitution of the Legislative Department.[257] The modern importance of educa-

254. The Governor-General-in-Council to Court of Directors, July 31st, 1787—Selection of State Papers of the Governor-General of India, Lord Cornwallis, Volume II, edited by G. W. Forest.

255. Minute by Governor-General P. P. 2535-48 O.C., 29th October 1799, No. 1, Imperial Record Manuscripts.

256. Minute by Governor-General (Wellesley) P.P. 2535-48 O.C. 29th October 1799, No. 1, Imperial Record Manuscripts.

257. This history of the Indian Secretariat is taken from the statement on the Material and Moral Progress of India, 1882-83.

tion, health and sanitation has given birth to still another department of the Secretariat. Similarly Industry and Commerce in 1904, while military affairs must have a Department and Secretariat of their own. The provincial Secretariats also developed on similar lines in regard to numbers and work and powers.

The position of the Secretary of a Department *vis-a-vis* the Government or its head was defined very early in the history of the Indian Secretariat. Sir John Malcolm when he was Political Agent at a native court and Mr. Edmondstone the great Political Secretary of Lord Wellesley's time had occasion to discuss this question. The latter laid down the principle which has held ever since that " servants of the State acting in a ministerial capacity are bound to do their best to carry into effect the measures of the responsible head of the Government, without reference to their own individual sentiments."[258] Resignation of a Secretary who did not see eye to eye with the Governor or Governor-General in Council would appear extraordinary to every person acquainted with the nature of his office which is obviously one of an executary not of a deliberative nature.

A famous Chief Secretary.

The power and influence of a Secretary to Government in those early days is celebrated by the careers of the famous Secretaries of the past. We have already alluded to the career of Mr. Edmondstone of the Bengal Secretariat. Mr. Webbe of Madras illustrated the career of a provincial Secretary. Mr. Webbe had rendered such great service that when to reward him for his services the question of posting him out of Madras was considered a strenuous fight was put up by the authorities to retain his services in Madras. Mr. Webbe had for some time been the very right hand of the Madras Government. Josiah Webbe, appointed a writer at

258. Quoted in Sir John Malcolm in Lives of Indian Officers by Kaye, Volume I.

Fort St. George, Madras, in 1783, became a Secretary to the Board of Revenue in 1790, Secretary to Government in 1797 and the first Chief Secretary in 1800. When Lord Clive was about to leave the Governorship of Madras it was considered necessary to retain Mr. Webbe as the chief ministerial officer of the provincial Government as the new Governor considered his services necessary which was also the policy of Governor-General. He had just completed with reasonable address the settlement of the Carnatic and it was essential that he should remain on the spot to carry into effect the orders of the Governor-General for the introduction of an improved system of judicature and revenue in the territories subject to Fort St. George. To Webbe Lord Wellesley looked as one of the agents of his domestic policy in Madras and he believed that without his aid that Presidency would be engulfed in ruin. Webbe, according to that high authority rendered himself an useful instrument for promoting the interests of the Government of Madras, securing the integrity and vigour of the administration and improving the conditions of the people of the peninsula and of augmenting the reputation and honour of the British name in every part of the extensive dominions subject to the ascendancy of Fort St. George.[259]

The later history of the Secretariat of the Government of India reveals the names of other Secretaries who have from behind the scenes influenced the course of history. Such were "the solid John Colvin and the brilliant Henry Torrens" who made up the mind of Lord Auckland to support Shah Shuja,[260] and William Macnaughten, the Foreign Secretary bitten by Russophobia. Lord Dalhousie knew how to appreciate the services of his Chief Secretary Elliott for he felt great confidence that he was behind him with his administrative

259. Wellesley to Select Committee of Court of Directors, 21st Oct. 1801 in Despatches edited by Martin, Volume III.

260. Lord Auckland by Captain Trotter in the Rulers of India Series.

experience and judgment.[261] And in a later time there was Colonel George Colley, first Military Secretary, and later Private Secretary to Lord Lytton sitting silent and unconcerned at meetings of the Governor-General's Council content to have primed Lord Lytton beforehand with his ideas on the Afghan question,[262] as he was the Viceroy's military mentor and gave his master the key to his opposition to the views of the Commander-in-Chief himself on military matters such as the number of troops and the scale of proportions necessary for any military project.

Growth and Influence of Indian Secretariats.

The Indian Secretariats have shown a great capacity for growth in numbers. On account of the importance and number of the duties that devolved upon Indian Governments this growth in numerical strength was not inexplicable. The State was a landlord and an improving landlord. In addition to the demands of paternalism other material causes operated. The arduous nature of the climate, the ignorance of the vernaculars of the European officials deplored in official reports and correspondence, the cheapness of clerical labour served to increase the numbers in the Indian Secretariats. The demand for increase of establishments[263] was insisted on from the beginning To a demand from superior authority in 1805 for revision of establishments the Secretary of the Public Department, the Secretary of the Military Department the Civil Auditor replied that no reduction was possible, on the other hand the Chief Secretary and the Secretary, Military Department, asked for more.[264] In 1809 the Governor-General had to complain

261. Lee Warner's Life of Marquess of Dalhousie, Volume I.

262. Sir Neville Chamberlain's views in Rait's Life of Field Marshall Sir Donald Stuart.

263. Life and Correspondence of Sir John Malcolm by Kaye.

264. Letter of May 1805—Revision of Establishments, Imperial Record Manuscripts.

"scarcely a week passes in which some new establishments are not submitted for his approbation and so forcibly recommended as to render it impossible to reject them."[265] In Madras after 1858 the increase of work in the Secretariat was due to extended operations of the Public Works Department, the commencement of general revenue survey, systematic revision of revenue assessment throughout the Presidency, the nature of the land revenue system most of the country being under ryotwari and the close scrutiny exercised by Government over revenue questions.[266] In Bombay the real cause of the great quality of work about the same time was that the whole administrative system was one of central instead of local authority and though the area, population and revenue of Bombay were smaller than that of the other Presidency the Government of Bombay undertook the greatest amount of work. A mistaken system of unnecessary centralization which brought details and business not of the highest importance under the purview of the central government without leaving such matters to be disposed of by those functionaries who may be expected to superintend and control the local authorities was the cause of the larger amount of work thrown on the Bombay Secretariat.[267] As for the provinces under Lieutenant Governors with no Executive Council the work thrown on the Secretariat was even greater. They had not only to post the head of the Government with arguments but they had to discuss and prepare drafts of decisions for him. The work of the Secretariat went on increasing in the half century between 1858 and 1900. It was no exaggeration to say in 1901 that many matters of detail required reference to Government which 25 years before were finally disposed of by the district

265. Minute by Governor-General, 27th March 1809, Home Department, Public Proceedings, Imperial Record Manuscripts.

266. Rickett's Report on Civil Establishments and Salaries.

267. *Ibid.* Also Letter of Secretary to Government of Bombay to Secretary to Government of India, 24th February 1855 in Home Public Proceedings, 22nd and 23rd June 1855 in Imperial Record Manuscripts.

or the divisional officers.[268] While in the first year of the Punjab under Lieutenant Governors, the head of the province was able to go through his work with the aid of one Secretary, by 1901 beside the heads of the Police, Public Works and Education Departments, he had a Chief Secretary, a General or Judicial Secretary and Assistant Secretaries. When Lord Roberts wrote his classic work on India he noted the increase in the number of departments and offices under the supreme Government and deplored the tendency of such departmentalism to interfere with the autonomy and discretion of local Governments.[269] The cost of the Secretariats in India, provincial and central, rose from Rs. 392,000 in 1875-6 to Rs. 517,000 in 1895-6[269-a] Since then it has increased by leaps and bounds. At present the central and provincial secretariat would cost at least a crore of rupees.

The number of departments in the central Government in 1922 was considered to be excessive by a Retrenchment Committee[270] and that the six departments that existed then should be reduced to three. The reduction has yet to be made.

The growth of the power and influence of what may be called departmental centralization has made most departments of Government at the centre or in the provinces centralized and ruled by Heads from headquarters. This departmental centralization has undermined the authority of the district officials. The Collector is no longer the one representative of Government in the district. Each of the departments like Police, Agriculture, Education, Co-operation, have their own district heads corresponding and issuing orders with little or no reference to the Collector.

268. Loraine Petrie on Indian Secretariats in Asiatic Review, April 1901.

269. Forty-one years in India by Lord Roberts.

269-a. Final Report of Royal Commission on Administration of expenditure of India, 1900, Vol. IV.

270. Report of the Retrenchment Committee, 1921.

Vices of the Indian Secretariat.

The vices of the Indian Secretariat and of Indian Departmentalism have not been peculiar to it. Its *penchant* towards centralization, its insistence on forms and returns and routine, its dependence on writing, its chadband love of facts and figures, its doctrinaire treatment of questions as if they affected things and not persons have been noted by official observers.[271] Its passion for uniformity has bred the saying that the ideal of departmentalism is "everybody, everywhere, doing the same kind of thing, at the same time in the same way."[272] Departmental zeal has been described as zeal for the department so strong that it excludes sympathy, or even toleration for anything that does not fit in with its ideal."[273] The daily round of files, with the familiar and now historic red-tape round them, the solemn procession of teakwood boxes, the voluminous noting from clerk to member, as in Madras or from under-secretary to member as in the central Secretariat, the whole process partaking of the nature of some mithraic ritual have been noticed and satirized by Viceroys and men of the Press. Cases have been noted like that of one 2 ft. 9 ins. high and gathering its size from 1860 to 1920[274] of 61 folio pages of print and contributed only by two clerks of the Foreign Department. Red-tape which has bound the departments of Government in the bonds of routine and precedent has done its work in the Indian Secretariat. Technical departments of Government especially have chafed under it. The military power has been checked by it. Sir Charles Napier complained that he could not move two Companies from one place to another without writing a letter to one Secretary, who wrote to another, who addressed a third who asked the Governor-General's leave for the Commander-in-Chief to move the Companies. He the Commander of 500,000 men could not

271. Like Lord Roberts in his Forty-one Years in India.

272. Carstar's Little World of a District Officer.

273. Carstar's *op. cit.*

274. George Dunbar in Frontiers and Life of Curzon by Ronaldshay, Volume II, Chapter 1.

move two companies out of danger without writing to the Departments of the civil power.[275] The Indian Secretariat has been compared to the Council of State of the French Ancien Regime[276] with its centralized, meddling, impersonal administration of affairs. Nor has the Indian Secretariat relieved the higher authorities of the work of detailed supervision. Delay is a frequent result of the ways of the Secretariat. That delay has sometimes been dangerous. The dilatory conduct of the Government of Bengal in the Orissa Famine of 1860 was attributed[277] to the prevalence of red-tape and routine in the administration. Sir Charles Beadon who had been sent by the Governor-General to report on the conditions in Orissa and saw nothing that might be expected to lead to the terrible famine that ensued had spent the last years of his service in the bureaus of the Bengal Secretariat. What an official observer[278] noted towards the middle of the last century has persisted down to modern times in the central as well as in the provincial Government. All that is done in England by the Cabinet and the Treasury and great part of what is done by the War Office, Admiralty, Office of Works and the other administrative department is done by the Governors and Governor-General in Council. One consequence of this has been that all the Indian Governments are overwhelmed with work and the time of these great offices of State is frittered away in attending to details which are entrusted in England to junior clerks. Another consequence was that, departmental chiefs not being expected to act on their responsibility, inferior men could be appointed to these situations for personal motives.

275. Life and opinion of Sir Charles Napier, Volume IV under year 1849.

276. G. W. Forest in his Life of Mountstuart Elphinstone in Selections from the Minutes and other official writings of Mountstuart Elphinstone.

277. In the House of Commons by Mr. S. Laing formerly Finance Member of Governor-General's Council on 12th August 1867.

278. Sir Charles Trevelyan in Minute, 13th July 1859 in Parliamentary Papers, 24th May 1860.

Departmentalism in India.

This departmentalism itself has not always been scientifically treated. Not always nor everywhere has there been co-ordination and due subordination of departments. In the last days of the Company and in the early years of the Crown era a shrewd observer from the inside noted the spectacle of a number of departments with independent and concurrent powers, sometimes pulling together by virtue of national habits and order and subordination but often unnecessarily and unavoidably thwarting and impeding each other to an extent quite subversive of good government.[279] The multiplication of departments has gone on as we have seen both in the central and provincial Governments. The districts have also been affected by this multiplication. The Collector who used to be the single representative of the provincial Government in the district has been in the course of the last 50 years divested of large slices of his original jurisdiction by local boards, offices of Agriculture, Co-operative, Medical, Sanitary, Police Departments. The growth of the power and influence of what may be called departmental centralization, has made most departments of Government at the centre or in the provinces centralized and ruled by Heads from headquarters, with little or no reference to the Collector. This departmental centralization has undermined the authority of the district officials. What Bartle Frere said in 1858 has become increasingly true in recent years, that nowhere in India is it now possible to find a functionary of a grade higher than a village headman who can say that he represents Government in all its departments, that he possesses himself undivided authority within the territorial bounds of his charge and that he is responsible to only one supreme representative of Government. The rule laid down by Sir George Campbell of Bengal that

279. Letter to Colonel Durand on the Reorganization of the Indian Army by H. Frere, Commissioner of Scinde, 1858, printed for private use only.

heads of departments were on no account to dictate to district officers who within their charges should be subject to the control of their Commissioners, be supreme over everyone and everything in the districts except the courts of justice has not been observed in any of the provinces.[280] This departmental decentralization uncontrolled by personal decentralization has not contributed to the smooth working of government and must be held responsible for most of the delay and ineffectiveness of administration in normal times. And in times of crisis it has led to breakdown.[281] The craze for centralization has afflicted Indian administration from time to time. Masterful Governors-General have been specially prone to it. Lord Curzon could not brook the autonomy of the Presidencies of Madras and Bombay. His Viceroyalty saw the golden age of Inspectors-General. There were Inspectors-General of Police, Excise, Salt, Forests, Irrigation, Agriculture. Called into being in 1907 most of them expired in 1913. Local Governments were unanimously in favour of their abolition. And the only advantage of Inspectors-General could be obtained otherwise. Technical advice could always be obtained from the experts in the various departments of provincial or imperial governments and by conferences of provincial and central heads of departments.

The Services of the Secretaries.

All this reference to the general and special vices of the Indian Secretariats and Departments of Indian Government is warranted. But the vices of the Indian Secretariat and the Departmental system cannot veil their real services to the State. For one thing they have succeeded in giving India that instrument of government which it had long been without. If the struggle waged by the supreme Government of India at Calcutta in the early part of the 19th century to assert the legal supremacy of the central

280. Cambridge History of India, Volume VI, Chapter XIII.
281. Cambridge History of India, Vol. VI, Chapter XIII.

Government over the Government of the Provinces guaranteed to it by Act of Parliament was to succeed it could only be by the organization of a strong and efficient Secretariat for the Government of India. It was the Secretariat that could procure the information of facts and figures and circumstances from the Provincial or District administrations that could enable the Central or the Provincial Government to decide on the issues presented to the superior Government. It was the Secretariat that could formulate the orders and decisions of the Central or Provincial Governments and issue them in a form, that could convey force and meaning to Provincial Governments or district officers. An official wielder of the axe of retrenchment,[282] called upon to revise establishments and salaries towards the middle of the last century was constrained to admit that of all departments expense should be least grudged to a Secretariat. With such expensive machinery as the Governor-General or Governor-in-Council it was necessary to provide the best agency possible in the Secretariat so that as much work as possible may be disposed of by Government in the most capable manner. Able Governors and able judicial and executive subordinates must, it was held, lose much of their efficiency if the Secretariat is inefficient and consequently the issue of orders is delayed. Zeal and discretion at the circumference are sure to cool if references remain unanswered by central or provincial Government and correspondence neglected. This centralization through the Secretariat may be excessive as in the case of the Public Works Department in the early years of its activity from 1855-1890. It was described in 1873 as a monster of official centralization far exceeding the worst that used to be said of the English War Department. It was mere accumulation without consolidation.[283] The Public Works, Civil, Military,

282. Mr. Rickett in his Report on Revision of Civil Establishments and Salaries, 1858.

283. Evidence of Sir C. E. Trevelyan, 25th February 1873 before Select Committee on East India Finance, 1876, Volume III.

Irrigation, Railways for the whole of India was administered from a single Secretariat at Calcutta or Simla.

Government by Forms and Procedure.

The Secretariat and Departmental system have introduced government by forms and procedure. This system has replaced the old system of government by persons and by discretion which did well in the early days of the new Government and whose passing has been regretted not only by the school of administrators that practised it but by their latter day admirers.

Personal versus Institutional Administration.

The regrets over the passing of personal rule in British administration are not vain but founded on ideas of true statesmanship. The regret becomes vain only when it is applied to all the levels of administration. That form and rule should govern an impersonal Secretariat is obvious. But that form and rule should fetter the movements and activities of officials entrusted with administration at the circumference in direct and immediate contact with the men to be governed is much more difficult to allow. The easy accessibility of the district official to the people of the districts was the sheet anchor of British administration in the days of its foundation. It built up the administrative fame of a Malcolm, a Munro, an Edwardes, an Elphinstone, a Henry Lawrence and a John Lawrence. Seated in the village chabootra or in his durbar room or tent in camp " surrounded by the most respectable of the inhabitants readily communicating the knowledge they possess while those who might be inclined to conceal the truth, feel thwarted under the eyes of all whom they are accustomed to respect and whose good or bad opinion is a matter of considerable importance, and know that should a misstatement be made it would be immediately checked and pointed out by some of the durbaris" the district collector of the old school had his hand on the pulse of his district and on the directing wheel of the machine of district administration. It

was on the *Char Darwazah Kulah* system that the old school of British rulers of India governed the country. It was that how Malcolm surrounded by his Nabobs, Rajahs, Bhil Chiefs, Patels and ryots, his house a thoroughfare from morning to night, no moonshies, dewans, dubashes, even chobdars coming between him and his people, administered the affairs of his jurisdiction in Central India.[284] These direct contacts with the people would prevent the activities of intermediaries trading on the ignorance or remoteness of district officials from the men and affairs of the district. Malcolm's practice [285] of not allowing any business, however urgent and no meal however hungry he might be to prevent the instant access of any human being, however humble from having access to the Collector accounted for his popularity and his success. " Do you know why the Almighty has given me two ears " said Malcolm to a Bhil who had rushed into his tent crying for justice against acts of robbery and murder committed against him and his and would not wait for an enquiry " it is because I might hear your story with one and the other party's with the other ".[286] Personal observation and personal contact gives a district official what a good knowledge of the topography of a country gained by actual travelling gives a good traveller and what no maps can give until one has travelled over it and made onself master of its principal features.[287] There is no reason why this government by personal contact at the circumference should have disappeared except that the rule of forms and reports and returns and precedents and routine so appropriate in the Secretariat has invaded the district offices. Impersonal administration in the Secretariat and personal rule in the district sums up the golden rule of Indian administration.

284. Life of Sir John Malcolm in Lives of India Officers by Kaye.

285. Described in a letter to Mr. Butterworth Bayley quoted in his life in Lives of India Officers by Kaye.

286. Quoted in life of Malcolm in Lives of India Officers by Kaye, Volume I.

287. *Op. cit.*

The services of the administrative system to India.

Whatever may be our judgment on the moral and material results of British administration, of its political services there can be no large extent of doubt. To have brought back large masses of the population of India distracted by the absence, or the multiplication, or the caprice of authority which was the political feature of the last days of Moghul rule and to have taught them the art of peaceful obedience was no mean achievement. To have taught the inhabitants of Upper and Lower Bengal by the year 1813 that " their own interests were better promoted by the cultivation of the arts of peace than by an indulgence in those habits of oppression and of resistance to public authority to which they were before so much addicted "[288] was no ordinary service. To have diffused executive authority to every corner of the vast country,[289] " to have placed large bodies of officials more immediately in contact with the executive authority of the State, as an official letter of the early 19th century put it,[290] to have made the authorities at the circumference pay due obedience to the rule of the supreme Government was to make a larger contribution to the making of the State in India than all previous rulers of India had accomplished. To have vindicated the autonomy though not the independence of the executive—history reveals the danger the Executive feared from the judiciary in Sir Elijah Impey, Wellesley and Malcolm's times —is no mean achievement.[291]

To have acted the part of a benevolent landlord improving his estate and to have introduced systems of agricultural

288. Revenue Letter from Bengal—Ceded and Conquered Provinces, 17th July 1813 in Selection from Records of East India House, Volume I, 1820, Bengal Revenue Selections.

289. Memorandum of the life and correspondence of Lord Teignmouth by his son, Volume I, Chapter II.

290. Judicial letter from Bengal, 1st March 1817 in Papers relating to Police, etc., in Bengal, etc., in Parliamentary Papers, 1819.

291. Wellesley in Despatches, Volume II, Mornington to Dundas, 5th March 1800.

credit, built roads, irrigation dams and canals, hospitals and dispensaries and schools and colleges was to bind the people to the state by other chains of interests and gratitude. to have acted on the principle.

> Staatserhaltend sind nur Jene.
> Die vom Staate viel erhalten

was no despicable method of strengthening the foundations of the State in India.

CHAPTER VI

SOCIAL AND POLITICAL IDEAS FORGED BY THE ADMINISTRATION.

> "La plus grande de toutes les puissances est une conscience pure et eclairée dans ceux a qui la Providence a remis l'autorite. C'est le desir prouvé de faire le bien de tous."
>
> TURGOT TO LOUIS XVI.

The motive power of the administration.

A machine requires some motive power to make it work. Administrative machinery also cannot function unless it is moved by some force. That force can be imparted to an administrative machine from one of two sources. The force may come from without or from within. Normally the administration receives its motive force from outside itself. It comes in the shape of ideas and ideals. The ambitions of a monarch or the ideals of an aristocracy or the aspirations of a democracy usually give their administration the stimulus or the ends to which it may work. But the British administration of India has been placed in a peculiar position. Starting with no large views of governmental duties, taking up one duty after another under the influence of circumstances rather than from any preconceived notions, building itself up as it went along, remote from the ultimate source of authority, and belonging to a people that had no extensive view of the duties and functions of government the administration built up by the British rulers of India has had to depend on itself for the making of the parts, the assembling the machine, and supplying the motive force itself. This administration has had to make its ideas for itself. So self-dependent and self-sufficient has it been that it has waited on circumstance for the conception of those ideas. The practical needs of administration have bred the ideas that have

served as motive power of administration in India. "Our ordinances in this country" acknowledged Lord Hastings[1] "have been generally instigated by some casual occurrence." Not that there were not other ideas which influenced administration from outside. The dominant political philosophy of the time being in England, the view the Court of Directors held of their governmental responsibilities, the bundle of ideas and theories of social conduct and welfare which influential administrators brought with them into the administration played some part in the shaping of policy or the determination of events. But with a body of English administrators drafted into Indian administration early in their teens as was the case till about 40 years ago, with their political thought and education derived from Indian circumstance rather than from European ideas, preoccupied with the practical business of administration it was the ideas they made for themselves in India rather than those that came from elsewhere that influenced their policy and conduct.

Ideas taught by practical needs.

It was the circumstances and conditions of India that taught the English rulers of India their political ideas. It is a common place of political observation that while the French and those that derive their political philosophy from them are ruled by general ideas, the Englishman is governed even in his theory by practical considerations. His political theories arise mostly out of political circumstance. The theory of Constitutional Monarchy, of Party, of the Franchise, of the relations between the State and the Individual have all been dictated by the demands of particular facts and developments. He found two parties useful in the working of parliamentary institutions and Burke formulated for him a theory of Party. He expected popular franchise to widen the basis and strengthen the foundations of government and

1. Private Journal of Marquess of Hastings, February 13, 1816.

has accepted universal suffrage to which as a theory he had objected. And the needs of modern society have made a State Socialist of one of the stoutest individuals known to history. This influence of practical needs in the determination of his political and social ideas has been even more pronounced in India. Cut off by physical and intellectual distance from the main currents of European thought, with noses held to the grindstone of one of the most complicated and detailed administrations of the world, called upon to the administration of an alien people whose ideas and constitutional modes were not his own, it was no wonder that the English administrator in India has had to rely on Indian facts and circumstances to teach him the ideas that were necessary to supply the motive power of the administrative machinery that he had set up in India.

The Theory of International Relationships.

Among the first and the most important of the ideas that he had to discover or invent were those that would help him in the regulation of the conduct of his government to the governments of the other and native rulers which he found already in possession in the country. The East India Company and its servants had come to India as subjects of one State seeking permission to trade in the territories of others. They came as traders asking for permits and concessions that would help them to carry on their commercial projects with profit to themselves. They acknowledged the supreme sovereignty of the Moghul Emperor or the independent Rajahs and the minor sovereignties of the subordinate rulers. But soon they discovered that the sovereignty of the Moghul was nominal and that the sovereignties of the others were as much as they could effectively claim and could be conceded to them. Soon from the condition of humble and obedient concessionaires the Company and its representatives claimed international equality with the States or the country powers as they called them, and soon again they claimed an increasing measure of supremacy over them.

Illustrations—The Carnatic.

The history of the case of the Nawab of the Carnatic illustrates the change in the relationship between him and the Company. When the English first set foot on the soil of Madras, the Nawab was the virtual ruler of that part of the country. By the treaty of Paris of 1765, the Nawab of the Carnatic was recognised as an independent prince. And when in 1775 disagreements between the Company's Government at Madras and the Nawab arose and the matter went up for arbitration to the Governor-General-in-Council at Calcutta, the latter taking their stand on the several orders of the Court of Directors, their view of the Nawab's authority and the right of interference given to the Council of Fort St. George gave their finding that the Madras Council had an undoubted right to offer their advice to the Nawab on all matters of common interest which the Company's possessions in the Carnatic gave even when their separate interests may be affected; but in all matters which respect the internal government of the Carnatic, the management and collections of its revenues, his rights as sovereign of the Carnatic must be respected.[2] The government of the Carnatic, the appointments to commands, the regulation of the forces of the province, the collection of the revenue, the correspondence with foreign chiefs and States, the negotiations and even the execution of foreign treaties were strictly the rights of the Nawab. Only the Company's Government at Madras might be consulted on account of the common interest involved in cases of extreme necessity by the Nawab in regard to the appointments to the commands in his army and to fortified places and in regard to treaties with other princes.[3] The regula-

2. Letter from Fort William, 7th December 1775, Selections from State Papers in Foreign Department (1772-1783) edited by G. W. Forrest.

3. Letter from Fort William, 7th December 1775 in Selection from State Papers preserved in the Foreign Department (1772-85) edited by G. W. Forrest.

tion of his army, the number and strength of every corps ought to be fixed by treaty. But already the supreme status of the Company in their relationship reveals itself when the Calcutta Council claims that " while the defence of the Carnatic depends as it ever must on the military power of the British Government that Government has a natural right which cannot be taken from it without hazarding the safety of the whole system to dictate the means of its defence." The Nawab's military establishment can only supplement and not contradict the Company's forces. In 1781-1784 a clever attempt which Warren Hastings and his Council saw through, was made by the Madras Council to deny sovereignty to Nawab Wallajah by substituting the country of the Carnatic for the Nawab as a party to treaties. Warren Hastings called this a contrivance of which there was no example. According to the Madras theory although the Nawab was acknowledged by the Company to be the proprietor and sovereign of the Carnatic, in their treaties the rights and relations that he possessed as sovereign of the Carnatic vested in the Carnatic itself, in the property instead of the proprietor.[4] In 1786 when the question of succession arose Lord Cornwallis was told decisively by Dundas that while the second son was the favourite of the father " as well by the faith of treaty as by our own interest we must ultimately thwart the views of the Nawab and his second son in this respect ".[5] For want of punctuality in the payment of the dues of the Company, the Company took possession of the management of the country and its resources in 1787.[6] And

4. Letter from Governor-General Warren Hastings to Edmond Wheeler, 27th April 1781 and 3rd May 1784 in Selection from State Papers in Foreign Department (1772-85) edited by G. W. Forrest, Volume III.

5. Letter of Henry Dundas to Cornwallis, July 20th, 1786 in Cornwallis Correspondence edited by Ross, Volume I, Appendix XXXI.

6. Governor-General-in-Council to C. W. Mallet, December 18th, 1789 in Cornwallis Correspondence edited by Ross, Volume I, Appendix XXXI.

they were not to be restored until the proportion of the expenses were discharged and the arrears which remained due for the peace contribution were completely liquidated.[7] A little later the proposal was adumbrated that the territories should be permanently left in the possession of the Company on condition of his receiving the same proportion of allowances as formerly.[8] Cornwallis was decisively of the opinion that the mixed government which had been set up could not prosper even in the best hands in which the Company's part of it can be placed and unless the plan that he proposed was adopted " the inhabitants of the Carnatic must continue to be wretched, the Nawab must remain an indigent bankrupt and his country an useless and expensive burthen to the Company and to the nation."[9] By the third article of the Treaty of 1792 concluded between the Nawab and Cornwallis it was agreed that in the case of war breaking out in the Carnatic, the Company should possess full power. The failure of the Nawab to make payments due to the Company, his indebtedness to those that never approached his Durbar for any other purpose than to pursue their habitual views of " plunder and rapine " made the Marquess of Wellesly propose a revision of the Treaty of 1792, arranging for the liquidation of his debts to the Company, the placing under the exclusive management, control and authority of the Company in perpetuity a territory equal to secure the whole of the monthly payments to the Company's treasury which would cease, thereafter a part of his territory being left still under his absolute control.[10] The discoveries made in the palace of

7. Foreign Secretary's letter to the Governor-General-in-Council, May 6th, 1791 edited by Ross, Volume II.

8. *Ibid.*

9. Cornwallis to Court of Directors, August 10th, 1790 *ibid.*, Volume II.

10. Earl of Mornington to His Highness the Nawab of Carnatic, 24th April 1799—Despatches of Marquess of Wellesly edited by Martin, Volume I.

Seringapatam revealing the disloyal conduct of the Nawab before the last Mysore War led to the final act in the relationship when the Nawab of the Carnatic was deprived of all territorial sovereignty in any part of his territories and was reduced to the position of a pensioner, and the entire civil and military government of the Carnatic was assumed by the Company.[11]

Oude.

The history of the relations between Oude and the Company reveal a similar development. The influence and the right of the Company to exercise it both originated in the circumstances in which the connection began. Warren Hastings found the Nawab Shuja-ud-Dowlah a dependent of the Company or rather of the Commander-in-Chief of the British Army in occupation. A treaty was concluded in 1773 which left him " optionally free but virtually dependent on the Company by the reciprocal obligations it imposed i.e., military assistance on the part of the Company and the payment of a fixed monthly subsidy for the expenses attending it on his part." He remained the absolute sovereign of his dominion and whenever he found the presence of the British army or the ascendency of the British alliance too powerful for his case or dignity he might free himself by disowning the army. But the necessity of his affairs rendered it unsafe or inconvenient.[12] By the Treaty of 1775 the Nawab had pledged himself to the introduction of economy in his finances by the reduction and regulation of his Mukthamen troops, the separation of his private purse from the public funds and placing the latter under the separate charge of the minister

11. Earl of Mornington to H. Dundas, 5th March 1800—Marquess Wellesly to Lord Clive, 23rd May 1801 in Marquess of Wellesly's Despatches edited by Martin, Volume II.

12. Minute of Governor-General (Warren Hastings) 29th September 1783 in Selection from State Papers in Foreign Department (1772-85) edited by G. W. Forrest, Volume III.

and the Company's Residents were to see to the fulfilment of these obligations.[13]

To help Oude out of its troubles the extraordinary step was taken in 1784 of investing the Governor-General, with special powers and separate charge of the Company's affairs and interests in the dominions of the Nawab " with full power and authority to correct and adjust with the Nawab's Vizier the means of discharging his engagements to the Company of restoring and securing the peace, safety and honour of his Government and of promoting the improvements of his revenue." [14] Warren Hastings' censure of Mr. Bristow, Resident at Lucknow for his interference in the internal affairs of Oude in 1782-83 was not for the interference itself as for its being done without the Governor-General's sanction.[15] To this very Bristow, whom he later condemned, Warren Hastings enjoined that " great care should be taken in the choice of Aumils and that no Aumil be appointed to a frontier station without such pledge or other security for compelling his personal attendance whenever required as may ensure beyond doubt his obedience and fidelity."[16] He requires the administrative monopoly of the Vizier to be broken by the appointment of an office of collections and an office of treasury and check on each other to be organized by the Resident.[17] To make his control of the affairs of Oude more strict than in his predecessor Mr. Middleton's time he puts in an exaggerated form the relations between Minister and Resident: there can be no medium in the relation between

13. Letter of Mr. Middleton to the Governor-General in Selection from State Papers in Foreign Department 1772-85, Volume III, edited by G. W. Forrest.

14. Resolution of Governor-General-in-Council, 17th February 1784 in *Op. Cit.*, also Letter of Governor-General in Council to Nawab's Vizier, 20th January 1784 *Op. Cit.*, Volume III.

15. Governor-General's Minute 29th September 1783 *Ibid.*

16. Letter to Mr. John Burke, 9th July 1783, *Ibid.*

17. *Ibid.*

the Resident and the Minister; but either the Resident must be the slave and vassal of the Minister or the Minister be at the absolute devotion of the Resident.[18]

Lord Cornwallis regretted that the imperfect manner in which " we did or would interfere was attended by the consequence of giving constant disgust and dissatisfaction to the Vizier and the Musaffur Jung without producing a shadow of benefit or relief to the body of the inhabitants." [19] Although he was for a policy of non-interference, he believed that " humanity and justice will require that, we shall take the effectual means to secure the regular payment from the Nawab's allowance of all salaries and pensions that by the customs of the people of that rank are justly due to the relatives and descendants of the family." [20] But learning that the practice of the Board of the Governor-General's Council had been sometimes to interfere between the Nawab's Vizier and his creditors he got the Board to convey instructions to the Agent at Lucknow " that he shall not concern himself in regard to the private debts of the Vizier."[21] These consequences induced him to propose to Dundas that " we should disclaim all manner of interference in the revenue collection, commerce and internal management of the country, and that on the other hand we should have the entire management of political matters and that they looked to us solely for defence and were to enjoy the blessings of peace under the protection of the most formidable power in Hindustan." [22] But this disclaimer of internal interference was hardly believed.

18. *Ibid.*

19. Earl Cornwallis to Court of Directors, No. 16, 1784 in Cornwallis Correspondence edited by Ross, Volume I.

20. Cornwallis to Court of Directors, December 27, 1786 in Cornwallis Correspondence edited by Ross, Volume I.

21. Minute of Governor-General, October 2nd, 1786 in Cornwallis Correspondence edited by Ross, Volume I.

22. *Ibid.* Earl Cornwallis to Henry Dundas, February 16, 1787, Volume I.

Cornwallis was constantly reminded by Hyder Beg, the envoy of Oude, of the Hindustani proverb " whoever is stung by a snake is frightened when he sees a rope."[23] And a year later Cornwallis had to change his mind. " The interests of your territories are so much blended with those of the province of Oude " he wrote to the Court of Directors " that we are called upon no less by considerations of private advantage than by a regard to the honour and credit of the nation to pay the most liberal attention to every public measure that may tend to its prosperity ".[24] Still later in 1793, Cornwallis complained to the Vizier of the maladministration of the customs in which the Company was directly interested by Tahseer Ali Khan and his officers contrary to the stipulation of the commercial treaty, advises that all departments of his Government be made responsible to his Ministers and calls upon him to improve his administration generally on account of the intimacy which exists between the two governments and which in the eyes of the other princes implicate both in the measures of either.[25] Again he would not leave the Government without endeavouring to take measures to prevent in future on the one hand the cruel punishment of multilation which is frequently inflicted by the Muhammadan Law and on the other to restrain the spirit of corruption which so generally prevails in native courts and by which wealthy offenders are generally enabled to purchase impunity for the most atrocious crimes.[26] That the Marquess of Wellesly should be satisfied in 1801 " that no effectual security can be provided against the ruin of the province of Oude until the exclusive management of the

23. Earl Cornwallis to Henry Dundas, 16th February 1787 in Cornwallis Correspondence, Volume I, edited by Ross.

24. Earl Cornwallis to Court of Directors, 3rd November 1788, Cornwallis Correspondence, Volume I, Appendix XXIV edited by Ross.

25. Cornwallis to Vizier, June 29th, 1793 in Cornwallis Correspondence edited by Ross, Volume II.

26. Cornwallis to Court of Directors, August 2nd, 1788 in Cornwallis Correspondence, Volume I, Appendix XXVIII, edited by Ross.

civil and military government of that country shall be transferred to the Company under suitable provisions for the Nawab and his family" is easily accepted. But more pacific rulers like Lord William Bentinck were of the same opinion. In 1831 he warned the King of Oude that unless he would consent to rule his territories in accordance with the principles of good government and the interest of the people, the East India Company would assume the entire administration of the province and make him a State pensioner.

Again in 1840 Lord Hardinge called upon the King to reform his police administration as well as those of the judicial and revenue departments. He had to tell him that, if oppression and misrule should continue to prevail, the British Government reserved to itself the right of appointing its own officers for the administration of the country. Attention was drawn to the sixth article of the Treaty of 1801 which required the Governor-General to carry out its provisions with reference especially to the care of the peasants. The King was reminded of Lord William Bentinck's order to him in 1831 and his threat to bring the province under British rule. Finally Lord Hardinge after referring to his letter of similar import three years before told him that it was decided by the Government of India that if the King delayed the necessary reforms it would take the management of Oude into its own hands under its own authority.[27] In 1851 Col. Sleeman who was the last person to exaggerate the misrule existing in Oude reported to Lord Dalhousie that the state of things had become intolerable and that if the British troops were withdrawn from Oude the landholders would in a month's time overturn the Prince and pillage Lucknow. He and Henry Lawrence contemplated not annexation but temporary administration. Col. Outram his successor also endorsed the views of Sleeman. And General Low, the Military Member who 20 years before as Resident of Lucknow had

27. Lord Hardinge by Viscount Hardinge in Rulers of India Series.

deprecated even temporarily the administration of Oude stated his conviction in 1854 that it was the paramount duty of the British Government to interfere at once for the protection of the people of Oude.[28] And Lord Dalhousie decreed the annexation of Oude.

Treaties and their treatment.

The view and interpretation of Treaties between the Company and the country powers have also been influenced by circumstances. Treaties have nowhere in the world been looked upon as absolute and eternal. Their validity is conditioned by their origin, their utility to either side and by the reign of public order. Their validity ceases when the purpose for which they were made cannot be realised through them. Treaties are valid, according to a well-known principle of International law, *rebus sic stantibus*. That is why the right of denouncing them is reserved to each side of the parties entering into such treaties. The sanction of the public conscience and the fear of the jealousy and anger of the generality of States keep those that are tempted to slip easily away from their treaty obligations to the strict course of international obligation. One or other of these causes or circumstances operated in the India of the days of the East India Company. In the weak state of international morality, in India, in the absence of any tendency to balance of power, in the general state of debility which prevented most States from living up to their treaty obligations, it was not to be wondered at that treaties had not the force they had in contemporary Europe. Early in its history the Company's Governments were faced with the question of defining their attitude to treaties some of whose obligations could not be observed. Arguing in 1775 against the sacred right which the majority of the Governor-General's Council in Bengal entertained for the faith of treaties and which would have

28. Lord Roberts—41 years in India.

led them under every circumstance whether of necessity or good policy or of necessity to have preserved them inviolate, Warren Hastings said that such a view would have bound the Company to pay the King an annual tribute of 26 lakhs of rupees, to guarantee to him the province of Corah and Allahabad even if the King threw himself under the protection of the Mahrattas, repaired to Delhi and abandoned Corah and Allahabad. To defend the territories of Shujah-ud-Dowla without any stipulated compensation and to pay the Nawab of Bengal an annual stipend of 32 lakhs even if the Mahrattas become powerful would subject the exposed territories of Shujah Dowlah to frequent invasions.[29] Cornwallis thought it necessary in regard to an agreement concluded in 1787 as well on account of the precedent as on account of several of the stipulations recognized in the provisional convention, altogether to disavow the authority of it as a national treaty. Although he had no desire to invalidate the particular acts done by his representative he would not acquiesce in it as an instrument to be resorted to as evidence of any right on occasion of any future discussion.[30] He would however observe the Treaty of peace with Tippu Sultan although the Company was as much bound to go to the help of the Poona administration when Tippu Sultan took hostile action against it.[31] He would get out of these engagements only after communication with the Mahrattas.[32] It was, the Marquess of

29. Observations by the Governor-General (Warren Hastings) on the Minute of General Clavering, Col. Monson and Mr. Francis, No. 2 entered in consultation of 13th September 1775 in Selection of State Papers in Foreign Department (1772-1785) edited by G. W. Forrest, Volume II.

30. Letter of the Secret Committee to the Governor-General and Council at Fort William, No. 3 1787 in Cornwallis Correspondence edited by Ross. Also Letter of Cornwallis to Secret Committee No. 4, 1788, *ibid.*

31. Letter of Cornwallis to C. W. Mallot, February 27th, 1789 in Cornwallis Correspondence, Volume I, Chapter VIII edited by Ross.

32. *Ibid.*

Wellesley said, a fundamental maxim of the law of nations that treaties of a defensive nature (unless limited in express time) are not merely personal contracts with the reigning prince but permanent obligations binding the faith of the State into whatever hands the supreme power may devolve."[33]

Treaties cannot provide for every eventuality. As William I is said to have told Benedetti at Ems no man guarantees anything *á tout a jamais.* "It is impossible" said Arthur Wellesly who although not in the seat of civil authority had influence over those that were "to have a treaty of peace in such a manner as to find in it a decision of all questions which can arise between the parties concerned particularly when the parties have frequently been at war and have preserved a recollection of a variety of contradictory claims arising out of the events of their wars which they are ready to bring forward on all occasions."[34] Not that there are not certain principles "which supply the defect of all instruments of this description and by which the scope and meaning of the different articles of the treaty can be determined and which would allow the treaty to apply to cases not in contemplation when the treaty was made." One of the principles was that the meaning of an article of a treaty shall not be construed in a sense directly the reverse of the principles and basis on which the treaty's peace was negotiated.[35]

One treaty made with a chief could be superseded by another made with his successor as Dundas ordered in the case of the Nawab of the Carnatic in 1788.[36]

The force of treaties has often been determined by circumstance. It was urged in 1868 that the precise lines of the

33. Earl of Mornington to Col. Palmer, July 1798, Despatch edited by Martin, Volume I.

34. Letter of Wellesley to Monstuart Elphinstone with the Rajah of Berar in Wellington's Despatches, 1799-1810, Volume I.

35. *Ibid.*

36. Henry Dundas to Cornwallis, August 1st, 1788 in Cornwallis Correspondence edited by Ross, Volume II.

5th article of the subsidiary treaty with Mysore appeared to be inapplicable to the circumstances of 1868 inasmuch as since the death of the late Maharajah " we administer the country as the paramount power during a minority and not in consequence of the default of the native administration which could bring into force the 5th article of the Treaty." [37] The Queen's Proclamation of 1858 is also recognised to have modified the force of articles of Treaties if not the Treaties themselves. The succession of the young Maharajah of Mysore in 1868 rested not upon Treaty rights but upon the guarantee given in the Proclamation for the perpetuation and property of the dynasties of the native princes of India.[38]

Claims to jurisdiction over territories of native princes were sometimes put forward incidentally. In 1843 Major Broadfoot who was the Governor-General's Agent in the North West Frontier claimed that the territory belonging to the Lahore Government beyond the Sutlej was as much under his jurisdiction as any protected State and by his interference he treated it as a protected State. The Sikh Durbar asserted its right to send their own goods across the Sutlej to their own country. Then the inevitable collision came[39]—and the Sikh Wars.

Subsidiary system and circumstance.

The celebrated subsidiary system was also a child of circumstance. The origin of the system is attributed[40] to the act of Warren Hastings in 1778 transferring the troops maintained under treaty by the Nawab of Oude to the service of

37. Letter of Governor-General in Council, 30th May 1868 to Sir Stafford Northcote, His Majesty's Secretary of State in correspondence relating to the establishment of a native Government in Mysore—Parliamentary Papers, 1878—House of Commons, pages 385 to 388.

38. *Ibid.*

39. Life of Sir Neville Chamberlain by G. W. Forrest.

40. By Sir Alfred Lyall in his Warren Hastings, Chapter III (Englishmen of action series).

the Company who undertook to pay and command them in exchange of an assignment of land revenue equal to their cost. The duty of defence of the native States, one of its important principles, was often thrown upon the Company by the political circumstances of the time and country. Not only Warren Hastings but Cornwallis was obliged to take up this task as in the case of Oude as before of Arcot and Tanjore.[41] The obligation of the States' loyalty and help to the British Government was enforced not on any ground of international morality but on the ground of mutual duty. "Although it is not immediately specified" argued Arthur Wellesly in the case of the Gaikwar of Baroda in 1803 "it can never have been intended that the Company should protect the Gaikwar unless the Gaikwar should also assist the Company with his forces against the enemies of the British. Otherwise, the relation between the States and the Company would be like the relation between the petty States of Germany and the King of England, "the foundation of which was the use of their troops for hire with this additional advantage that the Company is bound to protect the Gaikwar's State at all risks for repayment of the expenses incurred."[42] Although Wellesley did not object to his brother's policy of the subsidiary system he was opposed to every subsidiary alliance being made on the Hyderabad model which consisted in the settlement of a subsidiary force and the suppression of the native State forces. Looking at the system with the eye of a soldier he feared that the system would annihilate the military power of the Governments which entered into it and put their reliance for their defence exclusively upon the British Government.[43]

41. Letter of Henry Dundas to Earl Cornwallis July 29th, 1787 in Cornwallis Correspondence edited by Ross, Volume I.

42. Letter of Wellesley to the Secretary to Government of Bombay, 22nd August 1803 in Wellington's Despatches.

43. Letter to Major Shore, 14th January 1804 in Wellington's Despatches Volume I and Letter to Major Malcolm, 20th January 1803 in *ibid.*

An addition to the British detachment serving at Hyderabad and the dismission of the corps commanded by the French officers were the objects of the new subsidiary treaty to be negotiated in 1798.[44] The Hyderabad Treaty of 1799 which assigned certain districts to ensure the payment of the subsidy was dictated by the desire not to allow the Mahrattas to establish any inconvenient influence at Hyderabad on the demise of Secunder Jah.[45] The Treaty with Hyderabad of 1804 was justified by the argument that the fundamental principle of the Governor-General's policy in establishing subsidiary alliance with the principal States in India " is to place those states in such a degree of dependence on the British power as may deprive them of the means of promoting any measures, or of forming any confederacy hazardous to the security of the British Empire and may enable the Company's Government to preserve the tranquillity of India by exercising a general control over those States." [46]

The practice of paying subsidies to equal or subordinate powers was a native practice.[47] And the subsidiary system itself was not such an imposition by the Company on the native princes as it is usual to think. Hari Punt, the Vakil of the Peshwa, before the separation of the armies on their return from Seringapatam asked Lord Cornwallis why the Peshwa could not get a subsidiary force the same as the Nizam to which Cornwallis replied that he disapproved of all subsidiary treaties as they tended to involve the British Government in quarrels in which they had no concern.[48]

44. Earl of Mornington to Court of Directors, 21st November 1798, in Marquess of Wellesley's Despatches etc., edited by Martin, Volume I.

45. Earl of Mornington to Captain Kirkpatrick, 6th November 1799, in Marquess of Wellesley's Despatches etc. edited by Martin, Volume II.

46. Despatch of Marquess of Wellesley to Resident at Hyderabad 4th Feb. 1804 quoted in Upper India Protectorate, Chapter II.

47. Tippoo's practice—Cornwallis to Henry Dundas, 24th March 1793 in Cornwallis correspondence, Volume II.

48. Cornwallis to Major General Wellesley, 10th August 1805 in Cornwallis Correspondence, Volume III.

Interference, an early practice.

Concern in the internal affairs of the States dates from the earliest times—even to the point of interference. Mr. Duncan, Resident at Benares in 1787 was expected to look after the regular payment of the Company's revenues and the care and prosperity of the country under the operation of Cornwallis' plan[49] and many great benefits accrued from the judicious and disinterested conduct of the Resident. The Vizier of Oude about the same time, protesting that Cornwallis' Government interfered in the internal management of his affairs, his own authority and that of his ministers was despised by his own subjects, gave the Governor-General the strongest assurance of being resolved to apply himself to the encouragement of agriculture and to endeavour to revive the commerce of his country, to disband a large number of his own " useless rabble of troops and to retrench a great many of his other superfluous articles of expenditure." [50] In the case of Oude also as in the case of the Carnatic, the protection called for by the circumstance by which Oude was involved in 1782 had led to subordination.[51]

In regard to Benares also Cornwallis was found to take similar action. After becoming acquainted with the alarming state of decay into which the country had fallen and with " the prevalent defects and vices in its internal government," and entertaining no hope of obtaining a hearty concurrence and assistance from the Rajah, and with no intention of increasing the present revenue or actual force of the Company he authorized certain measures of reformation to promote the improvement of commerce and cultivation, to give

49. Earl Cornwallis to the Court of Directors, 16th November 1787 in Cornwallis Correspondence edited by Ross, Volume I.

50. *Ibid.*

51. Letter of Governor-General (Warren Hastings) in Council, Fort William, 9th July 1783 in selection from State Papers in Foreign Department (1772-85), Volume III edited by G. W. Forrest.

permanence to the Company's revenue, to add considerably to the profits and income of the Rajah himself.[52] When the question of succession arose in Surat in 1790, Cornwallis was not averse that the office of Nawab should be abolished and a *sunnud* obtained from Shah Alam to invest the Company with the entire government of the city and its dependencies—only, the consequence of acknowledging the Moghul Empire as suzerain and complications with the Mahrattas deterred him from pursuing this preposal.[53] The Peshwa had been allowed during the time of non-intervention to tyrannize over the jaghirdars, but the disturbed state of the country led to a revision of this policy and Mountstuart Elphinstone was called upon to report on the question.[54] While refusing to interfere in the succession to the throne of the Nizam in repugnance to the established laws or customs of India, the Marquess of Wellesley held it to be his absolute duty to prevent the regular order of the succession from being disturbed either by domestic faction or by foreign intrigue or force.[55] In the case of the Rajah of Tanjore while recognizing the right of Sarbojee to the *musnad,* Wellesley required his assent to certain stipulations allowing a Commission of Company's servants to enquire into the state and resources of Tanjore, giving the Commission power to look into the public records and accounts, all other facilities for the speedy and successful accomplishment of its work.[56] In 1819 when the State of Satara was created the Rajah's powers were carefully defined by a Treaty which placed him under

52. Cornwallis to Court of Directors, 3rd November 1788, Cornwallis Correspondence, Volume I, Appendix XXIV, edited by Ross.

53. Earl Cornwallis to Major Palmer, 23rd April 1790 in Cornwallis Correspondence, Volume II.

54. Life of Mr. Elphinstone by Colebrook, Volume I.

55. Earl of Mornington, July 1798—Wellesley's Despatches edited by Martin, Volume I.

56. Minute of Governor-General, 30th May 1798, Wellesley's Despatches edited by Martin, Volume I.

the direct control of a British Resident.[57] After the strenuous years of the Marquis of Wellesley a period of non-interference followed. Cornwallis who had interfered in his earlier regime argued for non-interference in his later letters and despatches.[58] But it had soon to be given up. The inexorable necessities of self-defence and the experience of the Pindari campaigns led Lord Hastings to break down the ring-fence and to fill in the map of India with protected States.[59] The terms granted to the Rajah of Nagpur in 1817 were directed to the preservation of future tranquillity with every practicable attention to the responsibility of the Rajah's Government.[60] The policy of non-interference was not justified by its results in Hyderabad. As soon as British settlement officers were removed from the Nizam's dominions, the old maladministration came back—a rack-rented people, swarms of mercenaries, Arabs, Rohillas, Pathans, a growing mass of debts and liabilities which placed the Nizam at the mercy of bankers, foreign and native. The scandals of the case of Palmer and Company were due to the policy of non-interference.[61] Similar things happened in Indore in 1837 and Lord Auckland had to threaten that if the ruler did not mend his ways the country would be placed under the management of British officers—a threat which had speedy effect.[62]

By 1830, the policy of non-interference had been definitely given up. The circumstances of most of the States con-

57. Life of Lord Auckland by Trotter in Rulers of India Series.

58. Cornwallis to Lord Lake, August 28, August 30, 1805, 1 September 1806—Correspondence edited by Ross, Volume II.

59. Lee-Warner's Life of Marquiss of Dalhousie, Volume II and Papers relating to war of 1819 presented to Parliament, Lord Hastings Despatch.

60. Lord Hastings on Papers on the war in India, 1819.

61. Life of Lord Auckland by Trotter in Rulers of India Series.

62. *Ibid.*

verted the rule of the Residents of those times into what an official observer of those times called " a nominal government without authority, an unavowed ruler without responsibility."[63] The British Government in the words of that critic, through the Residents interfered as umpires and decided as dictators. The growing interference of the suzerain power in the affairs of the States continued to be caused by the circumstances. In 1829[64] in Oude the hopeless attempt of the Queen of Oude to usurp power gave Resident Low the occasion to effect the proper succession even with the necessary whiff of grape-shot. The new king Muhammad Ali signed an agreement drawn by Low that he would consent to " any new treaty for the better government of the country that the British might think proper to propose to him ", by which the management of any district in which gross anarchy, misrule and oppression might still prevail should be transferred to British officers for an indefinite period, the surplus receipts if any to be regularly paid into the King's treasury.[65] " If the Prince in exercise of the authority given him by Treaty " it was laid vexes his people as to endanger public tranquillity, it must be vexes his people as to endanger public tranquility, it must be the duty of the Resident with the sanction of his Government to address the strongest remonstrance to the Prince with a view to induce him to adopt a more equitable system of rule." [66] The other side of the shield of interference was sometimes blackened. Bad Residents made the policy of interference smell unsavoury—like the Resident at Lucknow who in the 19th century " exerted his influence to induce the King to buy a French toy at an exorbitant price and to employ English coachmen, gardeners, musicians and all sorts of people whom he had no wish to employ." [67] The interference of

63. H. St. George Tucker Memorials of Indian Government.
64. Captain Trotter's Lord Auckland in Rulers of India Series.
65. *Ibid* and Treaty of 1829 with Oude in Aitchison's Treaties.
66. Report of Select Committee of House of Commons on affairs of East India Company, 1832.
67. Shore, Notes on Indian Affairs, Volume II.

the British Government in the loans to the Nizam of Hyderabad in the notorious case of Palmer and Company was another instance of the results of a bad use of interference.[68] And the very practice of interference induced a sense of irresponsibility and indifference which accounted for the deterioration of the administration of the States, especially when they had no strong-minded rulers to resist this tendency. The deterioration of Oude was due to the weak character of the rulers having to work in an atmosphere of British supremacy.[69] In the time of Lord Amherst the British Government intervened in the most energetic manner in the affairs of the Jaipur State. A permanent Resident and a native official named Job Ram who exercised an evil influence over the mother of the young Rajah was banished. By the cases of Jaipur and Oude Bentinck was convinced that the only remedy for maladministration in the Native States was the vigilant supervision of the supreme authority which his instructions from the Court of Directors forbade him to exercise. Bentinck was obliged to remove the European officers whom he had sent in the reign of Sekandar Jah to pull the administration from the ruts into which it had fallen on a protest from the Nizam Nazir-ud-Doulah.[70] And Lord Dalhousie's extreme policy of annexation might have been averted if Bentinck's policy of expedient intervention had been followed. And Lord Dalhousie also has placed it on record that the circumstances of India dictated the peculiar organization of the relations between the British government and the States. "Were it not" he said in 1854 "for the existence of the subsidiary and contingent forces our relations with the State of Hyderabad would be merely those which severally are formed between two independent powers and the position of the Resident would correspond in every respect with that of any accredit-

68. Boulger's Bentinck, Chapter III in Rulers of India Series.
69. Shore *Ibid.*
70. Boulger's Bentinck, Chapter VII in Rulers of India series.

ed minister of a foreign State ".[71] The policy of warning the rulers of States and using other and more active means against the progressive deterioration of government in the territories was often urged by the Court of Directors " in order to avoid the imputation of having purposely allowed the country to fall into ruin so as to have an excuse for taking possession of it."[72]

Subsidy system.

The obligation to pay subsidies was originally not a mark of feudal inferiority but the payment was in return for military services rendered by the British Government to the States. And as long as the British Government was obliged by Treaties and by the general political requirements of the country to render this military service the payment has to continue. Not only money subsidies but territories have been assigned by those States for the performance of this service.

States inter se.

With regard to the relations between the native States *inter se* also a similar change from a negative policy of not interfering to a positive policy of interference may be noticed. It had been " an invariable rule in the early years of the Company's rule for the Company's Government " to remain neuter in all disputes between the neighbouring powers excepting in such cases as affected the rights or honour of the Company. This principle was quoted in 1792-93 when help was sought by the Nepalese against China, while it was made clear to the Nepalese Government that the adjustment of questions relating to boundaries and the commercial intercourse between the territories were always open to negotiation.[73] The right to arbitrate between the States was acquir-

71. In Papers on Nizam's Debts (418 of 1854) page 37, quoted in Memoir and correspondence of General Frere.

72. *Ibid.*

73. Governor-General in Council to Court of Directors 18th May 1793 in Cornwallis Correspondence edited by Ross, Volume II.

ed as a result of requests made to the Company's Government to act in this direction. Thus in 1792 the Governments of the Peshwa and Hyderabad asked from Cornwallis a friendly interference on the part of the Company's Government whenever any disputes might arise beween Poona and Hyderabad.[74]

The British Government have since claimed the right to decide in disputes between States and States and between States and their feudatories. As late as 1908 the Secretary of State for India upheld the decision of the Government of India against the Baroda State in respect of the claims of the Desai of Navsari,[75] also in regard to the memorial of the Takur Sahib of Gondal in the matter of the purchase by the Junagadh State of cash levies in certain villages in Gondal territory as well as in respect of disputes between the Rana of Mandvi and the Baroda Durbar in respect of the town of Chandud and in respect of the Maharajah of Bhavnagar's claim in 1910 on the subject of the status and privileges of his port at Bhavnagar and the minor ports of his State.[76]

Paramountcy—its practical origins.

The supremacy of the British Government in the international politics of India as it was formulated by the authors of this theory was at first dictated by practical considerations —the practical consideration of extinguishing the influence of the French at the Courts of Hyderabad, Scindia and others.[77] " I have no doubt," wrote Wellesley, " that the natural effect of

74. Earl Cornwallis to Henry Dundas, 9th April 1792 in Cornwallis Correspondence edited by Ross, Volume II.

75. Secretary of State's Despatch, 5th June 1908, Political No. 62, Selection of Despatches, 1908.

76. Secretary of State's Despatch, 19th June 1908, Political No. 2, Selection of Despatches, 1908.

77. Dundas Letter to Wellesly quoted in Hutton's Wellesly—Rulers of India Series, Chapter II.

the unchecked growth of such a party (the French party) at the Court of one of our principal allies must be in a very short time to detract that Court entirely from our interests and finally to fix it in those of our enemies, to subject its councils to their control and its military establishments to their direction."[78] Only " the operation of a general control over the principal States of India established in the hands of a superior power and exercised with equity and moderation through the medium of alliances contracted with those States on the basis of the security and protection of their respective rights[79] could in the political and international circumstances of India secure the peace and tranquillity of the country." The policy of promoting British supremacy received a check in Cornwallis' second Governor-Generalship who preferred a " system of conciliations " to one of power, mainly because of the experience of the policy of power.[80] Cornwallis in his earlier time, had not been averse to a policy of expansion. But even in his second phase he could not shut his eyes to the reports of the Residents from Poona and Hyderabad about the "weak and wretched state of the Peshwa's internal government " and the authority of the Subah of the Deccan approaching to the same state of " inefficiency and weakness " and that " anarchy and disaffection prevail universally throughout these dominions and that unless the British Resident exercised a power and an ascendancy that they ought not to exert, other Governments would be immediately dissolved." [81] Only the fear of the immediate destruction of both powers if he was suddenly to act upon the strict principles which the obligation of treaties impose

78. In letter quoted in *ibid.*

79. *Ibid.*

80. Marquess Cornwallis to Lord Lake, 1st September 1805 in Cornwallis Correspondence edited by Ross, Volume III *ibid*—Cornwallis to Secret Committee, 28th August 1805

81. Marquess Cornwallis to Lord Lake, 20th August 1805 in Cornwallis Correspondence, Volume III.

upon him "deter him from interference."[82] The external relations of the Peshwa were not controlled in the period 1810-15 so that ministers from all the Courts of India were to be found at Poona and correspondence and agreements ensued which reached a climax at the time of the British reverse in Nepal and Trimbukji enlarged his master's correspondence and intrigues.[83] The policy of non-interference was made impossible by the facts of international politics in India. Similarly in Kathiawar the inability of the Gaikwar's administration to secure his revenue from the feudal chiefs made the interference of the British Government necessary. Col. Walker pacified the country and subdued the chiefs for the Gaikwar, organised the collection of the tributes and the general peace of the country.[84] In 1811 on account of disorders in Travancore the British Resident at the solicitation of the native authorities assumed the management of the State. Col. Munro (a namesake of the famous statesman) and his successors ruled the State for 16 years.[85] In 1827 the right to take part even in the internal arrangements of Kolhapur was established by treaty, the previous policy of non-interference had to be abandoned.[86]

Etiquette and Paramountcy.

Ceremonial etiquette plays no inconsiderable part in the arranging of international relationships. The relative international position of States has been determined by the etiquette to be observed by their representatives, which of them shall first call on the other, which shall come out to receive the other, which shall be received sitting and which standing. These and other matters of etiquette have determined the relative position of States to each other. In India such ceremo-

82. *Ibid.*

83. Life of M. Elphinstone by Colebrooke, Volume I.

84. Political Selections No. 77 quoted in Rickett's Report—Civil Establishment and Salaries.

85. Life of Mr. Elphinstone by Colebrooke, Volume II.

86. *Ibid.*

nial etiquette has played a full part. The varying degrees of subordination of the different classes of States subordinate to the Moghul Emperor have been symbolized in the ceremonial regulating the reception of their representatives. How many guns shall be fired at the reception of which prince whether a representative of one State shall be received by the ruler of another seated on his *musnad* or standing on the dais or moving down a few steps, or beyond the door of the reception hall or tent has regulated the relative position of the rulers of India.[87] In Warren Hastings' time itself had begun the practice of native princes' calling on the representatives of the Company at a time when the Company possessed neither the power nor the prestige to require this acknowledgment of superiority.[88] One of the most important of these forms was the investiture with the *Khilaat.* This was a dress of honour presented by a superior on ceremonial occasions.[89] One of the earliest of the occasions was in 1772 when Warren Hastings[90] invested with the Khilaat the Vizier of Oude, the virtual ruler of Oude, who had come three miles out of camp and who had the ceremony conducted with great state and on receiving the Khilaat fired a royal salute. It was also one of the articles of charges against Warren Hastings in the impeachment that he did send Khilaats or robes of honour " the most public and distinguished mode of acknowledging merit known in India " to ministers of native States in India. The practice of British Residents offering *nazaranas* to the chiefs of the courts to which they were sent although sanctioned by Indian usage and allowed to be followed at the Court of the Moghul Emperor till late in the history of the Company was repudiated in regard to other courts. Lord

87. Tupper, The Indian Protectorate, Ch. XIX.

88. Letter of J. Anderson to Warren Hastings, Governor-General, 10th March 1785 in Selection from State Papers in Foreign Department, 1772—1785 edited by Forrest, Volume III.

89. Yule and Burnell—Glossary of Anglo-Indian Words.

90. Letter from Fort William, 29th April 1776 in Selection from State Papers in Foreign Department (1772-85) edited by G. W. Forrest.

Cornwallis approved the conduct of Mr. Mallet, Resident at the Court of the Peshwa, in refusing to offer a *nazarana* on his appointment.[91] But it continued after Cornwallis' time. Mountstuart Elphinstone in 1815 going to a Durbar at Hyderabad presented his *nazzar* to the Nizam, Major Kirkpatrick's Moonshee showing him how to hold it and a man behind him pressing him down to the proper stoop.[92] Elphinstone himself saw Major Kirkpatrick going to the Durbar in great state with several elephants, a state palanquin, led horses, flags, long poles with tassels, attended by two companies of infantry and a troop of cavalry.[93] Lord Hastings refused to allow nazarannas to continue even in regard to the Moghul Emperor considering such a public testimony of dependence and subservience as irreconcilable to any national policy.[94] He took his stand on the recent Act of Parliament which had declared the sovereignty of the Company's possession to be in the British Crown and on the hard fact that the House of Timur had faded out of men's political view. But as late as 1850 the Resident at Hyderabad had to sit on the floor in Durbar with the Nizam.[95] In 1830 in epistolary correspondence with the native princes of India, the British Government and their officers observed much the same forms and etiquette as belong to the subordinate character of provincial administrations of Viceroys. Even an independent ruler like Ranjit Singh of the Punjab returned the visit of the young diplomatist, Metcalfe.[96] In 1846 the practice of the Minister of the Nizam of Hyderabad directly addressing

91. Governor-General-in-Council to C. W. Mallet, December 18th, 1789 in Cornwallis correspondence, Volume I, Appendix XXXI edited by Ross.

92. Life of Mountstuart Elphinstone by Colebrooke, Volume I, 13, *ibid.*

93. *Ibid.*

94. Marquess of Hastings by Ross, Chapter I in Rulers of India Series.

95. Memoir and correspondence of Gen. J. S. Fraser, Chapter VI.

96. Life of Metcalfe in Lives of Indian Officers by Kaye.

the Governor-General, announcing his appointment in a *Kharita* or letter of ceremony was discontinued as the circumstances of India had greatly altered since Mir Allum received a reply from the Governor-General to a similar communication because the relative position of the Governor-General and the Minister of Hyderabad had changed.[97] When native chiefs like the Nawab of Oude, the Nawab of Bengal and the Rajah of Tanjore sent English Agents to represent them and to advocate their views in England they were politely but firmly told that "their communications should be made only through the channels of our regular governments in India."[98] The servants of the Company were prohibited from accepting any such agency for the princes of the country.

Usage and Paramountcy.

More important than the ceremonies of etiquette were the customs and usages by which the government of the relation between the native States and the British Government were regulated. The convention emerged at more than one period of Indian history of some one State asserting hegemony over other States. The Chakravarthi of Hindu times, the Padshah of the Moghul period claimed and asserted as much supremacy over the other States as he could get. At the time when the English were beginning to assert their supremacy over States in India there was another power that claimed similar superior status. The Mahrattas had claimed some kind of superiority over most of the States of Central India and Rajputana and by the treaty of 1805 the English had themselves to recognise this state of things. And when the Rajput and other States applied for protection by the British they were precluded by their engagements from entertaining these proposals. But by a later Treaty the Marquess of Hastings was exempted from the treaty of 1805 and proceeded to form a

97. Tucker's Memorials of Indian Government.

98. Court of Directors to Earl Cornwallis, 21st July, 1786 in Cornwallis Correspondence edited by Ross, Volume I.

league of western States guaranteeing to Scindia and Holkar any acknowledged dues from these States which prescription had established.[99] The Mahrattas had a saying "It is well to have a finger in every man's dish,"[100] and the British accepted this maxim of their predecessors' statecraft. Ranjit Singh also claimed jurisdiction over lesser Sikh States.

The steady application of the principle of interference whenever necessary in the internal affairs of ill-governed States might have led to the absorption of most of the States in British India. But there was another strand in the bundle of ideas that governed the relations between these States and the company's Government. And that was the policy of maintaining as many of these States as possible. And this not from any altruistic or moral motive but for the practical consideration that the British would not be able to digest as much as they could swallow. A strict adherence to treaties and keeping off the evil day of having to take the government of States into the Company's hands was a governing idea in the minds of influential statesmen like Sir John Malcolm[101] or Elphinstone (?). It was thanks to this policy that the defunct kingdom of Sivaji was resuscitated in the State of Satara in 1818. When the Rajah of Berar brought destruction upon himself in 1818 the hope was expressed by Elphinstone that a native Government would be maintained.[102] Elphinstone when it was proposed to him that the British should take a more direct share in the administration of the affairs of Scindia fast deteriorating about 1818 feared that such direct government would narrow the field of the employment of natives. The very dependence of the prince on outside help would let his army go to ruin. At the same time if Scindia was left to

99. Marquess of Hastings by Ross, Chapter III in Rulers of India Series.

100. *Ibid.*

101. Life of Elphinstone in Lives of India Officers by Kaye.

102. *Ibid.*

himself, Gwalior might develop into a predatory State.[103] It was his rule to discourage all direct interference with the States of the Deccan even in cases justified by their agreements as long as general advice was sufficient to prevent great oppression. He deprecated the issue of orders by the local British authorities direct to the officers of these States unless in case of pursuit of offenders or other urgent occasions.[104] But facts moderated his inclinations towards non-interference. The character of the Rajah of Kolhapur forced the British Government to conclude a treaty which gave the British the right to take part even in internal arrangements and Elphinstone commended this departure.[105] The view that " our international position be limited to advice in case of necessity and that even if we are compelled to assume a peremptory tone with the Rajah, we should avoid such engagements to any of his subjects as may lead to any permanent interference in his affairs" was reiterated by Elphinstone when he became Governor.[106] He was confirmed in this view by the good conduct and administration of the Rajah of Satara,[107] who " benefited from the influence of the British Government and the Resident on his character and the organization of his administration in the country was settled with moderation and judgment; his revenue raised to a degree fully adequate to the support of his dignity; he himself and his ministers having acquired a respectable proficiency in the art of government ".[108] Elphinstone remained loyal to these principles till the end. In his retirement the happenings of Lord Dalhousie's regime provoked him into reiterating those views. He denied the right of the British Government to interfere in

103. Letter in Life of Mountstuart Elphinstone by Colebrooke, Vol. II.
104. Letter in Life of Mountstuart Elphinstone by Colebrooke, Vol. II.
105. Letter in Life of Mountstuart Elphinstone by Colebrooke, Vol. III.
106. Minute of the Governor, 14th January 1823 in Bombay Judicial Selections, Selection of India Papers Judicial, Volume IV.
107. Minute of the Governor, 14th January 1823 *ibid.*
108. Mr. Chaplin's Report, 20th August 1822 in *ibid.*

regard to the succession to the *gadi* in those States unless it was derived from treaties, or to prevent disturbance of the foreign relations of the State or the general tranquillity of the country. The British Government was not the feudal suzerain of the States to claim rights of escheat or of regulating the succession. The treatment of Satara as a jaghir over which the British had claims of feudal superiority shocked him.[109] That was also the view of another great contemporary statesman—Malcolm—with whom to maintain native governments should be "the paramount object."[110] According to Malcolm the Resident should be given no power of interfering with the ministers or superior officers of the State, should hear no complaint except those that involve matters concerned with the Company's troops or subjects, relations with foreign states or tributaries, or that relate to the internal peace of the country. More direct or more frequent interference would take away from the States that respect and confidence on which its ability to fulfil its functions can alone be grounded.[111] In 1810 when the question of the affairs of the Gaikwar's debts had been liquidated it was held that "nothing but complete failure of the ruler and his minister would warrant British interference with the officers they employed to collect the revenue or for diverting the funds to the objects in view.[112] Metcalfe also belonged to the school of Elphinstone and Malcolm in regard to the relation between the States and the British Government and he would have them organized on the lines of the Christian precept "Do as you would have it done to you" which he thought must be right in politics as in private life.[113]

109. Letter of Elphinstone of February 1850 quoted in Life of Elphinstone in Kaye's Lives of India Officers.

110. Life of Malcolm in Life of India Officers by Kaye.

111. Life of Malcolm (or Metcalfe) in Lives of India Officers by Kaye, Volume II.

112. Life of Malcolm (or Metcalf) in Lives of India Officers by Kaye, Volume II.

113. Life of Metcalf Lives of India Officers by Kaye.

Even such a fire-eating Governor-General as Lord Ellenborough made his political officers realise " that the further extension of the dominion forms no part of the policy of the British government, that it is desirous on all occasions of respecting the independence of native States, and that satisfied with the extent of its own rule it has no other wish than that every State within the limits of India should freely exercise its rights as recognised by treaty and contribute by the maintenance by its own means of peace and good government within its dominions to the general happiness of the whole people."[114]

On the other hand it was no part of the British policy to increase the status of the chiefs found in possession of conquered territories. When the Punjab was annexed although the old chieftains expected great things, Lawrence's policy was to maintain the status, the conquest discovered and to restore nothing which the Sikhs had already taken. " It is a mistake to think " said Lawrence " that by making Rajahs and chiefs powerful you attach the country—one lakh given in the reduction of assessment and making people comfortable and happy in their homes is better than three lakhs given to Rajahs.[115]

As late as 1873, Native States were considered to be necessary.[116]

The Origins of Lapse.

The famous doctrine of Lapse is another illustration of the part played by circumstances and expediency in the manufacture of the political ideas of the rulers of India. This doctrine is supposed to have been born in the fertile and restless mind of Lord Dalhousie. But less interfering statesmen had advocated it long before. The sound policy of regarding

114. Lawrence quoted in Aitchison's Lawrence, Rulers of India Series.
115. *Ibid.*
116. Sir C. Trevelyan in Evidence before Select Committee, 21st February 1873, Minutes of Evidence, 1873, Volume II.

Jhansi as a State lapsed by failure of heirs male, wrote Sir Charles Metcalfe in 1837 " is not less clear than our right to do so." [117] Although the British Government would not desire any material advantage from the possession of this territory as it was of no great extent and the revenue was inconsiderable, yet as it lay in the midst of other British districts the possession of it would tend to the improvement of the general internal administration of Bundelkand. That the incorporation with the British territories would tend to the benefit of the people of Jhansi was another utilitarian argument used to justify the act. Precedent, the general principle regarding adoption laid down by the Court of Directors, and the particular rules laid down for succession in Bundelkand by Sir Charles Metcalfe have also been used to support this position.[118] Metcalfe also made the distinction in 1837 which Lord Dalhousie played to the death between independent sovereign States and chiefs and dependent principalities who merely held lands or enjoyed public revenues under grants such as are issued by a sovereign to a subject, the power which made the grant or that which by conquest or otherwise has succeeded to its rights is certainly entitled to limit succession according to the limitations of the grant ".[119] These arguments of Metcalfe were quoted and adopted by Lord Dalhousie in 1853.[120]

Expediency of existence of States.

Both the maintenance and the extinction of States has ever been governed by considerations of expediency. The extinction of States has had to be given up after the Sepoy Mutiny. The Queen's Proclamation rewarded the loyalty of the Princes and removed one temptation to disloyalty by notifying to them that the integrity of the States which

117. Sir Charles Metcalfe, 28th October 1837, paragraph 7 in Papers on the annexation of Jhansi to the British Territories in India, 1855 to House of Commons.

118. *Ibid.*

119. *Ibid.*

120. Minute by Governor-General (Lord Dalhousie) 1853 in *ibid.*

the British Government has upheld ever since would ensure the continuity of the life of the States and the right of intervention to preserve that continuity at all cost to the State except that of its life.[121] The experiences of the Mutiny had proved to Lord Canning that the native States were breakwaters to the storm. "The safety of British rule was increased, not diminished by the maintenance of well-affected native chiefs."[122] "It was the mischief of different minds" which had resulted from those mock royalties said Sir Charles Wood in 1865 that was the real and valid objection to them." Public policy, if it did not mean violation of faith would justify their abolition.[123] Lord Mayo contemplated in Rajputana not direct interference with the chiefs but an improvement of the British supervision.[124] While removing all intentions of annexation the responsibility of the British government for misrule in the States was asserted and the lightest form of control for chiefs who governed well.[125] After the Mutiny, the next great historical fact that influenced the theory of these relations was the Famine of 1879 when drastic intervention by the British Government in many States became necessary in order to save human life in the territories of those States.[126] The Baroda case of 1877-87, the Manipur case of 1891-92 also illustrate the view that it was not so much the letter of treaties or theories of international law but the facts of contemporary circumstances that influence the extreme intervention that those States experienced. And in the famous Hyderabad letter of 1926 the Nizam was reminded that the supremacy of the British Government is not based only upon treaties and engagements but exists independently

121. Report of the Indian States Enquiry Committee, 1928-29.
122. Aitchison's Life of Lawrence, Rulers of India Series.
123. Sir Charles Wood, Secretary of State in Debates on the case of Azeem Jah, March 14th 1863-64, Hansard, Volume CLXXVII, 1865.
124. Hunters Life of the Earl of Mayo, Volume I.
125. *Ibid.*
126. Quoted in Report of the Indian States Enquiry Committee, 1928-29.

of them and, quite apart from its prerogative in matters relating to foreign power and policies, it is the right and duty of the British Government to preserve peace and good order throughout India.[127] It is the fundamental fact that it is the only power that can preserve the peace and order of all India that gives it the right of intervention.

This historical analysis of the ideas that have gone to the making of the theory of the relations between the British Government and the Indian States shows how much it owes to the circumstances and conditions and needs of successive times. The country powers of the early Company days required the military help of the Company. This military help was given on condition of regular payment of money. When the country powers defaulted they had to accept control and supervision of their government by officers of the Company stationed at their courts. Still further security was furnished by the permanent stationing of Company's military forces in the territory of the States to guard them against internal disturbance or to defend them against neighbours. Thus the theory of the subsidiary system was built up. Another condition of the alliance was that the States should have no international dealing with foreign States or with other States in India save with the consent of the British Government. This was another means of securing the international security and international peace between States. And in the race for hegemony in all India or in sections of India that the Mahrattas, Sikhs, and the British rode in, the British were the first and the rest nowhere. The facts of the international situation, and of the internal situation in each of the States gave the British the opportunity, the reason, the hints which allowed them to build up the theory of those relations between them and the States. The dependence of one State upon another was not unknown to the India of the 18th and early 19th century. Mahratta history was familiar with one State being in the *shikum* as the Mahratta phrase was of another, the

127. *Ibid.*

Gaikwar in the shikum of the Peshwa in Elphinstone's time.[128] In our account of those circumstances we have discovered the views of those circumstances taken by the representatives of the British power. For our concern was not to find out the historical value of these views but to see whether the view was dictated by any preconceived idea or theory or by the actual circumstances of the case. Very early in the history of those relations the theory that the control or ascendency exercised by the British might be derived from the Prerogative of the Moghul emperors was repudiated.[129] Our analysis of the views of the great rulers of India, of Warren Hastings, Lord Cornwallis, the Marquess of Wellesley, the Marquess of Hastings, Lord Dalhousie, Lord Canning, Lord Mayo, show that it was not theories of political or of international law that determined the view taken and enunciated by these statesmen but the facts and reactions of Indian circumstances. The facts of the India of the 18th and early 19th century bred the law of the relationships between the British Government and the Indian States.

The Idea of Paramountcy.

Paramountcy is the conveniently compendious word that has been given to describe the relations between the States and the British Government in India. The idea of paramountcy is an original political idea forged by the British in the factory of experience. There is nothing quite like it known to history or to international law. The Indian State is not to be brought under any of the categories of the subjects of International Law that do not possess full sovereignty. It is neither a Vassal, nor a Protectorate, nor a Feudatory.[130] It is not a Vassal like Egypt in 1840-82 or Serbia and Roumania (1856-78) or Bulgaria (1878-1903) for it is not a part of a

128. Life of Mountstuart Elphinstone by Colebrooke, Volume I.

129. Letter of Governor-General to Select Committee June 2, 1805, Wellesley's Despatches, Volume IV.

130. These descriptions of Vassal and Protectorate are taken from Strupp—Elements of Public International Law, French edition.

suzerain state. Nor is it a Protectorate for relationship is not the resultant of an International Treaty in which a State while conserving in principle its international personality places itself for an indeterminate time under the dependence of another State which accords to it the benefit of its protection and represents it from the international standpoint *vis a vis* other States". And a Protectorate is a transition between absolute independence and dependence more or less stable. A war between the protecting and the protected state is not rebellion but war. A Protectorate is outside the wars and the treaties made by the protecting State, although it has not the right to make war without the authority of the protecting state. Although the Indian State shares some of the characteristics of a Protectorate it does not possess others. The Indian State is not a Feudatory, for the relations are not on a feudal basis. What then is Paramountcy ? It cannot be defined, it can only be described. It is the bundle of those rights and duties given by history and the facts of Indian political life to regulate the relations between the Government of British India and the Governments of the Indian States. It includes the right and duty of the British Government to intervene in the internal affairs of the States, to keep the government of the State up to certain standard of government which need not be as high as that of British India, to control the relations between the States and foreign States and between State and other States in India, to take all means to provide for the defence and protection of the State, to exercise ordinary jurisdiction in the territory of the States for certain purposes as the care of its troops stationed in cantonments and other special areas in the States, European British subjects and servants of the Crown in certain circumstances.[131]

Sovereignty in India.

Another contribution to political theory made by the relationships of the British Government with the Indian States is

131. Report of Indian States Committee, 1928-29.

in regard to the idea and practice of sovereignty. This contribution was made known to the world by the great jurist Sir Henry Maine. It was his study at the time he was Legal Member of the Governor-General's Council of Indian political facts and circumstances, especially the relations between Indian States and the British Government, that forced him to modify the Austinian theory of sovereignty which till then had held sway in the English schools of political and legal thought. The modification of the Austinian theory of sovereignty which he published in his lectures on the *Early History of Institutions in* 1874 was brought home by his observation of the facts and circumstances of Indian political relationships which he had made in 1862-69 when he was Legal Member of the Governor-General's Council. The facts of these relationships made him realise that there are various degrees of sovereignty and that this difference in degree may not deny the holders of this varying sovereignty the title of sovereign. He had realized in India " the difficulty of applying international rules and conceptions in India."[132] He allowed even the Kathiawar States some measure of sovereignty. In dealing with this question of the sovereignty of these States he takes his stand on a declaration of the Court of Directors in 1830 disclaiming British sovereignty over the Kathiawar States. He made the famous distinction between independent sovereigns, those that had the rights of internal as well as of external sovereignty (the right to make war and peace and have relations with foreign States) and those that had only internal sovereignty, e.g., in the case of Kathiawar States, immunity from foreign laws, exercise of civil and criminal jurisdiction, right of coining money. Even the unlimited right of the British of interference for the better order of the State " did not in his opinion limit that internal sovereignty of the State ". If a group of little independent

132. Minute of Sir Henry Maine, 22nd March 1864 on the Kathiawar States and Sovereignty reprinted in Grant Duff's Life of Sir Henry Maine.

States in the middle of Europe were hastening to utter anarchy, he argued, the great powers would never hesitate to interfere for their settlement and pacification in spite of their theoretical independence."[133] That sovereignty is divisible whereas independence is not was not the discovery of Maine but he found it confirmed by the facts of the sovereignty of Indian States and the distribution of sovereignty between the governments of the States and of the British Government. The theory of sovereignty now to be found in the text-books of political science that sovereignty is largely a matter of fact was deduced by Maine 70 years ago from the facts of Indian political experience.

Social Reform dictated by administrative considerations.

After the formulation of the theory of the relations between the British Government and the Indian States, the administration found itself formulating ideas of social reform. The daily experience of administration and the contacts with the people and their lives that it generated in the later 18th and early 19th century brought home to them the need for throwing up certain ideas with a view to making the ways of administration easy and fruitful. Very early in the days of the Company the administration saw itself brought up against certain social defects and evils from which the people suffered. A body of merchants, turned administrators, the early British rulers were puzzled as to their conduct towards them. Must they take a stand against them or let them go on as they had for centuries before they came on the scene. If they took critical and penal action, would their trade suffer, would the stability of their ruler be imperilled ? Or if they let the stream of social life flow on was there a danger of its flooding and destroying the banks of administrative rule and order. It was with great caution and fear that those first rulers first begain to take account of Indian social life. They attempted to interfere with any evil custom or usage

133. *Ibid.*

only when the ends of orderly and stable administration required it.

Slavery.

First among the social customs and usages of the country that the Company's Government was forced to take notice of were certain form of slavery. Although slavery as it flourished in the States of the Ancient East or Greece or Rome or as it flourishes in Africa at the present day was unknown in India—Caste had prevented its taking root in the country—there have been various forms of servile relations between man and man. Some forms of domestic slavery were early met with in or near the settlements of the Company. An agreement between the Agent of Fort St. George and the Governor of San Thome recognized the right of the master to secure possession of the slave who had fled from him " it being made apparent that he doth properly belong to him for he is part of his goods.[134] Slaves were licensed and registered at the choultry at Madras.[135] The exportation of slaves[136] of any age was prohibited in 1682. In 1687 however the trade was sanctioned under regulations, a duty of one pagoda being exacted from each slave sent from Madras by sea.[137] Slaves were also purchased for the service of the Company[138] to work as boatmen and on the fortification.[139] It was not till 1790 that traffic in slaves in the territories of Fort St. George was prohibited.[140] This practice was condemned not only because it was injurious to the rights of humanity " but because it was detrimental to the country."[141] In Bombay in 1753 a Committee was appointed by the President and Council to

134. Love, Vestiges of old Madras, Volume I, page 103.
135. *Ibid,* page 127, 130 and 545.
136. *Ibid,* Volume I, page 545.
137. *Ibid.*
138. *Ibid.*
139. *Ibid* II, 451-52.
140. *Ibid,* Volume III page 382.
141. *Ibid,* Volume III, page 382.

frame regulations for the better government of the Madagascar slaves. They were meant to be employed in the artillery, the military and the marine.[142] Slaves must have been used in Lord Cornwallis' time by the Company's servants although he had at different times taken steps to prevent the continuance of practices " so shocking to humanity and so pernicious to the interests of the Company." He had a commander of a country vessel who had carried off some children in 1787 prosecuted criminally before the Supreme Court and issued a proclamation prohibiting the practice on pain of incurring the most exemplary punishment.[143] In 1789 he had a plan under consideration for the abolition of the practice under certain limitations and establishing some rules and regulations to alleviate as much as possible the misery of these unfortunate people during the time that they may be retained in that wretched situation.[144] Among the obstacles to the abolition of slavery in the Company's territories was beside the sanction given by Hindu and Muhammadan practice, the considerable numbers.[145] In the first quarter of the 19th century domestic slavery which was described in an official report of the time as " a very mild and mitigated servitude rather than an absolute slavery" prevailed in the Deccan. The administration felt qualms about abolishing it as some legal sanction was required for its regulation " to obviate the injustice that would be occasioned to private property by any interference amounting to an absolute prohibition of the sale of what has hitherto been deemed a marketable commodity."[146] In the Upper Provinces of

142. Bombay Diaries, 27th July 1753 in Selection from Letter Despatches with State Papers in Bombay Secretariat Home Series, Vol. II, edited by Forrest.

143. Letter of Cornwallis to Court of Directors, Cornwallis Correspondence, Volume I, Appendix XXVIII.

144. Earl Cornwallis to Court of Directors, 2nd August 1789, *Ibid.*

145. *Ibid,* Volume I, Appendix XXVIII.

146. Mr. Chaplin's Report, 20th August 1822, Bombay Judicial Selection, Selection of India Papers, Judicial, Volume V.

Bengal slaves that had been tolerated by Hindu and Muhammadan Law were emancipated in the course of the half century after their cession and conquest not by any general laws or regulations but by the course of magisterial and judical decisions.[147] A slave was as much under the protection of the civil magistrate as any other person, his evidence in Courts was taken as that of any other person. Notwithstanding the Mohammadan Law the evidence of dancing girls known to be slaves was taken in sessions cases.[148] Practically all property in slaves was destroyed in the Upper Provinces by the reported decisions of the English magistrates or other functionaries. Government although urged often to enact regulations abolishing slavery refused to give any specific orders but hints were given to the civil officers to put a stop to slavery. The general terms of the magistrates' proceedings have been to "destroy slavery by constantly declaring the slave to be free whenever a case was brought before them." Not that slavery did not survive into modern times, domestic slavery being so genial and tolerable that slaves found it economically better to remain with their masters than to be free. Slaves continued but slavery was driven out.

Begari.

Begari was forced labour and was resorted to by landowners, officers of Government, armies on the march. Sir Arthur Wellesley was of the opinion that the begari system was not tenable and had to be abolished entirely.[149] The practice of begari also prevailed in the Deccan about the same time. This pernicious practice was especially practised by the Sepoys of the Company's troops in spite of stringent rules prohibiting them which formed the standing orders of every battalion. This was said to be due mainly to the ig-

147. Shore—Notes on Indian affairs.
148. *Ibid.*
149. Yule and Burnell John—Glossary of Anglo-Indian Words.

norance of the Sepoys of the regulation which " if they were read by the interpreter monthly with the articles of war and enforced with strictness would speedily put an end to the practice.[150] The practice of slavery attracted the attention of Parliament itself which directed the Governor-General-in-Council forthwith to take into consideration means of mitigating and extinguishing slavery and to prepare and to transmit to the Court of Directors drafts of plans for the purpose.[151] Later in the middle of the century in Bengal among the tribes of the Santal Parganahs two systems of bond labour obtained. The bondmen belonged to two classes, the Kameotee and Hurwahi bondmen, the Kameotee bondmen being one who in consideration of a sum of money bound himself and his heirs and successors to serve the giver of the loan until the money is repaid with interest and lives with the bondholder generally as his domestic servant, the Hurwahi bondman binds himself to work for the moneylender whenever his services may be required and is a sort of out of door labourer. Slavery was abolished in the North West Provinces by a Regulation[152] in 1843. A kind of predial slavery had flourished in Southern India—in the Tamil country, Malabar, Kanara, the labouring classes had been in a state of bondage.[153] In Malabar and Kanara the labourers were the personal slaves of the proprietor, in the Tamil country where land was of less value and belonged more frequently to a community than to an individual the labourer were understood to be the slaves of the soil than of its owner and was seldom sold or mortgaged except along with the land to which he belonged. The Pariahs and Pallas were attached to

150. Revenue Enclosure in Mr. Chaplin's Report, 20th August 1822 and Mr. J. Grants' Replies to Queen in Bombay Judicial Selections, *Ibid.*

151. 3 and 4 Will IV (85 Section 88 in Laws relating to East India Company, 1842, IV edition).

152. Regulation V of 1843 Tuckers Notebook of Rules and Regulations, Criminal and Revenue, 1857.

153. Wellington's Despatch, Volume I, 244 Letter to Col. Close, 2nd October 1800.

the lands of the Vellalas and the Pallis to the lands of the Brahmans.[154] The Revenue authorities of Madras moved with great caution in regard to this predial slavery thinking it obviously unjust to interfere with the private property asserted by the landowners in these slaves contented themselves with trying to prevent oppression or abuse of authority and to defining by legislative enactments the power which may be lawfully exercised by a ryot over his slaves.[155] After a full consideration of the subject of slavery in India by the Indian Law Commission an Act was passed in 1843 abolishing slavery as a legal status. Courts of justice were not to recognise it, no fugitive claimed as a slave can be forcibly returned and every act which would be an offence if done to a free person was made equally an offence when done to persons considered as slaves. The practice of forced labour continued by British officials in the repairs of roads and in the carriage of the abundant baggage of Government officials in turn had been abolished before 1858.

The abolition of forced and statute labour as it was called in Scinde was advocated in 1855-57 by John Jacob. The system of forced labour which appears in Scinde had existed under the government of the Amirs had been heedlessly allowed by the British local officers after the annexation. The monstrous idea, as Jacob called it, seemed to have established itself in the minds of civil officers that whenever they fancied that more canal work had to be done than the sum of money allowed by Government could pay for, they were at liberty to force the people of the country to work without remuneration. He issued notices in his jurisdiction abolishing statute or forced labour proclaiming that "every man was at liberty to work when, where and at what rates he may" and threatened that any government servant of guilty of compeling persons to labour on canals or any other public or private

154. Minute of Board of Revenue, 5th Jan. 1818 in Madras Revenue Selections in Selections of Records of E. I. House, Volume I, 1800.

155. *Ibid.*

work would be dismissed from government service and to legal prosecution by the injured parties.[156]

Begari and other forms of slavery flourished in Native States after they disappeared in British India. It was not till the time of Lord Curzon by means of political pressure that Begar was abolished in Kashmir and transformed into free labour by payment of wages in Cachar in Assam. Lallap another kind of forced labour and domestic slavery were also abolished in Manipur in Lord Curzon's time.[157]

Infanticide.

The abolition of other social evils may also be charged to the credit of the administration. It was not on the demand of public opinion but on the initiative of the administration that the evils of Infanticide, Sati, and Human Sacrifice were suppressed. It was officers of the Political Department that brought about the suppression of Infanticide in the States of Rajputana and Kathiawar. On 27th May 1805, Lieut. Col. Walker, Resident at Baroda, reported that the Chiefs of Navanagar and Dheol put their female children to death. The Government of Bombay called on the Resident to enquire if the practice could not be prevented. Col. Walker appealed to several chiefs to give up the practice but they evaded compliance. He even applied to the women of the family of the Rajah of Morvi. They at first seemed interested, but pleaded the custom of the caste. At last the Rajah of Morvi wrote "From motives of friendship the Hon'ble Company have urged me to preserve my daughters; to this I consent if the Chiefs of Navanagar and of Gondal agree." The chief of Malli wrote to the same effect. The Chief of Gondal executed the deed required. Even the Jhareja Chiefs except the Jam countersigned the deed. On 25th February 1812, the Rajah of Navanagar also consented to bind himself not

156. Views and Opinions of General John Jacob, pages 18-33.

157. Speech of Lord Curzon, 8th November 1901 and 16th November 1901, Collected Speeches, Volume II.

to commit infanticide.[158] But infanticide did not disappear forthwith in the Rajput States. Espionage and reports of informers were resorted to in a desperate but futile attempt to destroy the evil. Pains and penalties were threatened. In April 1833, the Rajah of Rajkot was tried and found guilty of infanticide, a fine of Rs. 12,000 was imposed on him, his talook was attached till it was paid, and the servants employed in the cruel business were to be dismissed. Rewards were resorted to, promotion of education was fostered, the enlightenment of public opinion was undertaken by the officials. The census return of 1852 showed that among the Jharejas, the chief offenders, while in 1842 the percentages of females to males was 30 in 1852 it had risen to 42. A campaign against female infanticide was undertaken in 1861 by Captain McIntosh, Governor-General's Agent for the Hill tracts of Orissa in the Gundappa district of Chinnakimidy among the Khonds as Captain Macpherson had done earlier among the Khonds of Ganjam. The Talukdars of Oude were encouraged to pass resolutions in their associations to discourage infanticide among them on pain of excommunication from their society[159] and infanticide was thus checked. Reports of settlement officers in Oude in 1865-66 showed that the disproportion between the sexes was diminishing although the practice was not entirely eradicated.[160]

In the Punjab, the officers of the old Administration before the disappearance of the Company worked for the suppression of the evil of female infanticide which prevailed among the Rajputs, the Beders or descendents of Nanak, the Khatries of the Scinde Doab, the Muhammadan tribes of Multan. Mr. Raikes distinguished himself by his work in the suppression of this evil. Under the auspices of the

158. Bombay Records, No. XXXIX summarised in Annals of India Administration, Volume I, edited by Meredith Townsend Serampore, 1857.

159. Report on Administration of Oude, 1862-63 in Annals of Indian Administration, Volume VII, VIII and Volume XX.

160. *Ibid.*

Government a meeting of those tribes was held at Amritsar in 1853 and the leaders assembled agreed to the adoption of certain rules about marriage and dowry which would remove the motive for the commission of this crime.

Jonathan Duncan had called attention to the prevalence of the crime in the Benares Province. Beyond declaring the act universal he does not seem to have taken any measures for prevention. He is said to have recommended that the Rajput girls should have dowries paid them by Government. The Court of Directors negatived this proposal lest good men who killed no daughters and got no dowries might be tempted to do that which was to be prevented.[161]

Mr. Montgomery when Magistrate of Allahabad put down infanticide among the Rajputs of his jurisdiction by appointing a chupprasi to reside in each village whose sole duty it was to report the birth of a female child, calling upon the chowkidar and midwives under a heavy penalty to report separately each birth at the thanah by directing the thanadar to hold an inquest on the death of any female infant, by associating the Talukdar with the Thanadar.[162] A similar though not so close system of inspection was also followed by Mr. Unwin among the Rajputs of the Doab in 1848. In 1845 when a grand daughter was born to the Rajput Rajah of Mianpur, Mr. Unwin caused a letter of congratulation and a dress of honour to be sent on behalf of Government to the Rajah.[163]

In the Punjab, soon after the cession of the Trans-Sutlej States in 1847 proclamations were issued depicting the enormity of the crime and threatening the practice with the consequences of murder.[164] A treatise on the causes, progress and

161. Raikes [Magistrate and Collector of Myanpur]—Notes on the North Western Provinces of Scinde, Chapter I, London, 1822. Chapter I.
162. *Ibid.*
163. *Ibid.*
164. *Ibid.*

extent of infanticide was prepared by Major Edwardes, the Deputy Commissioner. A great meeting was held in Amritsar on Deepavali Day in 1853 when " all the nobility, chivalry and humanity of the old regime and the wealth, rank and influence of the new were assembled under the auspices of the Administrator and at the direction of the Governor-General resolutions were passed fixing rules as to marriage expenses, one frequent cause of infanticide.[165]

Sati.

It is usual for historians to attribute the abolition of Sati to Lord William Bentinck. Without detracting from the merits of that statesmanlike administrator who gave the deathblow to the practice we must remember those that went before him. Isolated instances of protection of individual acts of sati were not infrequent in the early years of the Company's rule as was one given by a Governor of Madras in 1680. In the time of Lord Cornwallis British officers although prohibited from preventing the rite were especially ordered on all occasions to withhold their assent to its performance whenever their concurrence might be invited. The Marquiss of Wellesley in spite of his political and military preoccupation worked to take steps for its summary suppression without passing any Regulation but simply but treating every one participating in the rite as an ordinary offender. With this view he submitted the question to the Nizamat Adaulat, but the Judges on the grounds of expediency rather than of abstract right advised that the abolition of Sati might be effected gradually and within a reasonable period and made certain suggestions to remove the abuses of the practice, by penalizing the act of drugging or otherwise forcing an intending sati to commit the act. But this administrative caution did not stop the growth of the practice.[166] It was Lord Minto who first took up the question of the abolition

165. General Report on Administration of the Punjab Territories for the year 1851-52 to 1852-53 (1854).

166. Harrington's Analysis of Laws and Regulations, Vol. I.

of Sati as policy. One of the last steps taken by him before his departure in 1813 was to incorporate the suggestions made eight years before by the Nizamat Adault[167] with the form of circular instructions to all the judicial authorities, ordering the British officials to abandon their former attitude of indifference and rigid abstention from interference. He made the assent of officials necessary for the validity of the rite. Information of an intended sati had to be given to the nearest magistrate or failing the magistrate a police officer and it was their duty to ascertain whether the widow went to her fate of her own free will or under any form of compulsion. Other precautions were taken to ensure that the act should be one of folly rather than of brutality. No widow was to immolate herself who was less than 16 or who happened to be pregnant; the use of drugs was strictly prohibited and the police were to be present at the sacrifice not merely to ensure order but to afford the victim the opportunity at the last moment of changing her mind and saving her life.[168] Although acutely sensible to such an outrage against humanity at the same time Lord Hastings was aware "how much danger might attend the endeavouring to suppress forcibly a practice so rooted in the religious belief of the natives"—especially as the army in Hindustan was composed largely of high caste men. He could have carried with him the acquiescence of the army on account of his influence with the army as Commander-in-Chief. But he did not. Sati was declared illegal in the North West Provinces in 1829 and all Zamindars and landholders were held responsible for the immediate communication of information to the police.[168a] Sati was according to the biographer of Lord Amherst the great moral question of this Governor-General's time.[168b] But no serious

167. Bentinck quoted in Boulger's Life, Chapter V, Rulers of India Series.

168. *Ibid.*

168a. Tucker's Notebook of Rules and Regulations, Criminal and Revenue, edited by Carnegy, 1857.

168b. Ritchie and Evan, Lord Amherst, Rulers of India Series.

action was undertaken. But it was Lord William Bentinck's Minute that gave the quietus to the practice. Legislative force was given to the idea of the minute by a 'Regulation'[168c] of 4th December 1829 declaring the practice of Sati or of burning or burying alive the widows of Hindus illegal and punishable by the criminal courts.[168d]

Henry Lawrence tried his best and hardest to suppress Sati in Rajaputana.[163e] The administration was not satisfied with prohibiting it in British India. Lord Dalhousie[169] recorded that renewed remonstrances had been addressed to the native Darbars of Alwar, Bikanir and Udaipur. In Doongarpore where the Thakore's son took part in a sati, the son, two brahmans who abetted him were condemned to imprisonment for 3 years in irons while the Thakore himself was for the same three years mulcted in half the revenues of his province. The Maharana of Udaipur was persuaded to be willing to abolish the practice in his territories. In Lord Curzon's viceroyalty the Patiala, Nabha and Jind States engaged to prohibit Sati, slavery and female infanticide throughout their territories and to punish with the utmost rigour those who were found guilty of any of them.[170]

The social ideas of the British were expected to become part of that custom and usage which was an important element in the bundle of principles regulating the right of interference of the British power in the affairs of the States.[171] The terms granted to the Rajahs of Chamba, Mandi and Saket prohibited the practice of Sati or of infanticide and the bury-

168c. Letter of Marquess of Hastings to Lord W. Bentinck quoted in Boulger's Life, Lord William Bentinck, Chapter V in Rulers of India Series.

168d. *Ibid.*

168e. Sir Henry Lawrence—In Kaye's Lives of India Officers, Volume II.

169. Minute of Lord Dalhousie, 1853.

170. Lee Warner Protected Princes of India, page 199.

171. Lee Warner Protected Powers of India, page 74.

ing of lepers.[172] Treaties made with the States also provide for the prohibition of this practice.

Inhuman religious practices.

Inhuman forms of religious worship have also been put down by the administration. The practice of hookswinging at certain Hindu festivals like Churuch Poojah was animadverted upon by the Court of Directors in Company days who felt that the suppression of the cruelties of the festival should be based on the exertion of influence rather than upon any act of authority."[173] In 1859 the Crown Government also adopted this attitude. In Bengal in 1859 on a petition sent to the Government and the Legislative Council by a Protestant Missionary Conference to prohibit hookswinging at the festival of Churuch Poojah the Government directed that where the practice of hookswinging existed as a long established custom, the local authorities were directed to use their personal influence and obtain the co-operation of Zamindars and induce the people voluntarily to abandon the practice. If hookswinging was not an established practice the magistrates were authorised to prohibit it as a local measure of police for the preservation of order and decency. The practice began to die out from then.[174] In the Presidency of Bombay, the practice of hookswinging had been suppressed by order of the Government and according to the reports of District Magistrates without any dissatisfaction on the part of the general population.[175] In the Madras Presidency this was secured by the insertion as opportunity occurred in sanads for lands appropriated to the support of religious festivals of

172. Lee Warner, page 119 to 132.

173. Secretary of State for India to Governor-General-in-Council Dispatch relating to Native Worship, Legislative Department, 25th August 1841, London, Parliamentary Papers, 1859, House of Commons Return.

174. Report on Administration of Bengal, 1859-60 extracted in Annals of Indian Administration, Volume V.

175. *Ibid.*

a clause declaring that forfeiture will follow any repetition of the practice and in several parts of the Presidency it had entirely ceased by 1859.[176] The Government of India long resisted the demand for suppressing human sacrifice by legislation. Campaigns for the suppression of human sacrifices among the Khonds of Orissa had been organized by Major Macpherson in the time of Lord Hardinge who gave him 16 officers to help him.[177] They were undertaken by Captain Macneill, Governor-General's Agent in Orissa. Meriah were rescued or saved. Rescued Meriah children were put to school which did something to educate the Khonds out of their addiction to this form of religious worship.[178] Action against human sacrifice was also taken in the Zamindari of Jeypur by Captain Macneill in 1860-62.[179]

The administrative motive of Education.

It was for administrative reasons that the Company rulers took up the task of organizing the education of the people. When Persian was the language of administration and of diplomacy it was that language that was expected to be learnt by its native and English officials. Persian was one of the chief languages taught at Wellesley's College at Calcutta, although Sanskrit and the vernacular languages of Bengali and Telugu and Tamil found some room.[180] And as long as Hindu and Muhammadan Laws were the case of the civil and criminal justice administered by the Company. Warren Hastings' encouragement of the Sanskrit and Gentoo Laws exerted its influence and only those that sought admission to the grades of service thrown open during the 18th

176. *Ibid.*

177. Life of Lord Hardinge by Vincent Hardinge in Rulers of India Series.

178. Report on Human Sacrifice and Female Infanticide in the hill tracts of Orissa by Captain Macneill in Annals of India Administration, Volume V, 1862.

179. *Ibid.* Volume VIII, 1865.

180. Marquess of Wellesley's Despatches, edited by Martin, Vol. IV.

century were expected to acquire a knowledge of these subjects. Charles Grant advocated the introduction of English education as early as 1792.[181] But it was the object of securing the prevalence of peace and good order that incited the first rulers to think of the education of the people of India. It was the incident of a sepoy's murdering his fellow sepoy for the gain of four or five rupees or for the gratification of the most petty pique that drove the Marquess of Hastings about 1815 to conceive projects of popular instruction. To this who would contest that it was unwise to disseminate instruction among the multitude he would answer that "absence of instruction implies[182] destitution of morality." He thought it befitted the British name and character that establishments should be introduced or stimulated which may secure the rising generation in some knowledge of social duties." "The Government," he said "will never be influenced by the erroneous position that to spread information among men is to render them less tractable and less submissive to authority." He put the argument for popular instruction strongly when he said it would be treason against British sentiment to imagine that it ever could be the principle of this Government to perpetuate ignorance in order to secure paltry and dishonest advantages over the blindness of the multitude.[183] But it was to get good government officials that the schools and other means of education were first established in the different provinces of India. It was Mountstuart Elphinstone that was distinguished among the provincial rulers of India for his attention to educational policy. No Government in India in the first quarter of the 19th century paid so much attention to schools and public institutions for education. And the large employment of

181. Observation on the state of society among the Asiatic subjects of Great Britain quoted in H. Morris Life of Sir Charles Grant, Ch. XVI.

182. Marquess of Hastings by Ross, Chapter X in Rulers of India Series.

183. *Ibid.*

natives in the administrative services was the stimulus he applied for the promotion of education in his Presidency.[184] He would not have his pupils confined to legends of Hindu gods and would supplant the few inaccurate and expensive manuscripts which were in the hands of the natives by an abundance of simple and rational publications through the means of the Press.[185] He would have his schools teach not only surveying and other subjects useful to judicial and revenue officers as had been contemplated by Captain Sutherland who had laid before the Government a plan for the establishment of an institution for the education of native revenue officers and for the formation of a native civil service but all that can enlarge their minds and fix their principles provided that it does not render them different from the other natives so as to be odious to their countrymen.[186] He wanted his educational schemes to encourage the facility which it would give to the safe admission of natives into a larger share than they then possessed of the administration of the government the means which it would give of influencing the conduct of the whole population and of diffusing throughout it knowledge and restraint which are most desirous to impart.[187] If this theory of the diffusion of benefits of education that made him hesitate to accept the missionary policy of spreading instruction among the lowest castes as "if our system of education first took root among them it would never spread further and we might find ourselves at the head of a new class superior to the rest in useful knowledge but disliked and despised by the castes to whom their new attainments would always induce one to prefer them." Such a state of things he thought would be desirable if we were contented to rest our favour on an army or the attachment of a part of the population but inconsistent with every attempt to found it on

184. Life of Malcolm in Lives of Indian Officers by Kaye.

185. Minute by Mountstuart Elphinstone, 1824 in Selection from his writings minutes and other official writings edited by G. W. Forrest.

186. Quoted in Colebrooke's Life of Mountstuart Elphinstone, Vol. II.

187. Colebrooke's Life of Mountstuart Elphinstone, Volume II.

a mere extended basis.[188] For the financing of the schools he would look to contributions not only from the government but from the villages " the school money being taken from the gross revenue of the villages before the Government share is reported and the amount being made good by reductions in the Grama Karch." [189] The net result will probably be, he thought[190] met by a contribution of state aid and private effort.

Lord Auckland founded a number of scholarships at the principal Government schools. Before he left India in 1838 he had encouraged the extension of popular vernacular schools to the extent of the scanty funds at the disposal of the Committee of Education. Lord Auckland also helped the growth of medical education which had already been started in Bentinck's time at Calcutta.[191]

Lord Hardinge also sought to encourage education by providing employment for people educated in English in the public services. Having taking into consideration so said Lord Hardinge, on a state occasion, the existing state of education in Bengal and being of opinion that it is highly desirable to afford it every reasonable encouragement by holding out to those who have taken advantage of the opportunity of instruction a fair prospect of employment in the public service and thereby not only to reward individual merit but to enable the State to profit as largely as possible by the result of the measures adopted of late years for the instruction of the people as well by the Government as by private individuals and societies, he resolved that in every possible case a preference shall be given in the selection of candidates for public employment to those who have been educated in the institutions thus established and especially to

188. *Ibid.*

189. Minute of 1824 in Selection from the Minutes and other official writings edited by G. W. Forrest.

190. *Ibid.*

191. Trotter's Life of Lord Auckland in Rulers of India Series.

those who have distinguished themselves by more than ordinary degree of merit and announced amidst cheers the appointment of one of the students as a Deputy Magistrate for special proficiency in the English language.

In 1846 Thomason in the North West Provinces proposed a scheme of village schools for the reason that it would help Government and the people in the business of land revenue. As landed property was found in the province to be very minutely sub-divided and the existing rights in land were of many different kinds and as in prosecution of its duty to protect these rights Government had not defined their nature and extent but devised ways and means for their complete registration and as the efficiency of this system depended on the ability of the people to comprehend it and to take precautions that whatever affected themselves must accordingly be shown on the Register " he came to the conclusion that they should be able to read and write and understand the elementary rules of arithmetic." The great want of the most elementary education was duly felt in the course of administration. Patwaries were rarely able to write their papers and books intelligently and the people were seldom able to read or check them.[192]

In the Punjab in 1850 the Board of Administration looked to the new system of settlement as an engine of good and a medium for the diffusion of knowledge for not only would the village accountant secure a thorough training in mensuration and arithmetical calculation but the landholder being obliged to take a personal part in these operations must acquire the rudiments of education and must learn to exercise the faculties for the sake of procuring the most valued rights and dearest interests.[193]

192. Despatch on a scheme of village school dated Agra 18th November 1846 in Mr. Thomason's Despatches, Volume I in Selection from the Records of Government of North West Provinces, 1856.

193. Report on administration of the Punjab for the year 1849-50 to 1850-51 (1853).

But even as late as 1850 the Court of Directors made it known to their Governments in India that " it shall be entirely optional with the natives whether they will avail themselves of the facilities of education which we afford to them or not." [193a]

The action of the Court of Directors in 1813 which spent itself in providing money and institutions for the support of oriental learning, Macaulay's Minute of 1835 and the Educational Despatch of 1854, were all the outcome of the administrative need for education in western learning. In preferring English as the medium of instruction and English learning as the subject of instruction Macaulay's chief arguments were that " In India English is the language spoken by the ruling class, it is spoken by the higher class of natives at the seats of government, it is likely to become the language of commerce throughout the seas of the East.[194] The Court of Directors in the Despatch of 1854 looked upon the encouragement of education as peculiarly important because calculated " not only to produce a high degree of intellectual fitness but to raise the moral character of those who partook of its advantages and so to supply you with recruits to whose probity you may with increased confidence commit offices of trust[195] in India where the well-being of the people is so intimately connected with the truthfulness and ability of officers of every grade in all departments of the State." They had always been of the opinion that the spread of education in India would produce a greater efficiency in the branches of administration by enabling you to obtain the services of intelligent and trustworthy persons in every department of government; and the numerous vacancies of different kinds which have constantly to be filled up may afford a great stimulus to education." The education of persons for the

193a. Despatch relating to Educational Proceedings in Bihar 1851.

194. Macaulay's Minute on Eduçation 1833.

195. Despatch of Court of Directors of East India Company to Governor-General in Council. No. 42, dated 27th July 1854.

administrative services was the primary consideration and the secondary consideration was how far they may be distributed so as to encourage popular education."[196] The development of education ever since has been stimulated by the administrative motive. The main reason for the rapid increase of schools and colleges in the year 1854-82 was acknowledged to be that a knowledge of English was becoming more and more essential for government service and other occupations".[197] The Educational Commission of 1852-83 was to suggest ways and means of advancing the bounds of education, especially in the primary stages with a view to preparing India for extension of self-government.[198] Lord Dalhousie[199] was an enthusiast for vernacular as for English education. The work of Bethune, Secretary of the Government in the cause of women's education is remembered in Bethune College Calcutta and the foundation of engineering colleges found in him a warm supporter. The Commission of 1902 suggested ideas and methods for the improvement of the quality of university education which was still to furnish native public servants to the higher grades of Government service. The authors of the constitutional reform of 1919 recognised that one of the greatest obstacles to India's political development lies not only in the lack of education among its peoples taken as a whole but also in the uneven distribution of educational advance.[200] At that time only 6 per cent of the population was literate while under 4 per cent of the total population was undergoing instruction. It was this political motive that has persuaded Governments in India under the Reforms of 1919 to make up for the neglect of primary education of the previous period. The next stage of constitutional reforms was also preceded by an enquiry into educa-

196. Despatch of 1851.
197. Report of Calcutta University Commission, Volume I, Ch. III.
198. *Ibid.*
199. Lee Warner's Life of Marquis of Dalhousie, Volume II.
200. Report on Indian Constitutional Reform, 1918.

tion and its organization in British India "in relation to political conditions and potentialities of progress".[201]

The administration and civilization of Backward Peoples.

The discovery of the aboriginal tribes and the organization of their introduction into civilised life has been one of the major political achievements of the British administration. They were to be found in the hills and forests into which the gathering tides of Aryan and Muhammadan invasion had driven them. The primitive nature of the tribes, their child-like habits and modes of life, their social and economic backwardness suggested to the early rulers of India a mode of administrative approach which had to be different from that employed towards the more cultured and civilized people of the coast and the plains. We have already described the work the Army did for the civilizing of these tribes. The civilians were not to be left behind. In Bengal the tribes of the uplands and highlands attracted the early attention of the rulers of Bengal. When the Permanent Settlement was introduced, 1,300 square miles of the Hill Tracts were reserved from the effects of the Permanent Settlement, and exempted from the ordinary law and provided with institutions of its own—a Superintendent acting under the District Officer of Bhagalpore, a regiment of hill rangers and archers to act as police and stipends to ensure for the chiefs an honest livelihood.[202] This was accomplished by that model of a district officer, the "dulce decor" of the early civil service, Augustus Cleveland (1755-84) who, according to the inscription on his monument written by Warren Hastings, "without bloodshed or terrors of authority, employing only the means of conciliation, confidence and benevolence, attempted and accomplished the entire subjection of the lawless and savage inhabitants of the jungle-territory of Rajamahal, who had long inflicted the

201. Interim Report of the Indian Statutory Commission made by the Auxiliary Committee appointed by the Commission, 1929.

202. Carstair's Little World of a District Officer.

neighbouring lands by their predatory incursions, inspired them with a taste for the arts of civilised life, and attached them to the British Government by a conquest over their minds, the most permanent as the most rational mode of domination.[203] He went among them unarmed, presided at their tribal feasts, respected and preserved the authority of their chiefs, encouraged acquisition and the establishment of markets for their produce. He was acknowledged by the Directors of the East India Company to be the founder of the true method of civilising these peoples. Other military officers like Captain Burke and Captain Brown had acknowledged him as a model in their work with the Sawin Paharies.[204]

The plan followed in the Bhagalpur hills and in the jungle mahals of Midnapore was to give the people through their native chiefs whose assistance was rewarded by the support of Government and in some case by pecuniary allowances. That was the plan followed in the case of the Bhils of Central India in the early years of the 19th century.[205] This was considered to be the only practicable method until the gradual effects of civilization shall have undermined the power of the chief and remove the necessity of their control over their people.[206] It was necessary, however to guard against the abuses of the system which the chief harbouring thieves or conniving at robbers and their acquiring such an influence as may tempt them to oppose the measure of Government." This could be prevented only by exacting responsibility for their actions from their chiefs and attaching penal sanction to this imposition. But the punishment had to be in consonance with the traditions of the Bhil especially in regard to

203. Dictionary of Indian Biography by Buckland.

204. O'Melly, the Indian Civil Service.

205. Elphinstone Report on the Territories conquered from the Peshwa in Selection from Minutes and Official Writings of Mountstuart Elphinstone, edited by Forrest.

206. Elphinstone in *ibid.*

deposition of chiefs that " we may not destroy the power of these engines of government by running counter to the opinion of the people whom it is to sway ".

Captain Briggs deserves the official credit he got for reclaiming large numbers of Bhils in Kandesh from a life of bandits to a life of industry[207] to make them " surrender the bow and the arrow for the ploughshare ".

The work of the early rulers of the Santhalis was continued by Yule in the middle years of the 19th century. It was with imagination, with faith, with a missionary hope that George Yule and the subordinates whom he inspired with his spirit ruled these people. He kept them loyal during the Mutiny, raised a corps of volunteers among them with which he beat back bodies of mutineers.[208] In recent times civilians have let them live in dealing with the aboriginal tribes of Assam.

The Agency system.

A special system of government came to be evolved for the backward peoples. In Madras it came to be known as the Agency System. By an Act[209] the Government of India placed the localities under the sole jurisdiction of special Agents appointed by the Governments of Bengal and Madras. The government of the people and their territories was placed in the hands of an official who was directly responsible to the local Government and the laws and regulations by which they were governed were not the laws and regulations that obtained in the more settled and among more sophisticated peoples. These tracts came to be known as the Agency. Tracts. The office of the Agent to the Governor of Fort St.

207. Mr. Chaplin's Report, 5th November 1821—Bombay Judicial Selection—Selection of India Papers—Judicial, Volume IV.

208. Carstair's Little World of a District Officer.

209. Act XXI of 1845.

George in Ganjam and Vizagapatam was created by an Act of 1839.[210] By that Act civil and criminal justice (including the superintendence of the police and the collection and superintendence of the revenues of every description within these hilly regions peopled by the tribes) were vested in the Collector of the district as Agent to the Governor. The duty of the Agent and his assistance consisted in the years of the middle of the last century in originating and carrying out measures for the suppression of human sacrifice, and to administer criminal police. The collection of revenue was no part of his duties since 1850 nor had he any civil jurisdiction but he frequently settled boundary disputes and acted as arbitrator between the hillmen.[211] The measure of the work done by the Agency system for these people is illustrated in the fact that in the period 1845-56 the total number of Meriahs rescued was 1,604 and others saved 1,188[212] Here too the system followed among the Santals and the Bhils was followed. Touring during five months of the year from November till the end of March the Agent or his assistants in those years endeavoured to secure the confidence of the local chieftains, explained to their rude subjects the horror with which Government and all civilized countries viewed the bloody and inhuman rites and induced them to submit to arbitration in the settlement of their disputes instead of appealing to the bow and battle-axe.[213] During the months spent in the plains the Agents and his assistants visited and supervised the various colonies of Meriahs and taught them the arts of civilization by means of agriculture and education and irrigation works and corps of sibandis for policing those parts.

210. Act XXIV of 1839.

211. Rickett's Report on Civil Establishments and Salaries, pages 760-761.

212. Rickett's Report on Civil Establishments and Salaries, pages 760-761.

213. Ricketts.

Religious Toleration.

From ideas of social reform and civilisation the rulers of the early 19th century were swung to political ideas again. One of the earliest political problems the rulers of the East India Company faced was their attitude to the religions with which they were confronted as soon as they began to take a more than mercantile interest in the life around them. No European settlers have been brought into contact with a more religious people than those of India. The writers and traders at the presidencies, more concerned with their exports and purchases and sales viewed with distant and goodhumoured tolerance the religious ideas and worships that they could not help observing. Not coming as the Portuguese and Spanish Conquistadors with a burning zeal for religion, they were not concerned to advance the conversion of the natives to Christianity. They concerned themselves in the religious affairs of the people by whom they were surrounded and whom they were increasingly called upon to govern only so far as they affected the public peace they were expected to preserve. Thus early in the history of the East India Company the President and Council of Fort St. George was called upon to take notice of the quarrels between the Left and Right hand castes. Claims and counter-claims in regard to rights of precedence in temples and processions and the use of ceremonial panoply led to quarrels disturbing the peace of Fort St. George from 1707 to 1790.[214] The Government was concerned only to compose these quarrels so far as they affected public order. It was only at the request of parties to a purely religious quarrel that the Company's Government sometimes intervened as in 1780 when the Brahmans of Triplicane referred a difference of long standing between the Vadagalai and Tengalai sects concerning a religious invocation. In the usual administrative style, pending enquiry the use of the prayer was interdicted altogether.[215] In an earlier dispute

214. Love's Vestiges of Old Madras, Volume III, page 385-390.
215. Love's Vestiges of Old Madras, Volume III, page 390.

about this matter Lord Pigott's Government had decided by allotting different temples and shrines in Triplicane to the two castes. But in 1795 when Lord Hobart was faced with a repetition of the dispute his Government declined to interfere. "The Board" they said "do not think it advisable to interfere in the religious disputes of the natives but by giving a decision on grounds of which they are not certain it might become the cause of dissensions serious in their consequences to the peace of the inhabitants".[216]

However individual officers and governments may have behaved occasionally the policy of the Company had always been to quote the words of the Court of Directors in 1833 that "in the matters relating to temples, their worship, their festivals, their religious practices and ceremonial observances our native subjects be left entirely to themselves."[217] In 1847 they reminded their Governor-General-in-Council that they had uniformly maintained the principle of abstaining from all interference with the religion of the natives of India.[218] In 1858 they repeat the injunction given earlier to all Governments in India" about the steady pursuit of practical and just measures having for their object the final severence of any connection which may yet exist between them and their institutions and practices."[219]

One corollary of this policy of religious neutrality was that the Company should neither by its policy nor its administrative acts advance the cause of Christianity. The missio-

216. Quoted in Love's Vestiges of Old Madras, Volume III, page 390.

217. Letter, Public Department, 21st July (No. 28) 1858 to our Governor-in-Council at Bombay—Correspondence relating to East India Missionaries, East Indian Idolotary ordered by the House of Commons to be printed, 12th February 1858.

218. Letter, Judicial Department, 21st April (No. 3) 1847 to Governor-General of India in Council—Correspondence relating to East India Missionaries.

219. *Ibid.*

nary efforts and inclinations of men like Charles Grant who did more towards the establishment of Christian missions in Bengal than any other official and who considered that the propagation of Christianity in the provinces render the dominion of Great Britain in a religious and political sense a subject of vast importance[220] were rather exceptional. It was thanks to Charles Grant's influence that the Court of Directors just before the Charter of 1813 sent out a Dispatch in which they made their officers understand that they were far from averse to the introduction of Christianity in India, and that they should abstain from all unnecessary interference with the proceedings of Christian missionaries, but also to impress upon the minds of all the inhabitants of India that the British faith on which they rely for the free exercise of their religion will be inviolably maintained ".[221] But more political counsels prevailed later. " It is obviously essential to the due observance of that principle (of neutrality)," said the Directors[222] in 1847 " that it should be acted upon by our servants, civil and military." The Government is known throughout India by its officers with whom it is identified in the eyes of the native inhabitants and their servants had therefore to be aware that while invested with public authority their acts cannot be regarded as those of private individuals. The question arose over the participation of the officers of the Company in missionary meetings and proceedings. It also arose over the question of the administration by officials of the Company of endowments made to Hindu temples and Muhammadan mosques made by the predecessors in government of the Company and to which they had succeeded. It arose for

220. Letter of Charles Grant to Wilberforce in Life of Charles Grant by Morris.

221. Dispatch quoted in Morris' Life of Charles Grant.

222. Letter, Judicial Department, No. 3, 21st April 1847 to Governor-General of India-in-Council in correspondence relating to East India Missionaries and East India Idolatry, *op. cit.*

instance over the question of the administration of the endowments of the famous temple of Jaganath at Puri. In 1803 when the province of Orissa was conquered and the temple of Jaganath passed under the jurisdiction of the British Government, the temple at that time derived its income from various sources, from lands in its actual possession, from assignments on the public revenue, from local taxation which it was authorised to impose and from an occasional donation of money made by the Mahratta Government which reimbursed itself by a tax collected from the pilgrims who resorted to the temple.[223] Putting itself in the place of the Mahratta Government the Company's Government paid annually the donation necessary to make good the aggregate expenditure of the temple—it was about Rs. 36,000. By the year 1809 the lands belonging to the temple and the assignments it held in the revenues of certain districts had all passed into the hands of Government and the Government of India having possessed itself of all the endowments of the temple continued to pay from the treasury the whole expenses of the temple amounting about that time to rupees 56,000 to Rs. 60,000, the Government reimbursing itself by the annual collection of the pilgrim tax. On the repeated reprobation of the Court of Directors and on the agitation of missionary bodies the Government of India ordered in 1853 the cessation of all connection of the Government of India with the Jaganath temple and that a final payment should be made by Government to the temple thus returning to it the endowments it had taken on the conquest of Orissa.[224] Similarly in 1858 devasthanams or landed endowments in the north under the management of officers of Government especially the revenue authorities were made over to trustees and managers of the

223. Minute by the Governor-General (Lord Dalhousie) 8th June 1853 in Correspondence relating to East India Missionaries and East India Idolatry, *op. cit.*

224. *Ibid.*

temple,[225] giving effect to the instructions transmitted from time to time directing the discontinuance of all interference on the part of British functionaries in matters relating to the temples, worships and religious practices of the natives of India. In the case of money payments they were to be converted into permanent land endowments. With regard to the Hindu and Muslim endowments managed according to law by the revenue authorities the Court of Directors in 1841 and 1846 recommended that the Bengal Regulation of 1810 and the Madras Regulation of 1817 should be repudiated.[226]

A similar policy was followed in Bombay at the same time. But in 1859 it was noted that the withdrawal from the administration of religious endowments was not complete. It was realised that this withdrawal could not be fully attained so long as the revenue authorities, the Board of Revenue and its subordinate officers were required by law to take care that all endowments of lands or of the land revenue made for the maintenance of religious establishments be duly appropriated to the purpose for which they were destined by Governments or individuals. The Crown Government followed the policy of the Court of Directors in this matter content to see that " all religious institutions enjoy the equal and impartial protection of the laws but not required to provide for their management or superintendence by its own officers ". The Secretary of State for India in 1859 therefore called upon the Governor--General-in-Council to have the Regulation in question or such parts of them repealed as related to the management of religious endowments provision being made at the same time for an appeal to the established courts of justice in all disputes relating to the appointment and succession to the management of Hindu and Muhammadan religious

225. Letter of Court of Directors, Public Department, 12th May 1858 (No. 26) to Governor and Council of Fort St. George.

226. Secretary of State for India to Governor-General-in-Council 24th February 1859, Dispatch relating to Native Worship, East India London Parliamentary Papers, 1859.

institutions and to the control and application of their funds.[227]

The course of British religious policy in India is indicated by the course of the fortunes of the Ecclesiastical Department of the Government of India. While in 1846 the Court of Directors defined their obligations to Christianity to be " our duty to provide the means of spiritual instruction according to the principles of our national Church for the Christian servants of the State and their families " in 1876 Lord Northbrook's Government limited this obligation to providing within reasonable limits the ministrations of religion for British-born European servants of the Crown and specially for soldiers and their families, Lord Ripon's Government in 1883 confined the area of state help to Christianity to European British born soldiers with their families and the same class of state railway servants ". A Finance Committee of 1886 proposed as a measure of economy that the employment of Chaplains should be confined to military stations where there were European troops, to cathedral towns, and the headquarters of Government and that some form of grant-in-aid should be given to clergy at other stations.[228] These principles have continued to be the policy of the Government till recent times.

The religious toleration practised by the East India Company and its successors was of a low grade. It was dictated by administrative necessity, and not by an intellectual conviction of the virtue of religious freedom and the defects of religious intolerance. But at a time when England was suffering from Test and Toleration Acts, when Catholics were denied the freedom of religious worship and entry into public services, India enjoyed the free air of religious toleration. Long

227. Secretary of State for India to Governor-General of India in Council, 24th February 1859, Despatch relating to Native Worship in India, London Parliamentary Papers, 1859.

228. Report of the Indian Retrenchment Committee 1922-23, Part VI, Ecclesiastical Expenditure.

before Catholic Emancipation and Catholic Disabilities and Test Acts were abolished, British India was endowed with religious peace. It was something for administration to have achieved, to have converted the English intolerance of the 17th and 18th centuries to the genial toleration of British India.

The Freedom of the Press.

The freedom of the Press was another political achievement of the administration in India. The newspaper press was one of the institutions that came in the wake of the rule of the Company. It did not enter India under the auspices of the administration. It came with the European settlers, not connected with the administration, that were allowed to drift into India. It came with the coming of the British free merchants who imported it and used it as a stick to beat the Company with. No notice was taken of this British owned newspaper press that had established itself in the Presidency towns till about 1797. But the frequency of the abuses of the freedom which had been tolerated from the beginning between the years 1791 and 1799 at Calcutta made the Company's Government take notice of this new and inconvenient phenomenon.[229] The Company's Government came to be convinced that other checks were required than the discretion of editors and the apprehension of the displeasure of Government whether manifested in the more lenient form of censure or to the full extent of its powers in the deportation of the offending party."[230] In 1799 the Bengal Government established regulations calling upon every printer of a newspaper to put his name at the bottom of the paper, every editor and proprietor of a paper to declare his name and address to the Secretary to Government. No paper was to be published until it had been previously exempted by the

229. Letter from Chairman and Deputy Chairman of East India Company ..... 17th January 1823 in Papers relating to the Public Press in India. Return ordered by House of Commons, 4th May 1858.
230. *Ibid.*

Secretary to Government or by a person authorised for the purpose, the penalty of offending any of the rules to be immediate deportation to Europe..[231] In 1801 a plan was proposed by order of the Bengal Government for the establishment of a Government Printing Press and a newspaper giving authentic intelligence and thus put out of existence " and needy indolence a few European adventurers who were found unfit to engage in any creditable method of subsistence." But the plan was given up on account of the expense. From 1801 to 1818 the editors of a number of papers, the Calcutta Gazette, the Indian Gazette, the Calcutta Daily Advertiser, the Mirror, the Asiatic Mirror were warned or censured for articles or accounts of official happenings printed in their sheets. By Regulations issued on 19th August 1818 editors of newspapers were prohibited from publishing animadversions on the measures and proceedings of governmental authorities from the Court of Directors to members of Council or discussions having a tendency to create alarm or suspicion among the native population. But this was not agreed to by the Court of Directors who preferred the previous system of previous inspection and sanction. In 1818 Lord Hastings defended the removal of all restrictions on the press not on the ground of " the natural right of my fellow subjects but of a positive and well-weighed policy." If the motives of our action were worthy " he said at a meeting of the inhabitants of Madras held on 26th May 1819 " it must be more to render them intelligible throughout an empire, our hold on which is opinion ". He considered it salutary for supreme authority even when its intentions are not pure to look to the control of public security, that while conscious of rectitude that authority can lose nothing of its strength by expressions of general comment, on the contrary it acquires incalculable addition of force." Government which has nothing to disguise wields the most powerful instrument that can appertain to sovereign rule.[232]

231. *Ibid.*
232. Quoted in *Ibid.*

As no allusion was made in this to the restrictions proposed by the Bengal Government it was opined by the editors of some newspapers that it was not intended to enforce these restrictions. He is said to have removed the restrictions which had before fettered the Indian Press. He moreover allowed newspapers to circulate at a reduced postage and it was in his time that the first native journal appeared in print.[233] But between 1819 and 1822 editors of newspapers were warned, censured, threatened with prosecution. The most famous of the editors of this period to receive this attention from Government was the famous James Silk Buckingham. His adventurous career on sea, in Indian journalism, in Parliament as traveller received a tinge of from his fight with Mr. Adam, Member of Council which ended with his deportation from India. In Madras also papers like the Madras Courier (1791), the Indian Herald (1795), the Madras Gazette (1795), the Madras Courier Extraordinary (1808), often received the same notice as the Bengal papers from Government. In Bombay there were the Bombay Gazette (1791), the Bombay Herald.

The absolute freedom of the Press was asserted and legalised by Sir Charles Metcalfe. But there was another school of administrators who thought differently on this question. And that school found expression in a minute of Sir Thomas Munro. His contention was that a free press could go only with a free people.[234] The Press could act only through the medium of the people only after the greater body of them should have imbibed the spirit of freedom. Owing to the unnatural state in which India is placed under a foreign Government with a free press and a native army, the spirit of independence would spring up in the army, long before it is even thought of among the people.[235] The two important

233. Ross—Marquess of Hastings, Chapter X, Rulers of India Series.

234. Minute dated 12th April 1822 in Selections of Munro's Minutes edited by Arbuthnot.

235. *Ibid.*

things necessary for the progress of India are the prolonged sovereignty of the British rule and the political improvement of the natives so that we should leave the natives so far improved from their connection with us as to be capable of maintaining a free or at least a system of government." These two things would not be possible with a free unrestricted press. Progress of knowledge will not be hindered by the absence of a free press as it is books not newspapers that will inspire the minds and morals of the people. After all the restrictions on the Press of his time were he thought extending only to comments on the character of Government and its affairs and on the religion of the natives, the removal of these restrictions would benefit none but the proprietors of newspapers. The peculiar position of an alien government was also required to be borne in mind.[236] The danger of circulating agitating matter among the troops was also present to the authors and supporters of the restrictions on the Press[237]

The policy of successive Governors-General of the 19th century till the Mutiny varied. Metcalfe's support of a free Press is well known. Bentinck[238] followed in his liberal footsteps. Lord Amherst's[239] natural mildness of disposition revolted against the oppressiveness of the old Toryism of Calcutta prescribed by Mr. Adams. Towards the end of his administration persecution of the Press ceased and the journals of the Presidency possessed themselves in quietness and peace.

At the time of the Mutiny free comment was naturally considered dangerous. Government took notice of the articles of the Friend of India which it considered mischievous in the circumstances of the time. Licenses were required to be

236. Papers relating to Public Press in India, 1857.
237. *Ibid.*
238. Kaye's Life and Correspondence of Metcalfe, Volume II.
239. *Ibid.*

taken by an Act of 1857[240] for keeping printing presses and they were to be granted to them only on condition that no book, newspaper, pamphlet impugning the designs of the British Government or to bring the Government into hatred or to create chaos or inspire hatred among the native population. Lord Elphinstone of Bombay found the arguments for this action of Lord Canning's Government when he said, Lord Metcalfe forgot to remember the connection that exists between the state of the Press and the other political institutions of the country, that, as the Government of India must be despotic for a long time to come, the unrestricted freedom of the Press was incompatible with the Indian form of Government.

Individualism.

The rights of the individual and what is known in the history of political thought as individualism were fostered by the administration sometimes directly by its policy, sometimes indirectly as the result of its acts. Rights of property were created by the different land revenue systems. The Permanent Settlement if it did no more has created valuable rights of property, although it was only for a few individuals.[241] Tenancy Regulations and laws have created even under the Permanent Settlement system a large number of persons possessing limited property rights. In the Ryotwari system the right of property is distributed among a much larger number of persons provided the assessment of revenue payable to Government is not high. If, it was noted in 1818 in an official paper, after discharging the wages of his land labourers and defraying the subsistence of his slaves or other immediate expenses of the cultivator, the public assessment payable is so moderate as to leave the ryot a con-

240. Act No. XV of 1857 in *Ibid.*

241. It was expected to do so when it was established, see Revenue Letter to Fort St. George, 12th April 1815 in Selection from Records of East India House, Volume I, 1820, Madras Revenue Selections.

siderable annual surplus, his interest in the soil is that of the landlord and his land yields a clear land rent and is of course a reliable and transferable property.[242] It was to create a large number of these people that Munro and the founder of the Ryotwari system insisted on large reductions of the assessment they found obtaining in the country they were called upon to settle. A principal objection to village estates urged by the revenue authorities of Madras was that the influence of the head inhabitants may be exerted to the oppression or injury of the common ryots.[243] When the Ryotwari system was introduced in Madras as the system was novel to many of the local revenue officers it was particularly necessary to warn them against any reduction of individual rights which it was known to be the policy of the Court of Directors to uphold.[244] No doubt the Ryotwari system has in creating individual rights destroyed the ancient group and village life which had been a valuable social and political asset. This danger was visualized by the revenue authorities of those days. They found the Ryotwari system dissolving "the ancient ties, the ancient usages which united the republics of Hindu villages and by a kind of agrarian law newly assessing and parcelling the lands which from time immemorial had belonged to the village community collectively not only among the individuals of the privileged order (the Mirasdars and Inamdars) but even among their inferior tenantry (the Pycarries), and resuming what belonged to a public body (the Grama Maniam) and conferring in lieu of it a stipend in money on an individual.[245] The growth of individualism

242. Minute of Board of Revenue, 5-1-1818 in Madras Rev. Selections in Selection from records of East India House, Vol. I, 1820.

243. Letter of Board of Revenue, 25th April 1808, Selections from Records of East India House, Volume I, 1820.

244. Minute of Board of Revenue, 5th June 1818 in Madras Revenue Selections in Selection from Records of East India House.

245. Minute of Board of Revenue, 5th June 1818, *op. cit.*

through the land system in Bombay was noted as early as 1822. Heads of families and elder brothers were found to have less influence than they had under the former Government as could be seen from the frequency of suits for division of the family property.[246]

Indigo cultivation and the resultant relations between indigo planters and their tenants and cultivators soon after the Mutiny led to a great struggle for the assertion and protection of the rights and liberties of the individual in which the administration distinguished itself. This also began by way of administration, almost as a routine matter. From the beginning of the 19th century trouble had been brewing between the European indigo planters of Bengal and their ryots.[247] In 1820 the licenses granted to four planters to reside in the interior of the country were withdrawn on account of the severe ill-usage of the natives proved against them and the Governor-General-in-Council found it necessary to issue a circular in that year considering it "an act of indispensable public duty to adopt such measures as appear to him best calculated to prevent the repetition of offences equally injurious to the English character and to the peace and happiness of our native subjects."[248] The stocks kept by planters for punishing recalcitrant ryots were ordered to be destroyed. A special law allowing criminal prosecution in place of civil litigation was refused in 1811[249] by Lord Minto's Government. But in 1830 a Regulation was passed making ryots who broke indigo contracts liable to prosecution and penal consequences in the magis-

246. Judicial Enclosure in Mr. Chaplin's Report, 20th August 1822, Mr. St. John Thackeray's Report on Civil Justice, 11th August 1822 in Bombay Judicial Selections, Selection of India Papers, Judicial, Volume IV.

247. Minute by Lieut. Governor of Bengal on the Report of the Indigo Commission in Papers relating to Indigo cultivation in Bengal, ordered by House of Commons in 1861.

248. *Ibid.*

249. *Ibid.*

trate's court as for a misdemeanour. This was held by the Home Government to be manifestly unjust and was repealed in 1833. When the troubles first began they arose out of the attempt of the planters to force the ryot to sow indigo seeds in their fields according to agreements entered into with them. The first indication of the policy of the Bengal Government was given in a letter written by Mr. Eden, Member of the Bengal Governor's Council to the Magistrate of Kularah on 17th August 1859 reminding him that the course laid down for the police in indigo disputes is to protect the ryot in the possession of his lands on which he is at liberty to sow any crop he likes without any interference on the part of the planters or of anyone else, that the planters were not at liberty under pretext of the ryots having promised to sow indigo for him, to enter forcibly upon the land of the ryots, such promises can only be produced against the ryots in civil court, the magisterial authorities having nothing to do with them for there must be two parties to a promise; and it is possible that the ryots whose promises or contracts are admitted may still have many irresistible pleas to avoid the consequence the planter insists upon."[250] Indigo planting said Sir Peter Grant, Lieutenant Governor of Bengal in an official minute as far as it is conducted unjustly or unlawfully in disregard of the rights of any class upon the false principle of a forced cultivation, unprofitable or oppressive to the cultivator of the raw material, is an evil of great magnitude whether in its political or in its commercial aspect and one which urgently requires correction.[251] Both Macaulay's Law Commission and the Indigo Commission of 1860 endorsed the view that in general a mere breach of the contract ought not to be an offence but only to be subject to a civil action. And Sir Charles Wood as Secretary of State in 1861

250. Quoted in a Petition of the Bengal Indigo Planters' Association to the Rt. Hon. H. E. The Viceroy and Governor-General-in-Council in Papers relating to Indigo Cultivation in Bengal ordered by House of Commons, 7th March 1861.

251. Minute, dated 17th August 1860 in *ibid.*

refused to give his sanction to a proposed law by which breaches of contract would be punished as criminal offence.

Self-government and Indianization.

The training of the people of India in the art of self-government was not a deliberate plan of the early rulers of India. They came out to trade and acquired territory with a view to the promotion of that trade. But in the course of their conduct of the government of the peoples they were thus thrown among, they struck out certain paths which led them ultimately to introduce the natives of India to the business of government. Charging themselves, to put it more correctly, charged with the duty of administering commercial and military and revenue affairs they were forced by the facts and circumstances of life in India to associate natives of India in their business. Their lack of knowledge of the vernaculars and of the customs and usages of an alien civilization and culture, and the necessary fewness of their numbers, forced the Company to employ natives. The Company's original policy to employ as many Europeans as possible and to employ them *en Suisse*[252] was no doubt caused the selfish purpose of excluding the natives as much as possible from all share in the administration so that there might be a better provision for the relatives and friends of the Court of Directors and "the extravagant idea which the English chose to entertain of their own superiority in ability, morals and every good quality" [253] also operated. But gradually the needs of administration secured a victory for the more political plan. Not only in the lower grades but in the more important grades they were forced to admit the natives of the country. We have seen how in commerce and the army in the 18th century and the revenue (especially ryotwari revenue) the Company in the 18th and early part of the 19th century Indians were admitted to important grades of the

252. Shore: Notes on Indian Affairs.
253. Shore: *ibid.*

Company's service. This practice dictated by the facts of Indian life was soon carried to the dignity and force of an idea, and one of the greatest administration of the days of the Company. We have seen how Arthur Wellesley deplored the blocking of military careers in the army by his brother through the subsidiary system. The views of Munro, Malcolm, and Elphinstone on the admission of the natives of the country to the services of the Company are well known. But their reasons for advocating this policy are not so well known. These reasons were purely administrative. The abolition of native and the substitution of European agency to the greatest possible extent which was advocated in certain quarters in the early 19th century was opposed by Munro on the ground that " every advance made in such a plan would not only render the character of the people worse and worse but our government more and more inefficient." The very preservation of the English dominion in this country, he thought, required that all the higher offices, civil and military should be filled with Europeans, but all offices that can be held without danger to our power might with advantage be left to them."[254] The natives were in general better accountants, more patient and labourious, more intimately acquainted with the state of the country and the manners and customs of the inhabitants and were altogether more efficient men of business. With what grace, he asked, can we talk of our paternal government if we exclude the natives from every important office and say as we did till very lately that in a country containing 15 millions of inhabitants no one but an European should be entrusted with so much authority as to order the punishment of a single stroke of a rattan.[255]

Such an interference was to pass a sentence of degradation on a whole people for which no benefit can ever compensate. Such an exclusion would be bad not only for

254. Minute of Sir Thomas Munro, 31st December 1824 in Selection of the Minutes edited by Arbuthnot.

255. *Ibid.*

the administration but injurious to British dominion. The great number of public offices in which the natives are employed is one of the strongest causes for their attachment to our Government. The tendency of a foreign Government to depress the national character must be countered only by opening them access to honourable employment in the public service. If India is not to be regarded as a temporary possession but as one which is to be maintained permanently until the natives should in some future age have abandoned most of their superstitions and prejudices and become sufficiently enlightened to frame a regular government for themselves to conduct, then the natives of India must be so trained in the business of administration.[256] Mountstuart Elphinstone also was afraid that the policy of employing more and more Europeans would exclude the natives from every station of power or profit even of the most subordinate rank. Such a complete proscription of the natives, he thought, would cause a dangerous spirit of disaffection among our native subjects, civil and military. The whole of the people of India would sink to a debased and servile condition far below that of the Greeks in Turkey and nearly resembling that of the Indians in Spanish America. All incitement to exertion among the upper classes of natives would be entirely extinct.[257] If care were taken to qualify the natives for the public services and afterwards to encourage their employment at no very distant day he hoped to see natives engaged in superintending the police of a district as the European assistants then were. In a more advanced stage they would be Registrars and Sub-Collectors or even Collectors and Judges. Elphinstone's ideal of British rule was to make the political relationships of Indians and Europeans similar to that of the Chinese and the Tartar rulers in China, the British retaining the government and military powers but gradually relin-

256. *Ibid.*

257. Quoted in Colebrooke's Life of Mountstuart Elphinstone, Volume II.

quishing all share in the civil administration except that degree of control which is necessary to give the whole an impulse and direction. Under such a policy he expected the natives to fill a large portion of the civil stations and many of the subordinate employments in the army.

Lesser men and more subordinate authorities also advocated these views. The Board of Commissioners in the Ceded and Conquered provinces of Agra and Oude recommended the employment of military men deprived of military employ after the conquest of Agra in the civil services on the ground that they may be prevented from preying upon the defenceless part of the country and from becoming dangerous auxiliaries to an active enemy."[258] Mr. Holt Mackenzie would urge this employment of natives on the grounds of economy. He would again and again repeat that the practical application of the employment of natives is quite indispensable to any real system of economy. If the Government think it reasonable to maintain a bad system in order to provide for inefficient civil servants at a vast waste of the public money he would throw the responsibility on Government.[259] Mr. David Hill was of the opinion that the civil administration ought practically to be carried on as far as possible by the natives. The European officers ought merely to superintend and direct the natives in the discharge of their duties and to join the links by which their connection with Government ought to be maintained. All civil jurisdiction ought to be exercised by natives.[260] On the ground of economy also it was that Lord Ellenborough pleaded for the admission of natives into the public services "Among the means" he said in Parliament on 15th February 1830 "of

258. Report of Board of Commissioners on the Ceded and Conquered Provinces, 13th April 1808 in Selection from Records of East India House, Volume I, Bengal Revenue Selections.

259. Minute by Mr. Holt Mackenzie, 1st October 1830 in Report of Select Committee on East India Affairs, 1832, Volume I, Appendix III.

260. Minute by David Hill, 8th March 1830, *ibid.*

reducing the expenditure is the very desirable one of reducing gradually the number of European establishments in India and bringing forward, gradually however and with extreme caution, the natives to offices of higher authority and trust than they have hitherto been accustomed to fill.[261]

Although in the Company era the governmental authorities were not given the time or the opportunities on account of the wars and other political and economic preoccupations of the rulers to still further advance the political education of the people, the ideal of training them for self-government was not absent from the minds of typical representatives of that rule. In contemplating, said Sir John Malcolm, the possible future destiny of our extraordinary empire in Asia, it is impossible not to think but that the knowledge we are so actively introducing may in the course of time cause great changes. How they may affect the power of the British is a question that the Government will find it difficult to answer. To impart knowledge is to impart strength to a community and as that becomes enlightened, the love of independence, coloured with a natural pride in self-government will be too strong for all the lessons of duty and meakness and gratitude to their intellectual benefactors that the rulers of India could teach their Indian subjects. He for one was not deterred by the possibility nor even by the probability of such consequences from being the advocate of their instruction in all the arts of civil life.[261a]

The institutions of local self-government were established at first to satisfy administrative needs. In Madras the municipal system with a Mayor, 12 Aldermen including Portuguese and Indians was established to reconcile the

261. Quoted in Minute of Right Hon'ble Mr. S. R. Lashington, Governor of Madras, 14th September 1838 in Report of Select Committee on Affairs of East India Company, Volume I, Appendix III.

261a. Quoted in Life of Sir John Malcolm in Kaye's Lives of Indian Officers, Volume II.

settlement to a system of local taxation.[262] And even when the history of modern local self-government in India started it was the needs of administration that were the motive cause. Local Funds preceded local boards. That was how municipal self-government started in Ahmedabad in 1850 with the levying of a tax of one anna and six pies on a hundredweight of ghee,[263] and later in Karachi and other towns of Scinde. Municipal police, thought Sir Charles Trevelyan ought to precede a full-blown municipal system.[264] In 1864 municipalities were called upon to look after their own police for to charge the inhabitants of towns with the cost of the police would be a relief to the Exchequer of about £500,000 and would be combined with the firm establishment in India of a municipal system, pregnant with advantages of various kinds." Even Lord Ripon's Government in their famous resolution on Local Self-Government had the administrative reason before them as one of the strongest arguments they could use for their policy. "The task of administration" so ran the Resolution "is yearly becoming more onerous as the country progresses in civilization and material prosperity." The annual reports of every Government tell of an ever increasing burden laid upon the shoulders of the local officers. The cry was everywhere for increased establishment. The universal cry in all departments was that of overwork. Under the burden of these administratiive difficulties the Governor-General-in-Council had no hesitation in resolving that the only reasonable plan open to Government was to induce the people themselves to undertake as far as may be the management of their own affairs and to develope or create if need be a capacity for self-help in respect of all matters that have not for imperial reasons to be retained in

262. Cambridge History of India, Volume V, Chapter IV.

263. Martineau's Life of Bartle Frere.

264. Minute by Sir Charles Trevelyan, 27th July 1869 in Appendix No. 24 to Report on East India Finance, 1873.

the hands of the representatives of Government.[265] The establishment of representative and legislative councils was also advocated on administrative grounds. They were established with a view to improving the legislation and administration of the country by bringing the ideas and needs of the representatives of the people to bear on administrative and legislative proposals.[266] These were the views of the spokesmen of Government, Sir Charles Wood and the Honourable G. N. Curzon when these representative councils were first established. Sir Charles Trevelyan in 1873 advocated that " the budget system, by estimate, account and audit the present system of Treasury and Financial Department control should be freely established at the seat of each of the eight provincial administrations so that instead of merely training a small number of officials at Calcutta to the true principles of finance the whole country would be trained through provincial, district and municipal councils. The annual scrutiny and review of the estimates and accounts and the discussions which would arise at the seats of the provincial government would have a highly educating effect in a political sense as it has had in England.[267] It was with a view to giving them representative councils, financial responsibility and to learn from the exercise of that responsibility that Trevelyan advocated as early as 1873 the giving them the right of raising and spending their own money. It would be the longest step yet taken towards teaching its 200 million people to govern themselves which is the end and object of our connection with that country.[268]

265. Resolution of the Government of India, 18th May 1882, London, Parliamentary Papers, 1883.

266. Minute by Sir C. E. Trevelyan, 22nd July 1864—Appendix No. 84 on Report from Select Committee on East India Finance, 1873.

267. See Speeches of Sir Charles Wood and Hon'ble G. N. Curzon in 1861 and 1894 in Speeches and Documents on Indian Policy.

268. Evidence of Sir C. E. Trevelyan, 28th February 1873 in Report on East India Finance, Volume III, also Minute of 1860, Madras.

Paternalism.

The economic policy of the Government also was determined by no preconceived theory but by the facts of the position of the Government in the country. As a time when England was given over to a policy of *Lassez Faire,* India was realising a full-fledged policy of Paternalism. And this, not because the rulers of India became converts to the policy after they left England, but because their administrative situation directed it. They had become landlords almost everywhere in India. The financial needs of the administration made these improving landlords everywhere. The poverty of the people, the lack of social leadership among them made the Government a *ma-bap* Government. This policy of paternalism dates from the earliest times. " Besides providing for external and internal security " wrote the Court of Directors in 1812 " by arms, negotiations, and salutary laws, it is necessary that the Government for forwarding a happy change in the character and fortunes of the natives will occasionally help individuals with advances of capital and take upon itself the constitution and maintenance of works of great public utility."[269]

This dependence of the policy of Paternalism on the conditions of the people is illustrated by the development of British policy in regard to Famine. The change in the attitude of the British administration to famines and the people suffering from them that has taken place since the administration was confronted with famines and the problems they create has " been recognised to be the direct consequence of a greatly increased knowledge of the condition of the people."[270] As the officers of Government gradually became more alive to the actual consequences of extreme scarcity and to their terrible character and have painfully obtained

269. Revenue Letter from Court of Directors to Bengal, 15th January 1812 in Bengal Revenue Selections in Selection of Records of East India House, Volume I, 1820.

270. Report of Famine Commission, Part I, 1880, paragraph 86.

by experience an insight into the manner in which these calamities arise and in which they are to be met, in the same proportion has the sense of the grave duty that rests upon the State to avert the results of famine quickened and the action of the Government stimulated. The great famine of 1770 which desolated parts of Lower Bengal gave rise to a special enquiry and to plans for the alleviation of the Permanent Settlement itself. It was the hope that one of the effects of that measure would be to put the country and the people in a better position for ending them.[271] In the famines of 1782, 1792, 1807 in Madras, of 1784 in Bengal and 1792 and 1803 in Bombay, the Government following the opinions commonly held at the time acted on the belief that the proper remedies were the prohibition of the export of grain, penalties on merchants who hoarded it or enhanced its price and other interferences with the course of trade. During the famines of 1812 in Bombay and of 1824 in Madras the Government adopted the principle of non-interference with trade as a considered rule of policy.[272] The character and imperfect organization of the administrative system prevented the Government in the early years from taking action and positive steps to cope with the onset or attack of famines. With wars carrying destruction into almost all parts of India in the 18th and early 19th century with inadequate information on the area, population and resources of the country on account of the lack of machinery for the collection and rapid distribution of economic, agricultural and vital statistics, with no roads, less railways, a famine was regarded in those days a calamity wholly transcending the powers of man to counteract or even materially to mitigate its effects and which had to be endured like the natural phenomenon in passive submission to an overpowering agency."[273] But as early as 1792 the Madras Government was found adopting for the relief of the

271. *Ibid,* paragraph 87.
272. *Ibid.*
273. *Ibid,* paragraph 88.

famine distress of that year the system of employment on public works. In the Madras famine of 1806 the expedient was resorted to of opening of relief works near the peoples' houses and the importation of grain by Government. The famine of 1837 in Upper India saw large scale arrangements made to cope with the consequences of the disaster in the shape of the offer of employment to the able-bodied, relief to the infirm and helpless being the duty of the general public. More elaborate measures were taken during the famine of 1860-61—large public works for the ablebodied, gratuitious aid in enclosed poor houses. The failure of the administration to cope with the famine in Orissa in 1865-66 led to more vigorous measures in the North India famine of 1868-69. In 1868, every district officer in the North West Provinces was reminded that he " would be held personally responsible that no death occurred from starvation which could have been avoided by any exertion or arrangement on his part or on the part of his subordinates."[274] Still more energetic efforts were made for relief in the famines of 1873-74 and large outlays of expenditure by the State distinguished the famine measure of that famine and the famine of 1876-77—even to the importation of grain into the affected areas by purchases made by the State. And the Famine Commission of 1880 bound together the various strands of policy that had hitherto been used—the provision of employment at the cost of the State to persons capable of work and deprived of the means of earning their livelihood, the offer of gratuitious relief in villages and poor houses to those left without the means of support, to grant aid to the landowning classes to meet the special hardships of famine. Only the policy of interference with the course of trade was not adopted. A Famine Code and a Famine Fund, the creation of the Agricultural Department, the offices of Famine Commissioner to be created whenever famine was threatened are the ways in which the State has since then tried to discharge its self-assumed duties to those stricken by this dire calamity.

274. Report of Famine Commission, 1880, Part I.

This sketch of the history of civil and political ideas in British India must stop about the year 1885, for till then the administration may be said to have depended on itself for its ideas. The years of the beginning of the Indian National Congress, of local self-government and a free but restricted Press, date the beginning of another era of political thought in India when public opinion began to influence the course of administration.

The extent and limitations of the services of the British administrative system are to be explained by the dependence of the administration for ideas and ideals on itself or on circumstance. As Mill[275] says, in politics, as in mechanics, the power which is to keep the engine going must be wrought from outside the machinery. Even the internal cumbustion engine, which the British administrative system largely was, would have been the better if it had got its power from outside. But the politics of men is not all mechanics. The machinery of administration itself consists of thinking men. The mental output of the British administrative system is to be compared rather to the work of more organic beings that produce valuable material from within themselves. The following description of the activity of the silk worm is applicable to the work of the men that worked the British Indian administrative system. "Nature having ordained silk-worms[276] says the *Abbé de la Plucke* "to work under trees, they never change their method even when they are reared in our houses. When at last the caterpillar became tired of beginning again it fastened its threads to the first thing it encountered, and began to spin very regularly in my presence, bending its head up and down and crossing to every side. It soon confined its movements to a very restricted space and by degrees surrounded itself with silk and the remainder of its movements

275. Representative Government, Chapter I.

276. In *Spectacle De la nature* quoted in J. A. Thomson's Biology of Everyman, II.

became invisible, though they may be understood by examining the work after it is finished. After building her cocoon she divests herself of her final skin and is transformed into a chrysalid and subsequently into a moth, when without saw or centre bit she makes her way through the shell, the silk and the floor." Every stage in and every characteristic of the life of the silkworm has its analogy in the history of the British administrative system in India. For an administration that had to depend on itself for the evolution of the ideals of administration as well as of the machinery of government the verdict of history will be that it has not been unworthy of the duty to which it has been called. From an administration with such a record of work and service, the world has a right to expect still greater achievements in the future when no longer dependent on itself for ideas it may look to public spirit and public opinion to give it the reasoned criticism, the sympathetic support and the inspiration of high ideals which every administration has a right to look to and get from the self-governing people whose affairs it has the honour to administer. Its improvement must be assured now when it has no longer to depend upon power slowly and painfully got up within itself but given to it from outside by a people desirous of progress and freedom.

EPILOGUE.

This survey of some of the most important influences that have poured their fruitful light on the administrative system of modern India shows to what extent administration can shape the political life of a people. The British administrative system takes its place with other administrative systems that are bound up with the fortunes of peoples—with that of Peru, of the Byzantine Empire, of Sicily under Frederic II, of Prussia under the Hohenzollerus, of France re-made by Napoleon. It is no exaggeration to say that the political formation of no people owes so much to administration as that of the people of India. The political gains and losses of India, the political virtues and defects of the people, the strength as well as the weakness of their political armour may, most of them, be laid at the door of the administration. Political unity was attained through the administration—by its own action as well as by reactions against it. Its incessant activity, through its progressively numerous and beneficent departments, has brought a people given over to political renunciation into the richer and fuller life of the modern State. Of its own will and on its own initiative it has set free currents that have galvanised the people into educational, social and economic progress. It has assembled a well-knit, co-ordinated, and heirarchical system of administration that has given the people the machinery that they can use for the highest ends of the State. It created the professional middle class like the Equestrian class under the Roman empire. But there is the other side of the balance-sheet. The unity that it gave to the people was only administrative unity. It might have given them by a bolder policy in the field of army organization, administrative recruitment, and social reform a more organic and a more political unity. It might have done more for social and economic progress. It might have done many things which it has not done and

omitted many things which it has. But this is only to say that it is not a perfect system. No one has made that claim for it. But taken all in all, the British administrative system in India is one of the noblest structures whose records illuminate the annals of the art of administration.

If this structure is to continue to be of service to the country constant care and attention must be devoted to its maintenance and repair. No machine as that of the Indian administrative system can be kept up at maximum efficiency without frequent inspection and overhaul. As early as the end of the 18th century the Marquis of Wellesley found it difficult to believe " that establishments of such magnitude and intricacy as those of the British empire in India should not in the course of time require frequent revision ". That revision has been infrequent and sectional. No commission of enquiry has been set up to study and report on the organization and methods of administration and recommend reforms. The only commission of this kind, the Decentralization Commission of 1907 concerned itself with one aspect of administration and with one line of improvement. Not even the financial motive for reform has operated in this direction. The more obvious method of reduction of emoluments of the servants of government has generally been followed. The more scientific way of investigating the system and methods of Indian administration with a view to the discovery of a more economical, but none the less efficient, system of administration is yet to be tried. In 1864 Sir Charles Trevelyan, notable as critic as well as a member of the administration drew attention to one glaring defect in the Indian system when he observed that owing " to the unlimited command of a cheap description of agency and to other causes there has been great indifference in regard to the essential conditions of good administration ". He deplored that in the India of his time " the public offices are still encumbered with duplicate accounts, unnecessary statements and circumlocutory forms of procedure of various kinds ", amounting to " waste work " as he called it. Other evils have been pointed out in the

course of this work. The multiplicity of forms which suffocate the personality of the administration, the lack of personal centralization, the absence of any permanent organization of research in administrative problems and methods demand an enquiry. A great administrator, Lord William Bentinck believed that that which is most conducive to a union of powers and most free from the elements of collision and contention was the best system of government for India. And the Indian system has grown much more complex than he found it. No one can say that these evils have disappeared. A golden vein of discovery awaits investigation of the organization and methods of Indian administration. No better compliment can be made and no better form of gratitude can be shown to the past than a sympathetic attempt to improve upon it. Ideals of administrative progress do not end with administration. They secure greater ends than administrative efficiency. Administrative progress is necessary for the voyage to the shining stars of national unity and liberty.