
UNIT 2 BRITISH ADMINISTRATION: 1757-1858

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2.0 OBJECTIVES

After studying this Unit, you should be able to:

- Understand the important landmarks in the British East India Company administration from 1757-1857;
- Discuss the features of Regulating Act of 1773 that brought major changes in administration in India and Pitt's India Act of 1784 that effected major changes in England;
- Describe the structure of Central Secretariat as it took shape in its formative years;
- Highlight the administrative system of revenue, criminal justice and police; and
- Explain the features of divisional and district administration during the days of the East India Company.

2.1 INTRODUCTION

British administration in India till 1858 was mainly that of the East India Company. Though the British Government passed Acts from time to time, and interfered with and regulated the Company's administration, the complete takeover by the Crown took place in 1858. Also, the Company, which began as a purely commercial corporation, gradually attained the status of a Government or

While the British started trading operations from 1600 A.D., other foreign powers like the Portuguese, the Dutch and the French were already in the trading business. So the British were in competition with other European powers to capture the trade in the East. Simultaneously, they competed to acquire territorial supremacy. This was possible because of the collapse of the Moghul Empire and the mutually destructive wars between princes and nawabs. For instance, through the Carnatic wars, the English secured the Northern Circars which were previously administered by the French. By winning the **Battle of Plassey** in Bengal in 1757 and through the Treaty of Allahabad, the British got in 1765, the Diwani of Bengal, Bihar and Orissa and the right of administering these provinces and collecting their revenue.

In a hundred years, from the Battle of Plassey (1757) to the Sepoy Mutiny (1857), the British virtually captured the whole of India and India soon became the brightest jewel in the British Crown.

2.2 THE NATURE OF ADMINISTRATION

2.2.1 Characteristic Features of the East India Company

The East India Company, established on 31st December 1600, was a monopoly, mercantile Company, which was granted by the British crown the right to trade in the eastern parts. A trading station, with a number of factors was called **Factory**. A settlement (number of factories) was under an **Agent**. **Factor** was the term applied to an agent transacting business as a substitute for another in mercantile affairs. Employees were graded as apprentices, writers, factors and merchants.

Recruitment of officials, their nomenclature, terms and conditions of service were governed by rules and practices appropriate to commercial business. Generally, patronage was the method of recruitment and promotion in the services. Patronage was in the hands of the Proprietors or Directors of the Company.

In the early years of Company rules, officials were frequently moved around, from one district to another. They had no training on the job and learnt the hard way by trial and error. They were ignorant of the laws, customs and languages of the local people. Given very low salaries, the Company's servants were known to be corrupt.

The system of governance was commercial in character. It was basically government by Council. The Council had executive and legislative powers with the Governor or the Governor-General having the casting vote. With the acquisition of more territorial sovereignty and the need to take prompt decisions, more power came to be concentrated in the head or Chairman of the Council, but the fundamental principle of collective rule and responsibility remained.

It was also a government by Boards. After the Board of trade, the next in importance was the Military Board. But the Board of Revenue had the longest history and the most distinguished record of work. Later, there was also the Railway Board. The Board made possible counseling, discussion, deliberation and even legislative and judicial activities. Questions of policy and principle, conduct and action were settled in the Board.

It was a government by record. When transactions were commercial, records were brief and manageable. But political dealings made record keeping cumbersome and voluminous. Notes, minutes, despatches and reports became an integral part of British administration. All this was in a way necessary because only through written reports and records could control be exercised by officials in the governmental hierarchy. With the Company headquarters in far away England, record keeping helped check absolutism and uncontrolled power.

The East India Company mismanaged administration of acquired territories in India. One example of it is through Clive's Double or Dual Government of Bengal, Bihar and Orissa. While the Company took over direct responsibility for defending these territories from outside attack, internal matters, like revenue collection was still left to the Nawab and his officers who worked on behalf of the Company. This was because the Company did not know the local customs and practices and felt comfortable leaving the existing system of revenue collection intact. But this resulted in exploitation of the worst kind as maximum revenue was extracted from the people. Though it was done in the name of the Company, which got a bad name on this account, the Nawab and his men pocketed a lot and grew rich at the cost of the Company.

2.2.2 The Regulating Act of 1773

This Act deserves special mention because it was the first action on the part of the British Government to regulate the affairs of the Company in India. The Company, through a Charter, had only been given trading rights by the British Crown. When it acquired territories in India and slowly but surely converted itself into a ruling body, the Parliament could not accept and regularise this development. Moreover, it was believed that whatever lands the Company acquired were in the name of and on behalf of the King. Therefore, the administration of these territories had to be controlled by the Crown.

Again, merchants and traders could hardly equal the task of administration. This was proved by the growing level of corruption and mismanagement of territorial acquisitions. While the shareholders of the Company were looking for bigger dividends because the Company was playing a double role of trading and ruling, the Company was making big losses and had to be bailed out. To tide over a critical period when finances were low because of Indian wars and growing demand for increased dividends, the Company asked the British Parliament for a loan of £ 1,400,000. This gave Parliament a long-awaited chance to assert its right to control the political affairs of the East India Company. They granted the loan on condition that administration in India would be according to directions of the British Parliament. Hence, the Regulating Act of 1773 was passed.

Changes Introduced by the Regulating Act in England

The Court of Proprietors of the Company was reformed. Formerly, a shareholder, holding a stock of £ 500 and over, became a member of the Court of Proprietors. The Regulating Act raised it to the minimum to £ 1000. This made the Court of Proprietors a compact, better organised body to discharge both its duties and responsibilities.

Changes were also made in the Board of Directors. It was now to consist of 24 members elected by the Court of Proprietors every 4 years, 6 directors retiring every year – instead of all the Directors being elected every year as before. This gave the Board some continuity and facilitated better management.

Changes Introduced by the Regulating Act in India

The Governor of Bengal was now designated as the Governor-General of Bengal and Governors of other provinces in India were subordinate to him. The Governor-General was to be assisted by a council of four members sent from England. Decisions were to be taken by majority vote and the Governor-General Warren Hastings had a casting vote. The British territories in India came to be controlled from Bengal and that in turn was subject to control from England.

The Regulating Act set up the Supreme Court at Calcutta with Lord Chief Justice and three judges. This was the Supreme Court of Judicature, the highest court in British India. It had power to exercise civil, criminal, admiralty and ecclesiastical jurisdiction. It had jurisdiction over British subjects and Company's servants. But its relations with the existing courts were not defined.

Effects of the Regulating Act

The changes in the Company's organisation in England made it more effective managing body at headquarters.

The Act created a centralised administration in India, making the Bombay and Madras Governors subordinate to the Governor-General of Bengal. There was a felt need for a uniform policy for the whole of British India, thus, avoiding much wasteful expenditure.

The creation of the Supreme Court made for better justice to British subjects.

The Regulating Act brought in a system of checks and balances. It made the Governors subordinate to the Governor-General, the Governor-General subordinate to his Council and the Supreme Court effective in its control over the Governor-General in Council.

The Regulating Act laid the foundation of a Central administration and instituted a system of Parliamentary control. It marked the beginning of the Company's transformation from a trading body to a Corporation of a new kind, entirely administrative in its object and subordinate to Parliament.

Defects of the Regulating Act

Though the Act was expected to regulate and centralise administration to provide better justice and bring in a system of checks and balances, it was found to have serious drawbacks in practice. For example, it had the following defects relating to the Supreme Court:

- i) The ambiguity of jurisdiction between the Supreme Council, and the Governor-General in Council was a drawback in the Act of 1773. The Regulating Act entrusted the entire civil and military administration of the diwani provinces to the Governor-General and Council. But the Supreme Court was also authorised to take cognizance of cases not only against British but also native employees of the Company. It could punish all persons who committed acts of oppression either in the exercise of civil jurisdiction or in the collection of revenue. But the Act did not specify whose authority would be final in case of a conflict between the Council and the Court. These difficulties arose because the Company which was the virtual sovereign of the diwani provinces was not declared to be so by Parliament.
- ii) The Regulations passed by the Governor-General in Council had to be registered by the Supreme Court before they were executed as law. Court's refusal to do it could amount to hamper the smooth working of the administration and there was no explanation provided to this effect.
- iii) The Act did not clearly specify which law had to be applied while trying cases. The Court applied English law in all cases even where Indians were charged with offences. This was resented by the Indians.
- iv) The Provincial and other Courts were not recognised. All these defects did much harm. The British Government corrected these defects through the Amending Act of 1781.

The drawbacks relating to the Governor-General-in-Council included:

The Governor-General was answerable to the Directors and was held responsible for all acts pertaining to the administration in India. But he was not given a free hand as he was bound by the majority decisions of his council. Though this is understandable as part of the system of checks and balances, yet it resulted in the Council taking decisions for which the Governor-General alone was held accountable. There was constant friction between the Governor-General and his Council, as a result, administration suffered.

Though the Governors were subordinate to the Governor-General, yet, in actual practice, they acted independently of Bengal. They justified their action by saying, the matter was urgent and decisions could not be delayed. In this way, the idea of unity and uniformity sought by the Act was defeated in practice.

According to the Regulating Act, the East India Company was to supply all correspondence relating to military, administrative and financial matters to the British Government. This indirect control did not work satisfactorily in practice and the Proprietors and Directors followed a policy based on personal considerations rather than administrative need.

2.2.3. The Amending Act of 1781

This Act amended the jurisdiction of the Supreme Court. It was deprived of its right to action arising in the collection of revenue. Landholders, farmers or other persons connected in land revenue work were not covered by the Supreme Court.

In the same way, no person, just by virtue of being the Company's employee, could be subjected to the Court's jurisdiction. Even though the Court's jurisdiction extended over all the inhabitants of Calcutta, the Court had to take into account personal laws of Hindus in case of Hindus and Quranic law in case of Muslims.

The Amending Act recognised the appellate jurisdiction of the Governor-General and Council and confirmed their judicial authority to entertain all such pleas and appeals as they had done all along as a Court of record.

The Governor-General and Council were further invested with "power and authority, from time to time, to frame regulations for the provincial courts and councils". Their legislation under this Act, was not to be subject to registration in the Supreme Court of Judicature, but was required to be finally approved by the Crown.

Check Your Progress 1

- Note:** i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1) Explain the Statement: "The Company's governance was commercial in character".

2) Discuss the major defects of the Regulating Act of 1773.

- 3) How did the Amending Act of 1781 affect the working of the Supreme Court and the Governor-General in Council?

2.3 CONSTITUTIONAL CHANGES FROM 1784-1834

2.3.1 Pitt's India Act 1784

The shortcomings of the Regulating Act soon became manifest. To remedy these defects was not easy because it involved a complete separation of commercial and political functions of the Company which was viewed with disfavour in England.

The urge for a change was very strong and it could not be suppressed for long. In 1783, a bill was introduced by Dundas, but it failed. In the same year, Fox introduced two bills but these were rejected in the House of Lords. When William Pitt came to head the Government he was determined to introduce a bill on India and see it through. At the first attempt, it was defeated by a narrow majority and on second attempt after Pitt's party was returned to power it was introduced.

Pitt's India Act provided for a body of six commissioners popularly known as the Board of Control. It consisted of one Secretary of State, the Chancellor of the Exchequer and four Privy Councillors appointed by the king and holding office during his pleasure. Three of the six formed a quorum and the President possessed a casting vote in case opinion was equally divided. The Secretary of State was to preside over the meetings of the Board, which in his absence, done was by the Chancellor of the Exchequer or a Senior Commissioner.

The Board of Control was empowered to superintend, direct and control the Company's affairs in India with regard to civil, military and revenue work. The Directors of the Company had to deliver to the Board, copies of all correspondence with the Company. The orders of the Board on civil and military government or revenues of India became binding on the Directors. According to the Act, the Board could transmit, through a secret committee of three Directors, secret orders to India on the subject of war, peace, or diplomatic negotiation with any of the country powers.

The Proprietors lost most of their powers. They could no longer revoke or modify a decision taken by the Directors with the approval of the Board of Council.

The Directors retained their control of commerce and right to patronage except in the appointment of the Governor-General, the Governors of Madras and Bombay and the Commanders-in-Chief of the three Presidencies.

The arrangement made by Pitt's India Act operated till 1858. Indian Government was subjected to a system of dual control in which the Company could initiate proposals subject to the revising and directing authority of the Board.

The Act reduced the number of members of the Governor-General's Council to three. One of them was to be the Commander-in-Chief. This change enabled the Governor-General to get a majority even if he could get the support of only one councillor because he continued to have his casting vote.

The Act clearly indicated the subordinate character of the Governments of Bombay and Madras and made independent action on their part, impossible. The Governor-General-in-Council had the power and authority to superintend, direct and control other Presidencies in all matters. The entire diplomatic relations of the Company in India as also the finances necessary to support them were entrusted to the Governor-General-in-Council. The subordinate governments were directed not to disobey any of the orders of the Supreme government on the ground of competence. They had to obey such orders in all cases except when they received positive orders and instructions from the Directors or the Secret Committee. They also had to send true and exact copies of all such orders, resolutions or acts to the Governor-General-in-Council.

Pitt's India Act invested the Governor-General-in-Council with much discretionary power to deal with emergencies. Though they had to obey orders from home, they could act on their own when the situation warranted it. Generally, in matters of war and peace, the Governor-General-in-Council was to be guided by instructions of the Court of Directors.

Hence, through Pitt's India Act, the Control of the Crown over the Company, of the Company over the Governor-General-in-Council and of the supreme government over the subordinate Presidencies was greatly improved and fairly well defined.

2.3.2 The Amending Act of 1786

The Amending Act of 1786 took care of the problem related to the Councils of the Governor-General and Governors. The Act invested the Governor-General or Governor with power to override the decision of his Council and act without its concurrence in extraordinary cases involving in his judgment the interests of the Company or the safety and tranquility of British India.

If the Governor-General or Governor had to use this extraordinary power, to overrule the majority, both sides had to put in writing their respective positions on the issue under dispute. If the Governor-General or Governor finally chose to act in his own way, he was personally to bear the responsibility of the measure adopted without the concurrence of the Council.

2.4 THE CENTRAL SECRETARIAT

In 1784, the Central Secretariat had three main branches: General, Revenue and Commercial. Judicial branch was later established in 1793. Between 1793 and 1834, the Central Secretariat worked through four branches. Of these, the civil section of the General branch was under the immediate control of the Supreme Board which consisted of the Governor-General-in-Council and it was administered through Secretaries to Government in various departments.

2.4.1 The Departments of Secretaries to Government

Before 1756, all transactions of business were handled by one general department with the help of a Secretary and a few Assistants. Due to pressure of business and exigencies of war, the General Department had to be reorganised to secure efficiency and despatch. Accordingly, a plan was drawn up to have two Departments, that is, the Public Department which dealt with the affairs of trade, shipping, revenues, accounts and other matters of a public nature and the Secret Department which dealt with military plans and operations and all transactions with country powers. Separate records should be maintained for each. The two departments had to be jointly managed by a Secretary and an Assistant Secretary, with a sub-Secretary attached to each Department. There were eight Assistants for the Public Department and seven for the Secret Department. Their specific duties were defined. The President and Council at Fort William accepted this plan and implemented it in 1764. But this arrangement lasted only for a year. The functions of the Secret Department were taken over by Clive and his Council in order to

centralise authority in the office of the Governor. In 1774, the Governor-General and Council took over the entire civil and military government of Bengal under the Regulating Act.

With increase in the volume of administrative work and the supervision of military operations against the Marathas and Mysore, the Public and Secret Departments had a Secretary each. The post of Assistant Secretary was abolished and a sub-Secretary was attached to each of the two departments. The duties of each were specified again and the Secret Department was removed to a separate house so that its records and papers were not 'exposed to improper inspection'.

Foreign Department

The affairs of foreign nations in India were part of the business of the Secret Department. These were now separated and vested in a Foreign Department, which was established in 1783 and placed under the charge of the Secretary to Government in the Secret Department.

Military Department

Matter relating to military expenditure, ranks, pensions and other claims of a military nature were previously dealt with by the Government in its General or Public Department. Warren Hastings, in 1776, suggested that military matters spread over different departments should be brought together under a new Military Department. This was done in 1777.

Revenue Department

When the Company acquired Diwani provinces in 1765, the collection of revenue was left to Indian officers who acted as agents for the British. This arrangement continued till 1769 when the Governor-General and Council appointed Supervisors in all districts to acquire knowledge of revenue resources and report on abuses in the current system. But since their powers were limited and they failed in their duties, a new management was created. There was to be a Controlling Council of Revenue at Murshidabad and another at Patna. Since these lacked co-ordination, a Controlling Committee of Revenue was set up in 1771 at Calcutta with powers to inspect, control and direct revenue affairs.

In 1772, the Company decided to stand forth as diwan and carry out all revenue administration through its own men. So a Committee of Circuit was formed which worked along with the Controlling Committee of Revenue. Finally in 1772, it was decided to have a Revenue Department at Calcutta in place of these various bodies. The Department had a Secretary, an Assistant Secretary, and a sub-Secretary, a Persian Translator, an Accountant-General and several Assistants.

In addition to Department Secretaries to Government who acted under the direction and control of the Council, there were three inferior Boards to take care of details of execution. These were:

- 1) The Committee of Revenue formed in 1781 to take care of revenue, justice and police.
- 2) The Board of Ordinance, formed in 1775 to manage military stores.
- 3) The Board of Trade formed in 1774 for commercial transactions.

In 1785, these were reconstituted as the Board of Revenue, the Military Board and the Board of Trade.

In 1786, the old Secret Department was renamed as Secret Political Department. The Foreign Department was designated as Secret and Foreign Department. A new Secret and Military Department was set up, with Edward Ray as the

Secretary of all the three departments. The old Military Department was reconstituted in 1786 as the Military Department of Inspection and was distinct from the Secret and Military Department. With slight changes in nomenclature like dropping the words Secret in titles of Departments and creating a new Secret Department these continued after 1787.

2.4.2 Changes in the Secretariat from 1787-1808

Cornwallis reorganised the Secretariat. A Secretary-General was appointed for the Public, Secret and Revenue Departments while each continued to have a sub-Secretary. This arrangement preserved the independence of each department while uniting all under the Secretary-General.

Cornwallis also established a separate Judicial Department with proceedings kept under two distinct heads, civil and criminal.

Wellesley reconstituted the Secretariat and the changes he effected proved to be of a permanent nature. By now there were four groups of Departments. They were:

- a) The Secret, Political and Foreign Departments.
- b) The Revenue and Judicial Departments.
- c) The Public Department including Commercial branch.
- d) The Military Department.

Each of these departments had a sub-Secretary and all acted under the orders of a Secretary-General who was usually nominated as Secretary to Government. Sub-Secretaries became 'Secretaries'. The Chief Secretary had powers of general control and authority, but execution of details was not his job. Individual Secretaries were fully responsible for transaction of business in their respective Departments. There was a considerable increase of salaries as well. He also opened new Departments since new territories were acquired by the Company. Wellesley, in sum, raised the status of the Secretaries to Government by raising their salaries and augmenting their responsibilities to include research and planning.

2.4.3 Financial and Colonial Departments

With Wellesley's arrangement, secretaries had come to shoulder greater responsibility and distinguished themselves as extraordinary administrators. When Minto took charge, he chose to depend on his Secretaries and be guided by them rather than act on his own views and principles.

Minto added two new Departments Financial and Colonial. The Financial business of Government was separated from the Public Department in 1810 and established as a distinct Financial Department.

The Colonial Department was designed to manage the affairs of Mauritius and Java which had come under the Company.

2.4.4 Reconstruction of Departments in 1815

The organisation of the Secretariat was again revised in 1815 in conformity with a plan proposed by the Governor-General. This was partly in conformity with the requirements of the Charter Act of 1813 which had directed that separate accounts to be maintained of the Company's territorial and commercial revenues. This separation had also been ordered by the Court of Directors and was necessitated by the policy laid down by the Parliament and the home authorities. According, a new Territorial Department was created.

Check Your Progress 2

- Note:**
- i) Use the space given below for your answers.
 - ii) Check your answers with those given at the end of the unit.

1) How did Pitt's India Act alter the administrative machinery in England?

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2) Between 1793 and 1834, the Central Secretariat worked through the following four branches. (Tick those 4).

- | | |
|-------------|---------------|
| 1. General | 4. Public |
| 2. Judicial | 5. Commercial |
| 3. Secret | 6. Revenue |

3) Enumerate the five stages in the setting up of the Revenue Department.

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4) reorganised the Secretariat and appointed a Secretary-General.

5) brought in the post of Chief Secretary.

6) added the Financial and Colonial Departments.

2.5 DEPARTMENTS UNDER THE GOVERNOR-GENERAL AND OTHER CIVIL DEPARTMENTS

The office of the Governor-General consisted of the official establishment of his Private Secretary, his Interpreter and a number of Assistants.

One of the main duties of the Private Secretary was to administer Darbar charges which were stipends paid to the Nawab of Bengal and others. Residents were appointed in various parts of the country. A Resident was appointed to get complete knowledge of what transpired at Courts of native rulers and uphold British interest against those of other foreign powers. The administration of political residencies, though conducted through the Secretary to Government in the Secret and Political Departments, was essentially linked up with the office of the Private Secretary to the Governor-General. Residents soon became very powerful and had large administrative staff.

The other civil Departments included the Treasury which handled money, managed the financial resources of Government and control of its expenditure, the Department of Audit and Accounts, the Persian Department and the Agencies specified as the Agent for stationery, agent for Indigo and agent for despatching ships to Europe. There was also the Post Office, the Mint and other establishments like that of Surgeons and Chaplains, the Clerk of the Market and the Coroner, under the Civil Department.

2.6 THE ADMINISTRATION OF REVENUE

Land revenue was the most important source of income for the Government and revenue settlement was one of the most complicated functions of the Government. It involved the consideration of a multiplicity of rights and obligations and it differed in fundamental principles and details from place to place. The Company's servants had to gather proper information as to the economic resources and social traditions of the people and the methods of revenue administration followed in the past. On the basis of facts thus collected, they had to frame suitable regulation for imposition of revenue and suitable machinery for its collection.

2.6.1 The Imperial Grant of the Diwani

The Company got the grant of Diwani, that is, the right to collect taxes in Bengal, Bihar and Orissa in 1765. But it did not assume direct charge. Expediency and policy dictated such a course of action wherein the Company through the Resident, restricted its authority only to the superintendence of the collection and disposal of revenues. Because the British lacked knowledge and experience of revenue collection and they did not want to antagonise or alienate the natives, they preferred civil administration to continue in the hands of the Nawab or his minister. This meant that power was divorced from responsibility.

The native officers, zamindars and others exploited the peasants. They were guilty of acts of oppression without any fear of punishment from the British Government as long as they satisfied its revenue demands. Soon in 1769, the Government appointed supervisors in the districts of the diwani provinces to look into the produce of the land, revenues, taxes, etc. In 1770, two controlling Councils of Revenue, one at Murshidabad and another at Patna were appointed. No appointment could be made by the Nawab's men without their permission. These piecemeal measures did not go far in solving the basic problems which related to power being divorced from responsibility. The outbreak of famines, especially the one of 1770, added to the sufferings of the common people. However, the Supervisors did do some good work in reconstructing revenue records.

In 1771, the Directors stated that they would takeover, through the agency of the Company's servants, the entire management of the revenues of Bengal, Bihar and Orissa. To give effect to his decision, a Committee of Circuit was appointed in 1772 and supervisors were nominated as Collectors.

2.6.2 Formation of the Board or Council of Revenue

With the collection of revenue given over to Collectors, the Committee of Circuit favoured the discontinuance of the Controlling Committee of Revenue at Calcutta. Control had to be exercised by the Supreme Council. In 1772, therefore, the Committee of Circuit recommended the formation of the entire Supreme Council into a Board or Council of Revenue. This Board first met on 13th October 1772, when the Controlling Committee of Revenue at Calcutta also came to an end. The Committee of Circuit was abolished in 1773. The structure of Revenue administration was greatly simplified. It consisted of the Board of Revenue at the Presidency, with Collectors in the districts, assisted in joint responsibility by the native diwans.

2.6.3 District Administration and the District Collector

The position of the District Officer was the foundation on which British rule in India rested. District administration by the agents of the Central Government has been a basic feature of our Governmental system since times immemorial. The Mauryan Empire was divided into a number of provinces and each province was further divided into districts. Villages were governed by village communities. The district officer was responsible to the Provincial Governor and ultimately to the Emperor. A similar arrangement prevailed under the Guptas. The District continued to be an important area of administration even under the British.

In 1772, Warren Hastings placed a district under a Collector who was a British. Two years later this arrangement was abandoned and again picked up in 1781. By 1786, the district came to occupy a central place in the scheme of local administration.

In 1829, some districts were grouped together and formed a Division which was under a Commissioner of Revenue and Circuit. This Commissioner was given powers of supervision and control over the administration of the districts. Later, districts were sub-divided into sub-divisions each under a sub-divisional officer.

One school of British administration readily accepted the theory that an oriental principle of government was that all power and authority should be concentrated in one officer at the head of each unit. Though it was not generally accepted, given the anarchy in the 18th century, there seemed to be no way out but to have such an arrangement.

After the district was made the basis of administration in 1786, the Collector performed the duties of a Revenue Collector, Judge and Magistrate. The District Officer had to assess and collect the revenue, try civil and revenue cases and maintain law and order.

Lord Cornwallis was not happy with this arrangement for an officer who assessed the revenue, and had to hear complaints against that assessment. The temptation would be to justify in his judicial capacity what he had done as a Revenue Officer. **Accordingly, in 1793, a new Regulation was adopted by the Governor-General-in-Council by which Collectors would not try the revenue cases any longer.**

In each district, there were two important officers – Collectors for collection of Revenue and the Judge Magistrate to maintain peace, supervise police work, apprehend thieves and robbers, try them as Magistrate and functions as the Civil Judge.

In 1831, there was a further change in the duties of District officers. Until this time, Collector collected revenue, while Judge-Magistrate was to act as the Civil Judge, maintain law and order, discharge other duties of general and administer lower criminal justice. These civil judicial duties were now (1831) handed over to a separate Civil Judge while the rest of the functions of the Judge – Magistrate were entrusted to the Collector. **The Collector now discharged all functions of the Chief Executive officer of the district including the collection of revenue, administration of lower criminal justice and maintenance of law and order.** This was much too heavy a burden for the Collector especially because he did not have a well organised police force at his command nor trained assistants to help him. Lawlessness became a rife and in 1836, Lord Auckland appointed a Committee called Bird Committee (presided over by W.W. Bird) to investigate. The Committee was of the opinion that these functions were too exacting and District Officer could not cope up with them. Since he paid more attention to revenue collection and neglected duties of general and police administration, something ought to be done. The Committee recommended that revenue functions should be placed in the hands of separate functionaries called Collectors. This was effected and put into operation by 1845. But this division of labour did not improve the efficiency of police administration. Towards the close of 1853, changes were again effected and there was a reunion of magisterial and revenue functions, because the separation of the offices of Collector and Magistrate had been injurious to the character of the administration and the interests of the people. The oriental theory of government was clearly enunciated and the principle of unity of authority in District administration advocated.

In fact, there were three officers in a district, between 1838 and 1859 namely the District Magistrate, District Collector and District Judge. In 1859, there was a reunion of officers of Collector and District Magistrate and henceforth they were held by one and the same officer.

Later, the British came firmly to believe that if District Magistrate could not punish the law-breakers himself, his authority would be undermined. They upheld the combination of criminal justice with executive administration.

2.7 BOARD OF REVENUE

British administration in its initial stages had a number of Provincial Revenue Councils at work and above them was a Secretariat at Calcutta. These Provincial Revenue Councils came to be replaced by a Board of Revenue which came to assume tremendous importance both in revenue collection and general administration for nearly 140 years. The jurisdiction of the Board extended to the whole field of revenue administration including settlement, collection and receipt of public revenues.

In 1788, Cornwallis revised the constitution of the Board of Revenue. The Board was concerned with the deliberation, superintendence and control. The details of management of revenue were left to Collectors who were responsible to the Board. In the exercise of its powers, the Board could summon any officer to explain his conduct, fine him or even suspend him with the final consent of Government.

The Collectors became very important because they supplied, in the first instance, all the data on the basis of which the Board's report to Government would be prepared. Once decisions were taken and instructions issued, the execution of details was left to the Collectors who with the discretionary power they wielded, became supreme in district administration.

Two more reforms were effected in the Board of Revenue on the recommendations of John Shore in 1788. They sought to effect total control of revenue administration by the covenanted civil servants.

In 1790, a regulation was passed which empowered the Board to Act as a Court of review as well as appeal in all revenue cases. In the same year the Governor-General in Council, constituted the Board of Revenue into a Court of Wards. This was to bring under the Board, the affairs of all such estates as belonged to females, minors, idiots, lunatics and persons of doubtful character. From time to time, regulations were issued to guide the Board in this activity. Subsequently, Divisional Commissioners came to be appointed.

In the history of the Board of Revenue from 1786, one sees two main developments – one jurisdictional and the other functional in character. Jurisdictionally, the extent of territories under its control increased progressively till 1807, when it covered Bengal, Bihar, Orissa, Banaras as well as the conquered Provinces. It was followed by a process of decentralisation which was first marked by the establishment of the Board of Commissioners for the ceded and conquered Provinces. This process continued until two district Boards of Revenue came to be established in 1831 with a number of Commissioners of Revenue to take care of local supervision.

Functionally, the controlling and supervisory character of the Board of Revenue remained unchanged. As for judicial powers, the Cornwallis principle (which favoured separation of judicial from revenue work) was reversed. This was necessitated by the exigencies of periodical assessment in the ceded and conquered Provinces where frequent judicial matters came up.

A third development was the tendency of the Government to reduce the number of Board members or to vest in a single member, the powers and authority exercised by the Board as a whole. This was done for the sake of speedy conduct of business, economy, and the want of trained men.

2.8 ROLE OF DIVISIONAL COMMISSIONERS

The territorial jurisdiction of the Board of Revenue was unmanageable. So in 1822, separate Boards of Revenue were reconstituted. These were the Board of Revenue

for the Lower Provinces or the Sadar Board, Board of Revenue for the Central Provinces or the Western Board.

Despite this arrangement, each Board found that it was unable to manage the territory under its jurisdiction. Conduct of business was slow and corruption was on the increase. The major problem was that of distance between the Board of Revenue at the Presidency and the Collectors in the districts. The need was felt for effective local supervision, especially in the ceded and conquered Provinces.

Holt Mackenzie felt the solution lay in appointing local commissioners. William Butterworth Bailey improved on this arrangement by suggesting that these Commissioners of Revenue be given the duties and powers exercised by the Courts of Circuit and Superintendents of Police. Accordingly, a new plan was adopted on 1st January 1829.

Under this new regulation, all British owned land was to be divided into 20 divisions excluding the territory of Delhi which was under a separate Commissioner and stood on a slightly different footing. The Governor-General-in-Council could transfer any district from one division to another and increase or reduce the number of Commissioners according to administrative needs.

The Divisional Commissioners were to exercise the duties, powers and authority vested in the Boards of Revenue and Courts of Wards. In the exercise of their powers they were subject to the control and direction of a Sadar or Head Board of Revenue stationed at the Presidency and guided by the orders of Government.

Check Your Progress 3

- Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1) Describe the changing functions of the Collector from 1786 to 1853.

2) What were the functions of the Board of Revenue?

3) Examine the role of Divisional Commissioners.

2.9 THE ADMINISTRATION OF CRIMINAL JUSTICE AND POLICE

We have examined in the earlier Unit, the Moghul administration of criminal justice and police. It was based on Quranic law which was applied to Muslims and non-Muslims alike. With the collapse of the Moghul Central authority, there was a breakdown of the law and order machinery. Zamindars, farmers and other agents of revenue took over control though they did not have the right to do so. However, they prevented a situation of anarchy.

Hastings had the following four objectives when he sought to improve criminal administration:

- 1) To reconstitute the criminal courts.
- 2) To establish an efficient machinery of supervision and control.
- 3) To offset the inadequacies of Muslim criminal law.
- 4) To restore power of Faujdars.

Hastings, as per his plan in 1772, had a criminal court in each district and a superior court of criminal jurisdiction at Murshidabad. The Collector had to exercise supervision and control and keep an eye on judicial proceedings.

In 1781, the Governor-General and Council abolished the office of Faujdars and transferred their duties to the Company's covenanted servants acting primarily as judges of the Courts of diwani adalat. They were designated as Magistrates.

In 1787, on orders from the Directors, Cornwallis united in the office of Collector, the duties of Magistrate and Civil judge. In addition, he conferred on the magistracy, part of the authority exercised by the criminal courts themselves. Though contrary to Islamic jurisprudence, police and judicial functions were for the first time united in the office of the Magistrate on a general plan.

Cornwallis wanted the authority of the Magistrate to be more effective and complete. But the administration of criminal justice remained practically unaltered. It was still outside the sphere of the Company's responsibility.

Cornwallis Europeanised and functionalised the Civil Service. He did not have faith and trust in Indians especially in the administration of Criminal justice. He set up four courts of circuit, one for each of the four divisions of Calcutta, Murshidabad, Dacca and Patna in place of the darogas of criminal courts. Each of these courts of circuit was under two covenanted civil servants who were designated Judges of the Court of Circuit. They were assisted by a qazi and a mufti as law officers.

The police duties of the Magistrate continued. He was to apprehend criminals and peace breakers and have them tried before the Judges of Circuit.

Cornwallis introduced measures to reform the administration of police in 1792. These had three features:

- 1) Landholders and farmers who maintained thanedars and chowkidars were divested of their entire police authority.
- 2) Districts were divided into thanas or police jurisdictions. At the head of each was an officer of Government called daroga of police.
- 3) Duty of rural police like chowkidars and others was to assist the daroga in the apprehension of criminals and to undertake intelligence work.

In his police reforms of 1792, Cornwallis had been guided by administrative and political considerations.

Administratively, police administration at the hands of the zamindars was unsound in principle. There was much exploitation and personal revenge. Politically, the thanadari system was risky because it meant continuance of small

pockets of local influence which was prejudicial to the Company's interests. Cornwallis' daroga system was hailed as an innovation which strengthened the Magistracy.

But after 1793, the crime rate steadily increased. Bengal was known for gang robbery. Thugs operated in the Upper Provinces. Many more social evils increased considerably. The police system of Cornwallis suffered because it did not have roots in society. Moreover, the resumption of the whole or part of the lands previously adjusted in the rentals of the zamindars for the support of their police establishments was resented. The resumption of service lands of village watchmen and zamindari servants led them to combine with the zamindars and make common cause against the darogas of Police. A gap developed between the official police under Magistrate and rural police under zamindars with their roots in society.

The darogas of police were unfit and negligent. But they had extensive powers. Ill-paid, they indulged in corrupt practices. The administration of police suffered in addition from the union of the Magistracy with the office of the Judge.

Between 1793 and 1813, several measures of reforms were designed to:

- 1) seek the cooperation of zamindars,
- 2) remove the inadequacy of the stipendiary police,
- 3) to impart efficiency and speed to criminal administration, and
- 4) to modify Muslim criminal law as well as the established mode of trial.

Responsible Hindus and Muslims were appointed as amins and commissioners of police who could assist a daroga in maintenance of law and order. The police amins were to preserve peace, help suppress crime, control village watchmen and the like. The idea was to unite the influence of zamindars with the power of darogas through the police amins.

The Government increased the establishments of the Kotwali and Thana police. Apart from a general increase in the establishment of the stipendiary force, provisions were made to meet local exigencies. Also, not only was there an increase in the powers of the Magistrates, Joint and Assistant Magistrates were appointed. Above all, modifications were introduced in criminal law.

The necessity of decentralising the powers of superior courts arose mainly because of increase in the bulk of crime. Magistrate's powers were increased, courts of circuit appointed and later on in their place, divisional commissioners assigned tasks.

By and large in administration of criminal justice and police, an attempt was to have an effectual administration of justice and liberalise criminal law by reducing severity of punishment, by having trial by jury and bringing dangerous social customs under purview of law. In short, the effort was to make the law conform to principles of liberalism and natural justice.

2.10 THE CIVIL SERVICE

With responsibilities of ruling territorial possessions in India, the British Governors and Councillors needed assistants in the Central offices and in districts. They also had to study the manners and customs of the people, collect necessary facts and make timely recommendations. To begin with, the men to fill this important role in public service were drawn from the ranks of writers, factors and merchants of the Company. It was not till 1769 that some of these officers were appointed supervisors over large areas and charged with responsibilities. Though most of the men did not prove equal to their tasks there were a few like John Shore, Charles Stewart, Charles Grant and Jonathan Duncan who did outstanding work. The Court of Directors continued to send every year fresh batch of writers without realising that a revolutionary change had taken place in the Company's role and functions and, therefore, better equipped men were required. None of the

Acts of Parliament between 1773 and 1793 looked into the education and training of civil servants in India.

To the open question as to whether administration would be efficiently conducted by only Indians, a mixed agency or exclusively by the British, Cornwallis provided the answer by deciding on the policy of complete Europeanisation. All higher positions in Government service were filled by the Company's British covenanted servants. The Charter Act of 1793 took care of this and provided the Charter or Rights of civil servants. Promotion was by seniority. Duties of different departments were defined. Salaries were proportionate to responsibility.

Wellesley realised that civil servants of the Company had to discharge functions of Magistrates, Judges, Ambassadors, etc. To discharge these duties efficiently they had to be not only well acquainted with the languages, laws and usages of the people but be well informed on the British Constitution and be well versed in Ethics, Civil Jurisprudence, the laws of nations and general history. To provide all these, Wellesley set up the College of Fort William in Calcutta. The civil servants of Bombay and Madras had to undergo training at the College like those of Bengal for three years.

The three year course provided for instruction in liberal arts, classical and Modern History and Literature, Law of Nations, Ethics and Jurisprudence. The syllabus also included Indian languages, different codes and regulations. The college aroused mental and intellectual powers of the civil servants and improved their morals to a considerable extent. But the College was short-lived. After seven years it continued as only a language school.

In 1805, the Hailey bury college was set up in England and that really spelt the end of the College at Fort William. The young recruits to the covenanted Civil Service had to spend two years at Hailey bury and for the next 50 years the ICS was the product of the Hailey bury College.

The syllabus drawn up by Wellesley for his College was followed at the Hailey bury College. The young civil servants had to continue their mathematical and classical education for two years under expert guidance. They had also to read Political Economy, principles of jurisprudence, elements of Indian history and rudiments of Indian legal codes and regulations and Indian languages.

But admission was still on the basis of patronage. Each of the Company's Directors could nominate one candidate while Chairman and Deputy Chairman could nominate two candidates each. Though there was an entrance test, it was so simple, that no one ever failed it. Though candidates did equip themselves with liberal education, the standard at Hailey bury was not really high or else it would have resulted in a high rate of failures. The admission system, though modified later, was at best, one of qualified patronage.

Despite this, the College had a good name and its products were known for their corporate outlook and spirit comradeship which they brought to India. These men in far-flung parts of India still upheld old Hailey bury ties. They set healthy traditions especially in honesty and integrity. But at the same time they felt high and mighty and some did become despotic in outlook and dictatorial in behaviour.

In 1837, an arrangement was made for the preliminary examinations to Hailey bury College. Yet it did not achieve the expected results. The men who came out to India were not of the level of competence demanded by the work. Meanwhile, opposition was developing in England against patronage since 1833, when the Company lost the last vestige of commercial monopoly. The Northcote Trevelyan Report submitted to Parliament in 1854 suggested that patronage must give place to open competitive examination. Among those happy to promote merit system was Macaulay. Once the principle of competition was accepted, the necessary regulations had to be framed. For this an expert body was appointed of which Macaulay was Chairman. The committee recommended that candidates be between ages 18 and 23 and the examination should be in subjects of liberal study. The introduction of the competitive test meant the end of the Hailey bury College.

First competitive examination was held in 1855. From 1858 the exams were conducted by the British Civil Service Commission.

It must be noted that the Civil Service established a great reputation for itself as a most efficient, honest and upright organ of government. But civil servants had limited functions to perform. They were essentially concerned with law and order and revenue administration.

Check Your Progress 4

- Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the unit.

1) How did Hastings improve criminal administration?

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2) Critically evaluate Cornwallis' darogas of police.

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3) What was the contribution of Wellesley to improving the civil service in India?

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2.11 LET US SUM UP

We have seen how administration in India till 1858 was in the hands of the East India Company which was a monopoly trading body. To regulate its management of Indian affairs, the British Parliament passed two major Acts, the Regulating Act and Pitt's India Act. Subsequently, Acts of 1793, 1813, 1833 and 1853 were passed by which the Company was steadily deprived of its authority and power in India and its privileges curtailed. Finally, the Act for the better Government of India, 1858 passed after the Sepoy Mutiny, brought the governance of India directly under the Crown.

The Central Secretariat took shape over the years and responded to the exigencies of the time. Important departments were those dealing with military, political, foreign and revenue matters.

Administration of Revenue has had a long and interesting history with the Collector emerging as the kingpin at the district level. Administration of criminal justice and police was very much the concern of the British though they did not achieve much here. What is creditable is the Indian Civil Service tradition that was built up and which continued through the Indian Administration Service to modern times.

2.12 KEY WORDS

- Court of Wards** : The Board of revenue, looking after matters of estates belonging to females, minors, lunatics, etc.
- Ecclesiastical Matters** : Matters relating to the Church.
- Patronage** : The practice of making appointments to the Company's Office through favour.
- Quorum** : The minimum number of members required being present in an assembly or any meeting before any business can be transacted.

2.13 REFERENCES AND FURTHER READINGS

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2.14 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer must include the following points:
 - The East India Company was a mercantile company.
 - Its rules and practices were appropriate to commercial business.
 - The system governance was commercial in character.
- 2) Your answer must include the following points:
 - Ambiguity of jurisdiction between the Supreme Council and the Supreme Court.
 - Uncertainty in the application of law.
 - Non-recognition of provincial and other Courts.
- 3) Your answer must include the following points:
 - Curtailing of the jurisdiction of the Supreme Court.
 - Governor General having appellate jurisdiction and acting as a Court of record.
 - Governor General-in-Council legislation was to be approved by the Court, and not subject to the registration in the Supreme Court.

Check Your Progress 2

- 1) Your answer must include the following points:
 - Setting up of the Board of Control.
 - Powers of the Board of Control.
 - Indian Government subjected to a system of dual control.

- 2) 1, 2, 5, 6.
- 3) See Sub-Section 2.4.1.
- 4) Cornwallis.
- 5) Wellesley.
- 6) Minto.

Check Your Progress 3

- 1) Your answer must include the following points:
 - Combining the Collections duties as Revenue Collector, Judge and Magistrate in 1786.
 - In 1793 the Collector could not try the revenue cases.
 - The functions of the Judge-Magistrate given to the Collector in 1831.
 - Appointment of separate functionaries for revenue functions in 1845.
 - Revision of magisterial and revenue functions in 1853.
- 2) Your answer must include the following points:
 - Jurisdiction of the Board over revenue administration.
 - Board of Revenue as a Court of review and appeal in revenue cases.
 - Board of Revenue as a Court of Ward.
- 3) See Section 2.8.

Check Your Progress 4

- 1) Your answer must include the following points:
 - Reconstitution of the criminal courts.
 - Establishment of an efficient machinery of supervision and control.
 - Offsetting the inadequacies of Muslim Criminal Law.
 - Restoration of powers to the Faujdars.
- 2) Your answer must include the following points:

Merits

- It brought an end to exploitation and personal revenge.
- Discontinuation of local influence which was based on the company's interest.
- Strengthening of the Magistracy.

Demerits

- Development of gap between the official police under Magistrate and rural police under Zamindars.
- Negligence, corrupt practices among the Darogas.
- The administration of police suffered due to union of magistracy and office of the Judge.

- 3) Your answer must include the following points:
 - Europeanisation of Civil Service under Cornwallis.
 - Setting up of four courts of circuit.
 - Designation of civil servants as judges of the Court of Circuit.
- 4) Your answer must include the following points:
 - Realisation of variety of functions to be performed by the civil servants as Magistrates, Judges, Ambassadors, etc.
 - Need to make them well acquainted not only with the laws, languages of people, but also about the British constitution, ethics, jurisprudence, etc.
 - Setting up of College of Fort William in Kolkata to provide training on various aspects to the civil servants.