

for another six months after which they could take the examination again. Three successive rejections constituted disqualification for nomination, which was rather rare. From the evidence of Principal Melvill before the Select Committee of Parliament¹ it appears that about one-third of the candidates were generally rejected at each examination; but he did not attach much importance to the bearing of success or failure at this examination on the future career of a candidate. It is doubtful, however, if the preliminary examination could neutralise the evils of patronage in the hands of the Directors. Thus Mr. J. C. Marshman, a missionary with long experience of India, in his evidence before the Select Committee of the House of Lords, referred to above, pointed out that although it was said to be a rather stiff examination, yet a nomination by one of the Directors was generally found to stand good, and that although a candidate might be rejected once or twice, he was in almost every case sure of appointment ultimately; and those who were utterly unable to pass went out into the cavalry.

Of course, mere admission into Haileybury did not amount to appointment. The candidates had to pass through a regular course of study and had to pass certain examinations before they were appointed as writers. After much controversy a two years' course extending over four terms was adopted, with a terminal examination at the end of each term prescribed by the Statutes of the College.² If a student failed in an examination, he lost the term, and a loss of two such successive terms or three terms in all debarred him from continuing in the College.

¹ *Vide* Report of the Select Committee of the House of Lords to enquire into the operation of the Act 3 and 4 Will. IV, c. 55, etc (Minutes of Evidence). P. P., Vol. LXIX of 1852-53

² The arrangement here described was under the Regulations of 1837. *Vide* Evidence of Melvill. *Ibid.*

As regards the standard of the final examination it has been said that for a mere pass the standard was exceedingly moderate, and the aid of a well-kept notebook for three nights before the History or the Law Examination generally enabled even the most backward student to get through. But even after keeping the terms and passing the examinations a student might be refused appointment under the Statutes, as we have already seen, if the Directors thought fit.

The syllabus was framed so as to impart to the students instruction mainly in subjects and languages, a knowledge of which would be useful in the performance of their duties in India. Instruction in the different subjects was spread over the four terms, usually in the following order. In the first term the subjects of study comprised Law, Classics, Mathematics and Sanskrit. In the second term, to these were added either Political Economy or History (taken in alternate terms) and another language—Persian, if the student was destined for the Presidency of Bombay or Bengal and Telegoo, if for Madras. In the third term, to these subjects was added Hindoostanee. In the fourth term there was no change in the subjects but a more intensive study was made preparatory to the final examination. Students were admitted quite early in their life, the age of admission generally varying from seventeen to twenty-one. This was because the Directors were anxious to see their men well placed in life as early in their career as possible.

London Board of Examiners—Acts of 1826 and 1829

Since the establishment of the Haileybury College till its abolition in 1858, the East India College at Haileybury was the only source of supply of civil servants for the Company. For a few years, however, in the interval a

body called the London Board of Examiners was instituted, which became an alternative source of supply. But this was only an emergency measure. In the twenties of the last century a great shortage of men in the covenanted, *i.e.* superior service of the Company was complained of by the authorities in India, owing to expansion in the territories of the Company as well as in its administrative machinery, which, by the way, gave an impetus to an increased employment of Indians, particularly in the judicial line, and also an enlargement of powers of Indian officers. But as under the Act of 1793 superior offices were reserved only for covenanted servants of the Company in the civil line, this source of supply could not meet the requirements. The supply from the Haileybury College was rather inelastic, because nominations had to be made more than two years ahead to provide for the requirements of a particular year. In 1825 it appeared that there was not a sufficient number of men qualified under the provisions of the Act of 1813 to fill the vacancies in the civil establishments of the Presidencies. As a result of correspondence between the Court and the Board it was decided to approach Parliament for powers to meet the emergency. Accordingly an Act was passed in 1826 (7 Geo. IV, Cap. 56) granting powers to the Court of Directors for a term of three years, a dispensation from the provisions of the Act of 1813 (Sec. 46 of Act, 53 Geo. III, C. 155) which required the attendance of four terms at the College from every person previously to his proceeding to India as a writer. It was made lawful for the Court of Directors to nominate and appoint, and to send to the Presidencies as a writer any person who could produce such testimonials of his character and conduct and pass such an examination for qualifying as writers as should be required under the Rules and Regulations to be framed by the Court of Directors with the consent of the Board of Control. In the very same year Regulations were framed in terms

of the Act under which a Board, called the London Board of Examiners, was appointed and other proceedings adopted for the examination of such writers as did not pass through the College. Under the Regulations persons of ages between eighteen and twenty-two, who could produce testimonials of good conduct were eligible for the examination. The plan for the examination consisted of two tests—the Classical and Mathematical Test, and the Oriental Test. Some minimum standards were set forth in respect of knowledge in the European classics, Arithmetic, Algebra, etc. The standard of the examination was very poor indeed, and we have it, on the testimony of Rev. J. H. Batten,¹ that the minimum required hardly exceeded the standard of the entrance examination to Haileybury and approximated to little more than ordinary school education. In fact several of the persons who passed the London Board examination were withdrawn or sent down from Haileybury—those whose continuance there would have been injurious to the discipline of the institution. Mr. Batten remarked, perhaps flippantly, that in this way it proved a boon to that institution. In another way the arrangement, in his opinion, proved injurious to Haileybury—(1) in so far as it substituted an examination without residence at the College for the Collegiate course and (2) it shortened the Collegiate course in certain cases. It brought about an invidious contrast in qualifications between those who passed through the Institution and those who passed through the Board—a contrast working to the disadvantage of those detained at the College and naturally breeding discontent and a sense of grievance specially among the senior students of the College. The latter suffered by comparison in respect of greater sacrifice both of time and money. The effect of the arrangement on the Service was also calculated to

¹ *Vide* his evidence before the Select Committee of Parliament (Minutes of Evidence, P. P., Vol. IX of 1831-32)

be detrimental, first by omitting from the plan of examination some useful subjects like Law and Political Economy, and secondly, because of the low standard of knowledge that sufficed for a pass. The candidates were classed in the order in which they might reach higher degrees of attainment, the classification determining the relative rank on appointment. The tendency of a non-collegiate examination conducted by a body of examiners, however eminent and experienced, to bring down the qualifications to the minimum will be evident from the results of the examination held by the London Board. Principal Batten pointed out in course of his evidence referred to above that since March, 1829 up to 1832, of 34 persons passing through the London Board, not one had been placed in the first class, only eight in the second, the rest in the third. A detailed classification of writers passed by the London Board from 1827 to 1832 is noted below,¹ which also bears out the Principal's evidence. This lowness of the minimum with the Board had the effect of keeping down the standard of tests in the College also during the period. The Principal

Examination of	Total number passed	Number in the first class	Number in the second class	Number in the third class
Lady day, 1827	8	1	2	5
Michaelmas 1827	6	2	2	2
Lady day, 1828	9	<i>nil</i>	4	5
Michaelmas, 1828	14	1	6	7
Lady day, 1829	13	1	5	7
Michaelmas, 1829	5	<i>nil</i>	1	4
Lady day 1830	6	<i>nil</i>	2	4
Michaelmas, 1830	7	<i>nil</i>	2	5
Lady day, 1831	4	<i>nil</i>	<i>nil</i>	4
Michaelmas, 1831	7	<i>nil</i>	3	4
Lady day, 1832	5	<i>nil</i>	<i>nil</i>	5
Total	84	5	27	52

Secretary's Office, East India House, 10th October, 1832.

The above table is referred to by Mr. P. Auber in reply to a question (No. 16) put to him at the Select Committee of the House of Commons in 1832 (*vide* App L, in Parl. Paper, Vol IX of 1831-32, p. 586)

also drew attention to the further defect in the system, viz. the substitution of mere testimonials for a probationary course of conduct as at the College which was calculated to afford a test of character not only to the authorities of the College and the general public but to the students themselves, one with another, with opportunities of forming friendships and connections, so valuable in their future career in India. The Act had another injurious effect both on the Service and the College in so far as it made possible a quicker transition through the College. The operation of the Act was originally for three years. But in 1829, power was taken by a fresh Act of Parliament (10 Geo. IV, Cap. 16) to continue its operation until April 10, 1834. But after a time, when the deficiency in the supply of superior civil servants ceased to exist, the Court no longer availed themselves of the powers under this Act, and Haileybury once again became the only source of supply of civil servants to the Company.

Proposal of Limited Competition—Act of 1833

About this time a bill for the renewal of the Company's charter and providing for the better government of India was on the anvil, and along with other matters relating to India the question of education of civil servants for India became a subject of discussion between the Court of Directors and the Government through its representative, the Board of Control.¹ From the side of the Government, Mr. Charles Grant, the Chairman of the Board of Control, proposed to qualify the unrestricted patronage of Directors—as it had never been popular—by a limited competition among their nomi-

¹ These discussions will be found in full in Parl. Paper, Vol. XXV of 1833. They have also been published as a separate volume entitled —“ Papers regarding Negotiation with His Majesty's Ministers on the subject of the East India Company's Charter ” (1833)

nees. Haileybury was to remain, but the Directors' nominees were to pass through a process of limited competition. Originally he suggested¹ that the students were to be admitted only as competitors for appointment—more than the number of vacancies in India being nominated—final appointment being made on the results of a public examination held on the completion of their course of studies at Haileybury. The vacancies at the College were to be filled by the Directors nominating in rotation. The requirements of the service in India were to be estimated by the Governor-General in Council each year and to be reported to England one year ahead, the Board having the power to reduce the number but not to increase it. Later on Mr. Grant modified his proposal, and quite rightly, so as to apply the competitive process at the initial stage rather than at the final stage.² He now suggested that the Directors should nominate four times as many candidates for admission as there might be vacancies in service, and one-fourth of this number was to be selected for admission by an examination. The final examination was not to be selective, but was only to determine the relative situations of those going out successful. The reaction of the Court to this proposal, as was only to be expected, was unfavourable, as materially affecting their power of patronage which they valued so much. In their reply, dated the 2nd of July, 1833, they pointed out that they could not consider the scheme as satisfactory and calculated effectively to provide the means of giving good servants to the Indian Empire. They proposed instead the abolition of the Haileybury College altogether and revived the idea of a public examination of candidates nominated by

¹ Memorandum submitted by Charles Grant with a letter to Mr. J. G. Ravenshaw, dated 17 December, 1832 (P. P., Vol XXV of 1833.)

² Letter from C. Grant to the Chairman of the Company, dated 27 June, 1833.

themselves after an education at the existing institutions in the country. This might have been suggested to them by the recent experience of the London Board of Examiners, because it would maintain their patronage intact. They based their contention, however, on the ostensible grounds of expense of the Institution which, they held, was no longer necessary, regard being had to the fact that facilities for those branches of education, which necessitated the establishment of a special institution like Haileybury, were at this time available at many educational centres in England. There was the further objection on the score of the disadvantages arising from confining numerous youths designed for the same service at one institution.¹ They presented their case to both Houses of Parliament in similar petitions. In their petition to the House of Commons, dated July 26, 1833, the Company observed :—

“ It is because your Petitioners are deliberately convinced that efficiency will be more likely to be obtained in a general system of education, brought to the standard of a high test of examination, than in any exclusive system, that the Court confidently ask your Honourable House to abolish the College, a measure which is further strongly recommended by considerations of expense,² as the maintenance

¹ See *Paper of Observations and Suggestions of the Court on Several Clauses of the East India Bill* (10th July, 1833).

² We may quote here the following Account of the net expense or charge incurred for the maintenance of the College at Haileybury, in 1833 and 1834, after deducting the sums paid by students, and stating the number of students educated at the College in each half year :

	1832-33	1833-34
	£	£
Total expenditure under different heads	15,699 5 11	13,974 19 10
Total receipts from students' fees, &c.	4,128 5 9	4,150 7 0
Net expenditure	11,571 0 2	9,824 12 10

of that institution has in the last term caused a charge upon India at the rate of upwards of ten thousand pounds per annum, when there were less than 30 students," and also "that in the course of the last 10 years the College has one time been unequal to supply the requisite number of writers, and at another, as at present, is much more than adequate to the supply."

One of their number, Mr. Richard Jenkins, however, recorded a strong dissent from the majority view given above, based on sound arguments. He differed from his colleagues on the following points :—

1. An education appropriate to the needs of Indian service obtaining at Haileybury, combining as it does both literary education and moral probation, is not to be secured elsewhere so well or so cheaply.
2. No satisfactory plan of examination could be devised which by itself could ensure the qualities, moral and intellectual, which were expected in those destined for Indian service. With a view to ensuring good principles and habits in candidates,

Number of students educated at the College in each half-year

	1832-33	1833-34
2nd Term of 1832	34	—
1st Term of 1833	28	—
2nd Term of 1833	--	32
1st Term of 1834	-	35

EAST INDIA HOUSE,
18 March 1835

Sd/ T. S. CADELL,
Accountant General

(*Vide* Parl. Paper, Vol XXXIX of 1835 p. 25.)

From Mr. P. Auber's evidence before the Select Committee of Parliament on 15 February, 1832, it appears that the total expenditure of the establishment at Haileybury, inclusive of building account, from 1805-06 to 1830-31 came to £363,439.17s.4d. The number of persons appointed as writers during the same period was 940, thus giving the cost of education per head on an average at £386.12-0, (inclusive of building account) and £284-2s.6½d (exclusive of building account).

testimonials were a poor substitute for a probationary course at the College. He referred to the sad experience of the expedient of the London Board Examination in support of his contention.

3. He regarded the objection on the score of expensiveness as fanciful, having regard to the valuable object in view. He referred to Mr. P. Auber's evidence before the Select Committee of Parliament in 1832, quoted above, to show how moderate the net cost of the College was. To him the expense did not appear at all disproportionate to the results achieved. He further contended that like all other professional and technical education, a portion of expenditure on Haileybury was justly creditable to public funds. He summed up his argument in the following words :—

Upon the whole, then, when it is considered that the original expense of the buildings requisite for such an institution has been already incurred ; that we have collected under it an assemblage of able officers and Professors, such as perhaps cannot be found elsewhere ; that it has sent out to India a succession of young men qualified in a superior degree for the arduous duties for which they are destined ; that no other institution exists to supply its place, and that the prospect of a demand for Writers is so confined as to render it very unlikely that it can generate the foundation or supply the expense of such an institution without the aid of public funds ; when above all, the paramount obligation of sending out functionaries whom we know to possess the proper degree of religious and moral, as well as literary and scientific acquirements, and the difficulty of obtaining the requisite proof of such acquirements by means of tests and examinations without a proba-

tionary course of education under the eye of authority in such an institution as Haileybury, are added to this account I sincerely hope that the determination of His Majesty's ministers to give it a further trial will be persevered in."

Ultimately the Board had its way and incorporated the principle of limited competition in the Charter Act of 1833. Sections 103 to 108 of the Act governed the mode of making an estimate of the prospective number of vacancies by the Governor-General in Council, nomination of persons as candidates for admission to Haileybury, examination of such candidates, making provisions for the governance of the College and ancillary matters. The Governor-General in Council was authorised to make estimates of prospective vacancies for each year, subject to the right of the Board of Control to reduce such number. The estimate as approved by the Board being submitted to the Court, the Directors were to nominate youths within the age limits of seventeen and twenty, four times the number of vacancies announced, as candidates for admission to the College. The requisite number was to be admitted as a result of a selective examination in such branches of knowledge and by such examiners as were determined by the Board, and the Board again was to frame Rules and Regulations for the guidance of the Governor-General in Council for the good government of the College, for the examination and qualification of candidates for admission into the College, and the appointment and remuneration of examiners, etc. Those students who would appear on the results of the final examination to be duly qualified were to be nominated to supply vacancies in the civil establishments and have seniority therein according to their priority in the list of successful students, choice of presidencies by the students being also determined by such priority. It will be seen that under the provisions

of the above Act, the rôle of the Directors in relation to appointment of writers was reduced to a very insignificant one, being confined only to a fourfold nomination of candidates for admission to the College, all other powers being vested either in the Board or the Governor-General in Council. The Court was naturally unwilling to accept such a position. They managed to secure very soon the postponement of the operation of the system of limited competition and in July, 1837, got Parliament to pass fresh legislation (Act 1 Viet., Cap. 70) enabling the suspension of the provisions of the previous Act concerning the fourfold system of nomination of candidates for Haileybury and providing, in case of such suspension, for the examination of candidates for the said College by examiners appointed by the Board. So the proposal for introducing the salutary principle of limited competition fell through, and so far as the competitive principle was concerned, the matter rested there for another twenty years.

The Court again raised the question of abolition of the College in 1835. On February 12, 1835, they adopted a resolution proposing the abolition, and there was some correspondence with the Board on the proposal¹ which ultimately resulted only in the legislation of 1837 referred to above, regarding the suspension of the fourfold system of nomination of candidates. The first Rules and Regulations to be observed with respect to the examination of candidates for admission to Haileybury College under the provisions of the Act were framed by the India Board and the Examiners² appointed on the 16th of August, 1837. These regulations with minor modifications obtained for the

¹ *Vide* copies of correspondence between the Board of Control and the Court, upon the subject of the Act of 1837, relating to appointments at Haileybury. (Parliamentary Paper, Vol. LXLX of 1852-53.)

² The first Examiners were—Rev. J. A. Giles, late Fellow of Corpus Christi College, Oxford, the Rev. J. Isaacson, Fellow of St. John's College, Cambridge, and Thomas Hewitt Key of Trinity.

next two decades in respect of admission to Haileybury till the competitive principle was adopted by the Charter Act of 1853.

*Critical Comments on the Institution and its System
of Education*

From what we have stated above about the constitution and the general organisation of, and the scheme of studies pursued in, the Haileybury College, it would appear that the College was designed more or less on the same principles and the same ideas that inspired Wellesley in formulating his original scheme of the Fort William College. We find, for instance, the emphasis on a Collegiate institution of the residential type, on the need of a special institution for the training of civil servants, on the combination of discipline with study, on the inculcation of religion, on the combination of Oriental studies with subjects of Western education and so on. The main reason perhaps why an institution in England was preferred by the Directors to one in India is traceable to a difference of opinion on the question of the proper age at which it was thought desirable that the Company's servants should go out to India. On this question there was fundamental difference of opinion between two schools of thought. Some were in favour of drafting the servants to India at an early age. Their argument was that at an early age, when their habits and character were not yet formed, they could more easily adapt themselves to the new environment of a foreign land where they were practically to spend their life and could grow accustomed to the ways of life of the people among whom they were to work. It was not so easy for people who came out rather late in their life, with ideas and opinions already formed, to adapt themselves to the new environment. Wellesley apparently belonged to this school, and so he advocated

the sending out of civil servants to India at the early age of fifteen or sixteen, and their completing the education, the foundation of which had been laid in England, at the special institution at Calcutta designed by him. But against this there was the other school of thought which deprecated sending away writers at a tender age to a foreign country. In their opinion it was injurious to them physically, intellectually and morally—physically, because the tropical climate of India would tell upon their physique not yet fully developed; intellectually, because they could not get the same facilities for completing their European education in India as in England; and morally, because they would be cut off from the healthy influence of home life and English society in the formative period of their life and exposed to the corrupt influences in a foreign land, particularly with such large powers to wield. Besides, it was argued, they could not be expected to develop a love of their country so as to make them good citizens, if they left at a very early age. It is this view which prevailed with the Directors in providing for their special education in England at an Institution under their immediate control and supervision. Much can be said on either side of the question, which, however, does not concern us here. What is relevant to our purpose in this connection is to note that the acceptance of the one view or the other necessarily led up to the case for having the Institution for education of civil servants located at the one or the other end, granting of course the necessity of a special institution for the time being. On any showing, however, the continuance of an institution at each end could not be justified. That is practically borne out by experience. The institutions in India were maintained as a matter of form only, in a neglected condition, which instead of being productive of any good to the junior civil servants were productive of many evils, as we have already seen.

In conclusion, we may make a few observations on the broad question of the training of civil servants for India and the efficacy of the Haileybury College in furthering that object. The original object of founding the institution, in common with that of Wellesley's College, was, as we have seen above, to supply the Company's servants with an equipment for the special needs of the Indian service, which could not be obtained elsewhere at the time. Evidence on the point as to how far it was successful in its mission is of a conflicting nature. At the Parliamentary enquiries held before the renewal of the Company's Charter in 1833 and 1853, numerous witnesses, many of them alumni of the institution, holding or retired from important positions in the service, were interrogated about Haileybury, and we have conflicting views from these evidences. Some extolled the institution as having eminently served its purpose and dwelt on its commendable features, *e.g.*, as supplying the special training needed very well and cheaply, as having bred an *esprit de corps* which was so very valuable for the members of the service in their after-life in India and combining with it the spirit of emulation noticeable in the Universities of Oxford and Cambridge, while avoiding the expensiveness and long detention characteristic of those institutions and so on. We may quote here a short passage from the evidence of Mr. P. Auber of the India House, as representative of this school. In reply to a question¹ he observed :—

“ That establishment was not formed without a full persuasion that it would give to the Indian Service a set of young men well qualified in every point of view to perform the important duties which devolve upon them.”

¹ Answer to Question No. 1330 (15th February, 1832), Minutes of Evidence of Parliamentary Select Committee. P. P., Vol. IX of 1831-32.

When in 1824 a motion was made in the Court of Proprietors for the abolition of the College, Mr. Robert Grant observed :—

“ I find, generally speaking, that the most important posts seem to have been filled in India by those who have been the most distinguished for proficiency at Haileybury.”

On the other hand, many of the witnesses, particularly at the enquiry of 1853, ran down the institution as being narrow and exclusive, as imparting an education, not liberal in character but too professional, as breeding idleness and dissolute habits from the absence of association with the general body of youth in the country studying for other walks of life, and as producing a rather low average of ability and so on. For instance, such an eminent person as James Mill, Examiner of India Correspondence at the India House, in his evidence before the same Select Committee ¹ observed :—

“ There is very little done in the way of study, except by a small number of the best disposed of the pupils, who would study anywhere ; and the tendency, which is inseparable from assemblages of young men to run into dissolute courses, operates there to a deplorable extent.”

Even those who spoke well of the Institution and its education admitted that there was much room for its improvement. The suggested improvements usually fall under such heads as, (1) removal of the undue emphasis laid on the study of oriental languages with the consequent diversion of attention from the European part of the education, (2) the need for greater attention to legal studies, (3) rise in the age limits for going to India, and a more

¹ Vide his answer to Q 378 & 1 (21st February, 1832), P. P., Vol IX of 1831 32.

prolonged study at the College, (4) the need of stricter examinations, etc. It is needless for our purpose to enter into a detailed examination of the validity or otherwise of the points made on both sides. There is truth perhaps on either side, and it is rather a facile way of pronouncing a favourable or adverse judgment by selecting and concentrating on the good or the weak features of the Institution respectively to the exclusion of the other. Nor would it carry us very far if we propose to judge the Institution by the quality of its products. The Institution counts among its alumni many distinguished names such as Holt McKenzie, F. J. Halliday, Edmonstone, Metcalfe, Mountstuart Elphinstone and others who would be an acquisition perhaps to the finest administrative service in any country. But that does not necessarily prove the superiority of the Institution. Even before Haileybury the service produced a Hastings, a Shore and a Grant. While on the other side one might put one's fingers on the mediocrity of the average product of the Institution. That also does not necessarily prove anything against the Institution as such. This is not the proper way of assessing the worth of any institution. We should enquire rather how far it responded, and had the potentiality of responding to the objects of its institution, i.e., to turn out good civil servants, better than any alternative system of preparation, and how far the mode of selection of its students was consistent with its efficient working. This raises, in the first place, the question, how far a special system of education at a special institution like Haileybury was preferable to a system of public examination by an independent body of examiners, after a general education pursued in the ordinary educational institutions of the country, taking into account the special requirements of Indian service. In the second place, it raises the question how far an institution of the type of Haileybury, granting to it all the perfection that

can belong to a human institution, could overcome the handicap imposed upon it by the mode of selection of the recruits. The problem left by these considerations is one of the comparative merits of the system of nomination and competition as modes of recruitment to public service.

The Case For and Against a Special Institution

So far as the first question is concerned, the case for and against the need of a special institution has already been well stated respectively by the dissentient Director, Mr. Richard Jenkins, in his dissent to the majority view and by the Court in their petition to Parliament on the eve of the passing of the Act of 1833 which have been set forth above. Although, as we have said, the Court was not so much swayed by a genuine conviction of the superfluity of the institution as by their anxiety to save their cherished right of patronage which was assailed by the Ministry's proposal of introducing limited competition into the bill for the purpose of appointment of writers, yet on the whole they stated their case for the abolition of the College well. As the arguments on both sides have been given above fairly in detail we need not repeat them here. The main issue between the two points of view turned, in our opinion, on the existence of facilities for education in England in subjects of special importance for the requirements of Indian service such as Oriental languages and History, Indian Law, etc., in the ordinary educational institutions. When the institution was started, as has been stated by Rev. J. H. Batten, its first Principal, these subjects were not taught anywhere else, but as the Directors in 1833 affirmed that having "reference to the general diffusion throughout the country of the means of liberal education, including the oriental languages, as regards both European and oriental instruction and to

the disadvantages which result from confining the associations of youth destined for foreign service to companions all having the like destination," it was unnecessary and inexpedient any longer to maintain the special institution. Against this view it was argued by Mr. Jenkins that although facilities for education in subjects of special importance to Indian service were available in the country, they were not available at one place, and he further drew attention to the difficulty of framing any satisfactory plan of examination to ensure the necessary qualifications, both intellectual and moral and also to the tendency of such examinations to slide down to the minimum standard, as was the experience with the London Board of Examiners. These objections do not seem to us to present insuperable difficulties. As regards providing facilities for instruction in all subjects of interest to prospective civil servants for India, we do not think it either necessary or practicable. Even Haileybury could not provide facilities for instruction in all subjects, a knowledge of which would have been necessary to them in the course of service. What was essential for them really was some knowledge of one or two oriental languages, as also of oriental civilisation, Indian History and Law and one or two other such subjects. What ought to be tested in those destined for the Indian service or for the matter of that public service of any country is not so much an acquaintance with technical details which they can easily pick up later in course of their duties, but whether they have that intellectual make-up which will enable them to grasp the details, and above all a good level of ability and intelligence. For this purpose there was hardly any strong case for a special institution. On the other hand there is substantial truth in the point raised by the Directors, and emphasised by numerous witnesses before the Parliamentary Select Committees, against the exclusiveness of the institu-

tion, the undesirability of assembling together the youths destined for the same service in one place and thus cutting them off practically from the main stream of student life in the country. Of course, this very feature has been extolled by many witnesses¹ as the basis of friendships and connections formed at Haileybury which proved an invaluable asset to them in their after-life in India, not only as a means of counteracting their feeling of loneliness, but as a moral influence saving them from temptations in their service. But we agree fully with all that has been said on this point by Mr. F. J. Halliday, a very distinguished civil servant of the Company and himself a product of Haileybury, in his evidence before the same Committee. He says² :—

“ I attach a certain degree of importance to it, no doubt, but not so much as some persons do ; particularly as I think that the object itself is almost as completely attained by the persons in question being combined together in one service after they arrive in India. There may be at times somewhat of disadvantage in it, as the *esprit de corps* may occasionally act in both ways.”

Whether on a balance the disadvantages of this feature outweigh the advantages is, of course, a debatable point, but perhaps too much emphasis was laid upon it by the advocates of a special institution. As regards the tendency of the examination to scale down the standard of recruits, it could be easily met by putting up the minimum standard

¹ Vide answers of J. F. Leith to Questions 3364 3377 (21 April, 1853) before Parliamentary Select Committee of 1852-53 in P. P., Vol. XXVII of 1852-53.

² Vide his answer to Question 4184 (9 May, 1853). *Ibid.* Somewhat the same sentiment has been expressed by Sir George Trevelyan. He writes : “ Haileybury formed a tie which the vicissitudes of official life could never break. . . . This strong *esprit de corps* had its drawbacks. The interests of the country were too often postponed to the interests of the service.” See his *The Competition Wallah*, (1907) Letter I, pp. 6-7.

fairly high, and it was a deplorable mistake committed by the authors of the London Board scheme that they omitted to do so. Greater care might also be taken in the selection and the proper valuing of subjects for examination and the choice of examiners. Taking everything into consideration, we maintain that although at the time when it was established there was a good case for an institution of this type, and admitting that Haileybury produced some very brilliant men, later on when the subjects of special interest were introduced in the Schools and Universities of England, there was no good case for continuing the Institution. On this point also we may be permitted to quote from the evidence of Mr. Halliday as follows ¹ :—

“ The system pursued at Haileybury had undoubtedly given a number of very competent persons,.... but it has also allowed a proportion to creep into the service who were certainly unfit, and who under an improved system, ought, I think, to have been excluded. So far I doubt whether Haileybury has perfectly fulfilled its object, which I take to be not only the instruction of persons intended for the administration of offices in the Government in East Indies, but also to be, in some sort, a safe and legitimate check on any indiscriminate exercise of patronage that might otherwise be expected to occur. I have an impression myself that you might secure the objects for which Haileybury is constituted quite as well by having an independent board of examiners, and allowing the candidates and persons nominated to employment in the East Indies to qualify themselves where they please

¹ His answer to Questions 4178-80 (9 May, 1853), P. P., Vol. XXVIII of 1852-53.

and then to present themselves for examination to receive their appointment after they have passed an examination up to a sufficient standard."

In other words special education for work in India can better be secured by means of a special examination than by a special place of education supported by Government.

Competition versus Nomination

This brings us to the second question raised above. Mr. Halliday was right in maintaining in the statement quoted above that Haileybury failed in its object of being, in some sort, a safe check on an indiscriminate exercise of patronage; but, for that, the authorities of the Institution were not to blame. Even conceding to it the highest perfection conceivable in every respect, *e.g.*, its staff, its management, its curriculum, etc., it could not achieve the object in view so long as the source of supply of its students did not rest on sound principles; because no institution, however well equipped it may be, can benefit and improve the quality of its students unless the level of its recruits is satisfactory, and this cannot be assured so long as patronage or nomination remains the principle of recruitment. This brings us to the much discussed question of nomination compared with competition as modes of recruitment to the public service. The superiority of the competitive system to nomination in this respect does not require much labouring at the present time, because it has already stood the test of time and has been adopted practically by every civilised state as the usual mode of appointment in respect of public offices. But at the time when the talk of competition in place of nomination was first mooted, there was a serious controversy which did not stop even after the formal acceptance of competition

by law in 1853. We may briefly summarise here the case for the competitive principle as against that of nomination or patronage. The case for competition was strongly advocated by many witnesses even at the Parliamentary enquiry of 1832-33 and by many more in 1853. We shall quote only two of them from the previous enquiry. Capt. T. Macan in his evidence¹ said :—

“ If superior qualifications were made the test for appointment to India, that is, if competition instead of patronage was the mode by which vacancies to all departments in the Indian service were filled up, you would undoubtedly have men of higher attainments in every branch of the service ; in fact, command a great portion of the talent of England for the Indian Government.”

Another distinguished servant of the Company, Mr. Holt McKenzie very ably put the case for the introduction of the competitive principle in the Indian service in the following words² :—

“ The plan of nomination goes only to secure qualifications a little better than the ordinary average of gentlemen of the same rank ; and as every office held by a civilian, at least every office that ought to be filled by gentlemen deputed to India, is one of importance, I conceive that any plan which gives India only such an average of talent, must be considered to be defective. It has certainly produced men of much talent, and the highest class of offices may be probably well filled, there being few ; but looking to the great mass of offices, which are also very highly

¹ Answer to Question 1372 (22 March, 1832), Minutes of Evidence, P. P., Vol. IX of 1831-32.

² Answer to Question 652-56 (2 March, 1832). *Idem* (Italics ours).

important to the well-being of the people, since every judge and every collector exercises an important influence on their comfort, *I think the system has not been such as to send out to India a body of men fit to exercise, as it is desirable they should be exercised, the functions that belong to the civil service.*"

Further, he argued against the theory that the patronage exercised by the Directors was a private affair, a sort of remuneration of the Directors for the service they rendered, in the management of which they were subject to no public responsibility—which was an anomaly in view of the quasi-public character that the Company at the time assumed. The appointments were usually influenced by private feelings of affection and connection. He thought that by competition a much higher average qualification might be obtained. This view was strongly supported by another distinguished member of the civil service who was also a product of Haileybury. Sir George Campbell, writing about his own appointment to the service in the early forties of the last century, says¹ :—

"Except in rare cases, there was of course no pretence that the Directors went about looking for the best young men. They nominated their sons and nephews and friends. Though I was not related to any Director, I was not selected for any merit whatever; my Director had never seen or heard of me till, as a matter of mutual friendship and favour, he gave me a nomination."

It is clear from the above statements of distinguished members of the Company's service itself about the working of the nomination system that it offered no guarantee for

¹ Sir George Campbell, *Memoirs of My Indian Career*, Vol. I, (1893) Ch. I,

the selection of men of the proper type for administrative offices. Human nature being what it is, the Directors were not to be blamed for this, but rather the system. Of course when the proposal of replacing the patronage of Directors by the competitive principle was seriously raised at the renewal of the Charter in 1853, the Company raised all sorts of objections to the proposed reform and fought for the maintenance of the *status quo ante*, as has always been the case with vested interests in the face of a proposal for upsetting the old order.¹ The Chairman and the Deputy Chairman of the Company in their letter to the Board of Control, dated the 1st of July, 1853, even went to the length of suggesting that the proposed mode of appointment by making the civil servants independent of their nomination might have an injurious effect on their discipline. They also expressed doubts as to how far the system would work smoothly in practice, because of the practical difficulties of so constituting a Board of Examiners and framing such rules of examination as would ensure success only to the really best qualified, instead of encouraging mere 'crammers.' They also expressed the fear that a competitive examination might only test book learning, while other qualifications not tested by mere book knowledge were essential for the service. The Board of Control in their reply, dated the 5th of July, 1853, reminded the Company of their changed character, that they were now—what we may call at the present day—a quasi-public body instead of a mere commercial corporation as before, and as such the selection of servants could no longer be allowed to be a matter of private patronage. As regards their last objection, the Board replied that they were perfectly aware that other qualifications beyond mere book learning were

¹ *Vide* correspondence between the Court of Directors and the Board of Control respecting the bill for the future Government of India in P. P., Vol. LXIX of 1852-53, p. 89.

necessary for Indian service, but at the same time, they pointed out, the existing system of patronage did not ensure these qualifications at least more than the proposed one. As this objection against competitive examination on the basis of a broad liberal education has been very popular with the opponents of the system, we may perhaps dwell on the point a little in detail. The reply to this objection and the case for such a system cannot perhaps be better put than in the words of Macaulay in his classic and oft-quoted speech before the House of Commons on July 10, 1833, when the Bill incorporating the principle of limited competition in the Indian service was before Parliament. We reproduce below some excerpts from that historic speech¹ :—

“ It is said, I know, that examinations in Latin, in Greek, and in mathematics are no tests of what men will prove to be in life. I am perfectly aware that they are not infallible tests; but that they are tests I confidently maintain. Look at every walk of life—at this House—at the other House—at the Bar—at the Bench—at the Church—and see whether it be not true, that those who attain high distinction in the world are generally men who were distinguished in their academic career. Education would be mere useless torture, if, at two or three and twenty, a man who has neglected his studies were exactly on a par with a man who has applied himself to them—exactly as likely to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is

¹ Vide A. B. Keith, *Speeches and Documents on Indian Policy, 1750-1921*, (1922) Vol. I, pp. 252-53.

not now the question..... Whatever be the languages—whatever be the sciences, which it is, in any age or country, the fashion to teach, those who become the greatest proficient in those languages, and those sciences, will generally be the flower of youth—the most acute—the most industrious—the most ambitious of honourable distinctions.”

Closely similar sentiments on the competitive system have been expressed by another major statesman, we mean, the Rt. Hon’ble A. J. Balfour. He says ¹:—

“There can be no doubt, for example, that a man who can succeed in a severe competition must have great powers of work, great powers of concentration, great powers of maturing a subject and great powers of reproducing his knowledge. The existence of these mental powers is shown to demonstration by success: and they are all of them of the utmost use in every walk of life and not least perhaps in that of an Indian civilian. Next to these is a second class of qualifications which may or may not be found in successful competitors but which will be more often found in them than in men selected at random. Such for instance, would be a certain originality of mind and power of grasping all the factors of a complicated problem, so as to be able to form a judgment on them..... Then comes a certain class of qualifications which, so far as I see are not indicated in the slightest degree by success in examinations. Such are decision, firmness and that rapid intention which

¹ Vide evidence of Mr. M. A. Jinnah before the Indian Public Service Commission (1912-15), Vol. VI (evidence taken in Bombay).

marks the man of action whether statesman or soldier, refinement, knowledge of the world, the generality of the moral qualities and anything which approaches to what is called genius."

The case for competitive system could not perhaps be better put than in the above statements of two distinguished men with ripe experience of public life in England. No exaggerated claim is put forward on behalf of the system, but what can be fairly claimed in favour of competitive selection based on merit, as opposed to the nomination system based on favour, has been very clearly stated. Apart from ensuring in the recruits a higher level of general ability and other qualities as stated by Mr. Balfour, the competitive system has also another commendable feature in that it enlarges the area of selection from a small preserve to the whole community, by opening up equal opportunities to all, at least theoretically. It has been argued for the nomination system that, *at its best* it is expected to secure the picked men for the services, but it depends not on any certain principle but on the accident of the nominating authorities combining a high level of integrity, public spirit and moral scruples—hardly met with in the work-a-day world. On the other hand, it has invariably led to jobbery and nepotism and a deterioration in the average level of ability of the public servants, as was amply demonstrated by the working of the patronage in the hands of the Directors. Of course we quite agree with what Lord Haldane once observed in an address to the University of Bristol, that competitive examination is not an absolutely perfect test of ability and that under the system of nomination also sometimes the best men are chosen. He remarked in course of that address, "it is to be remembered that competitive examination is a means, though necessarily an imperfect one, of testing natural ability, as well as acquired training. The

state aims at attracting to its service a certain proportion of the ablest young men of each generation after they have received the education most likely to develop their ability." But that is nothing but stating a truism that no institution in this world is absolutely foolproof. In political life we follow usually the line of least resistance, and of the various means to an end we adopt that which is least fraught with harm, and at the same time has potentialities for good. It is from this angle that the competitive system can be said to possess an inherent superiority over the other. At any rate, in the controversy over the two principles, the competitive principle at last won the day. In 1853, one of the most important changes proposed by Sir Charles Wood in the legislation of that year for the renewal of the Company's Charter was the introduction of open competition described as "a great experiment which would justify itself by securing intellectual superiority while affording as good a chance as then existed of obtaining in successful candidates those qualities which no examination can test."¹ The Act (16 & 17 Vict., Cap. 95) deprived the Directors of the power of nominating persons for admission to Haileybury and threw open such admission to all subjects of His Majesty who might be successful on the results of a competitive examination to be held under such regulations as might be made by the Board of Control. In other words, the power of appointment to the Company's Civil service, so long enjoyed by the Directors, was in effect transferred to the ministry at home. With a view to giving effect to the provisions of the Act a Committee was appointed with Lord Macaulay as President for making detailed regulations regarding the system of selection and appointment of candidates. The report of the Committee marks

¹ *Vide Hansard, June 3, 1853.*

an important epoch in the history of the civil service not in India alone but elsewhere also. The competitive system originally recommended by the Committee for India was later adopted by England (1870) and almost every other civilised country. Once the competitive principle was adopted, the fate of the Institution at Haileybury was practically sealed, because the institution was the product of the system of nomination and designed to counteract its possible evil effects. Just two years later it was decided to abolish the institution. By an Act passed on the 16th of July, 1855 (18 and 19 Vict., Cap. 53) it was provided that :—

1. From and after the 31st of January, 1858, the College shall be closed.
2. No person is to be admitted a student into the College after January 25, 1856.
3. Every student of the College certified at the last examination in 1857 would be eligible for admission to the Company's service without putting in the required residence at the College.

So by a curious coincidence, the demise of the Institution and the replacement of patronage by merit as the basis of recruitment synchronised with the passing away of the Company itself as a ruling organisation. This indicated in a way a complete change of outlook on the question of appointments, marking as it did the passing away of the last trace of the commercial principle in administration, and placed the Government of the country on a normal basis as in every other State.

CHAPTER VIII

THE COMPANY'S CIVIL SERVICE—ON THE EVE OF TRANSFER TO THE CROWN'S ADMINISTRATION

Scope of the Chapter

We have seen how the Company's civil service was gradually transformed from a body of assistants in a commercial organisation into almost a regular administrative service of a state through the efforts of Hastings and Cornwallis, and also how the impetus given by Wellesley to their systematic education and training bore fruit in the institutions of Fort William and Haileybury designed to equip the Company's servants for the onerous responsibilities awaiting them in India. This latter development itself indicates a recognition of the change in the character of the service. The Company had not, it is true, as yet ceased to be a commercial body and actually did not cease to be one till 1833; but its commercial rôle progressively lost its importance by the side of its administrative rôle which kept on fast expanding both intensively and extensively, so that, from the standpoint of its service organisation, the period from the regime of Cornwallis up to the transfer of the governance of India from the Company to the Crown in 1858, may very well be treated as a continuous whole characterised by a unity of purpose. In spite of the direction of Parliament in 1784 to the Company, against a policy of aggression in India,¹ the period is remark-

¹ Section 34 of the Act (24 Geo. III, Cap. XXV) runs as follows.—

Whereas to pursue schemes of conquest and extension of dominion in India, are measures repugnant to the wish, the honour and policy of this nation; be it therefore further enacted, that it shall not be lawful for the Governor-General and

able for a steady drive towards territorial expansion, punctuated by intervals of quiescence serving as breathing space for organising and consolidating the administration of the territories acquired. Whether this was the outcome of a deliberate policy or was compelled by circumstances is not relevant to our study. What is important for our purpose is to notice the changes in administrative organisation necessitated by such expansion and how they came about. In a general way, we may say that the development of the service during this period is not marked by any fundamental departure from the system established and elaborated by Cornwallis. The changes that took place were more in structural details than in basic principles. We shall in particular deal with certain special features of the administrative development of this period, directly connected with territorial expansion.

Improved Moral Tone of the Service

Before we pass on to deal with these special features and the structural changes referred to above, we should say a few words on the improved tone of the service at the end of the Cornwallis regime, which was maintained, if not strengthened, during the period. We should also give a brief account of the process of territorial expansion which established the Company as the paramount ruling authority in India. The former may perhaps be best described in the words of Lord Teignmouth, the successor in office to Lord Cornwallis. In a letter, dated March 7, 1798, addressed to his successor Lord Mornington, he wrote *inter alia* ¹ :—"The

Council without the express command of the Court of Directors, or of the Secret Committee, in any case . . . either to declare war or commence hostilities, or enter into any treaty for making war, against any of the country princes or states in India, etc

¹ *Memoir of the Life and Correspondence of John, Lord Teignmouth*, (1863) Vol. I, pp. 463-64,

internal administration of this country is now established upon solid principles, the operation of which will gradually produce the most beneficial effects. The line of discrimination (*sic*) between the Legislative, Judicial, and Ministerial functions of the Government, which were formerly confounded, has been marked with precision, and cannot be infringed without a perversion of the fundamental principle of all the Regulations. In an adherence to this principle the Natives see their own security, notwithstanding occasional attempts of individuals to procure a relaxation of it in their own favour..... Your Lordship will, with great pleasure, observe great zeal, assiduity, and ability in the officers under your administration. It has ever been my practice to conduct all official business through the regular official channels only, to admit the Heads of offices to me whenever they wished to obtain my advice or assistance, and to consult them on the business under their immediate superintendence. The despatch of business was by this mode much facilitated; and I have a pleasure in remarking, that I always found the zeal of the officers of Government proportioned to the confidence which I reposed in them..... In general, I may venture to assure your Lordship that you will find as great a portion of integrity, zeal, and assiduity in the officers of this Government as in any part of the world. It would, however, be absurd to assert that these qualifications are equal or universal; and your experience will lead to a knowledge of the exceptions, wherever they exist."

Speaking of the process of transformation of the service by the reforming zeal of Cornwallis, J. W. Kaye also observes¹:—

"Even under the influence of this saving change, (meaning fixed salaries being attached, propor-

¹ J. W. Kaye, *The Administration of the East India Company*, Pt. III, Ch. IV. p. 418.

tionate to the importance of offices) men who had been accustomed to sit loosely to their obligations, were not suddenly braced up into a rigid observance of official propriety; but as the old men made way for a new race, who had not been settled in the Augean Stable, the character of the service greatly improved. With the morality of the men their intelligence rose also; they began to take a pride in their profession and an interest in the people. They were trained and disciplined, too, for the service. Colleges were established for their instruction alike in the learning of the East and the West; and in time they became not only the best paid service in the world, but one of the most efficient."

Such was the state of the service to which Wellesley succeeded and which was further improved by a systematic plan of education and training which originated with him. Wellesley saw the vision of founding an empire in India, which he also greatly succeeded in realising. He felt at the same time that the stability of an empire would depend mainly on a properly equipped administrative service. Hence his insistence on his scheme of education for the superior services, as we have noted. Had he not been convinced that the proper stuff was already there in the service, which only required to be a little more finished by education and training, he would not perhaps have conceived his idea of establishing an extensive empire in India.

Territorial Expansion

In spite of the insistence of the Home authorities on a policy of non-intervention in Indian politics successive Governor-Generals of this period obeyed it rather in breach

than in observance. Some of them deliberately followed a policy of conquest and annexation, others were forced by circumstances, much against their inclination, to be drawn into the vortex of Indian politics. Wellesley, Hastings,* Hardinge, Dalhousie belong to the former class, while Shore, Cornwallis and Minto belong to the latter. Cornwallis came determined not to interfere in the affairs of the native rulers, but ultimately found himself, in alliance with the Marhattas and the Nizam, at war with Tipu, for the very safeguarding of peace. His successor Shore kept completely aloof from any alliance or conflict with the native rulers and mainly occupied himself with stabilising the reforms effected by his predecessor. At this time there were four powers to be reckoned with in India,—(1) The British with its vassal the Nawab of Oudh, (2) The Marhattas, (3) Tipu and (4) The Nizam of Hyderabad seeking alliance with the British. Within the first quarter of the century the British were securely established as the paramount power in India. It was Wellesley and Hastings* who practically brought about this result. Both of them deliberately followed a vigorous policy of conquest and annexation because they were convinced that stable peace could be attained in India only by installing the British as the paramount power in the country. Within three years of his assumption of office, Wellesley made the Company the supreme power practically over the whole of Southern India and the Gangetic plain in Northern India up to Delhi; and in the next two years he forced most of the princes of the Marhatta confederacy to accept subsidiary alliance with the Company. Thus when he left India in 1805, in the words of Ramsay Muir, "the British Empire in India was transformed into the British Empire of India."¹

* Marquis of Hastings.

¹ R. Muir, *The Making of British India*, (1923) Ch. VI p. 129.

His annexations created practically the existing provinces of Madras and the United Provinces. Had he been allowed the time, he would have completed what he deemed to be his mission, *viz.* the establishment of *Pax Britannica* throughout the whole of India, but he had proceeded rather too fast for opinion at home to tolerate his activities. As a consequence he was recalled in 1805. This was followed by a period of quiescence, nay, a definite set-back. Lord Cornwallis, who was sent from home with positive instructions to follow a policy of complete non-intervention, died shortly after arrival. George Barlow, who succeeded him, patched up a peace with Holkar which amounted to undoing in part what had been already achieved. The next Governor-General, Lord Minto, also followed the same policy during his regime (1807-13). But his successor, Marquis of Hastings, although he came pledged to pursue the same policy, found himself embroiled in a conflict with the Marhattas as a sequel to a successful campaign against a band of marauders known as the Pindaris, who were the protégés of the Marhatta princes. It ended in a complete smashing of the confederacy of the Marhatta princes. That meant not only the liquidation of the only remaining great power which could possibly bid for supremacy in India but the acquisition of valuable territories in Central and Western India as well. The Peshwa was deposed and his territories mainly went to constitute the British province of Bombay. The other princes of the confederacy were compelled to accept treaties acknowledging the paramountcy of the British and ceding portions of their territories. These formed the nucleus of the Central Provinces and Berar constituted later. At the same time some of the Rajput princes signed treaties, acknowledging the supremacy of the British power. Hastings has also another important victory to his credit, *viz.*, that in the Gurkha War against the neighbouring

state of Nepal. The resulting treaty not only made valuable addition to British territory in the present province of U. P., but secured lasting peace and friendship with that state. So Hastings realised the dream of Wellesley by completing his unfinished mission of making the British power paramount in the whole of India excepting Sind and the Punjab, which were reduced in the forties by Lords Ellenborough and Dalhousie respectively. His successor Lord Amherst (1823-28) was involved in a war with the king of Burma. The victory in this war, commonly known as the first Burmese war, yielded in 1826 new territorial possessions, viz. the present province of Assam and two strips of land on the Chittagong coast line—Arakan and Tenasserim. Thus practically by the close of the first quarter of the century the existing British empire in India was built up and placed on stable foundations without any rival power within to challenge its supremacy at any time.

Task of Consolidation

While this process of territorial expansion was going on, the problem of administrative organisation in the newly acquired territories was not neglected. This was made possible, in the first place, by the periods of quiescence intervening the periods of activity, and, in the second place, by the fortunate coincidence in the rise of a band of exceptionally able administrators among the members of the civil service¹ of this period who proved themselves equal to the herculean task of bringing order out of chaos and organising the machinery of revenue and judicial administration in all these parts. Wellesley himself took

¹ The reference is to administrators like Mountstuart Elphinstone, Sir Thomas Munro, Sir Charles Metcalfe, Sir John Malcolm and others.

the lead in this direction. He not only directed his attention to the problem of organising administration in the newly acquired areas, but also addressed himself to the task of effecting useful reforms in the existing system. As R. Muir has observed ¹ :—

“ Wellesley was not only a great conqueror, he was a great administrative reformer. The work of organising the wide new provinces brought under British rule was an immense task, and it was well and honestly done. The men whom Wellesley chose for this work were the founders of a new tradition of administration which was to show great results during the next generation ; while the men who served as Residents at the courts of the dependent States set the model for a new kind of public service, not less valuable and even more difficult. In the actual machinery of justice and of government in the older province the Governor's reforming zeal equally displayed itself.”

The framework of the administrative machinery set up in the new areas was mainly modelled on that of Bengal, but in some respects there was a departure. Thus in effecting the revenue settlement of Madras or Bombay the scheme of permanent settlement adopted in Bengal was rejected as it was found to be defective in its working in Bengal. Again in the comparatively backward areas, as we shall see presently, a less complex system of law and administration than that prevailing in Bengal was adopted. We shall now discuss certain special features of the administrative organisation of the period brought about by the exigencies of administration.

¹ R. Muir, *A Short History of the British Commonwealth*, (1927) Bk. VIII, Ch. 4, p. 201.

Special features—(I) Regulation and Non-Regulation Areas

The first of these is the distinction between what came to be known as the Regulation and Non-Regulation areas. To understand the distinction, a knowledge of the process of development of the administrative system is necessary. As is well known, Bengal was the first extensive territorial acquisition of the Company besides small areas in Madras and Bombay presidencies, and a full-fledged administrative system was first organised in Bengal. As new territories were acquired, they began to be added to Bengal till the Presidency came to be too unwieldy as a single unit of administration. Eventually conquests in Southern India led to the establishment of two other provinces with headquarters at Bombay and Madras. The overgrown Presidency of Bengal was split up into two charges, the other being known as the N.-W. Provinces under a separate Lieutenant-Governor. As new areas were acquired, they were added on to these provinces. But all were not administered under the same system. Two different systems were followed according to the character of the people inhabiting different areas, their level of culture and habits of life. The distinction arises from the fact that the more settled parts were governed under a more regular and elaborate system of laws and procedure called Regulations passed by the Governor-General in Council, while Non-Regulation areas were governed by executive officers under more simple rules and procedure made by the Executive to suit local conditions, although they were enjoined as far as possible to conform to the spirit of the Regulations. The distinction first originated when a Regulation (X of 1822) was passed in September, 1822, for exempting natives of the Garo hills and other primitive tribes on the north-eastern frontier of Rangpur from the operation of the existing Regulations

and for establishing a special system of government for the tract of country occupied by them, or bordering on their possessions.¹ The system was extended to many new areas subsequently acquired² and sometimes the Regulation system was withdrawn from areas where it was found to be unsuitable, as for instance, in Santal Pergunnahs. Two special characteristics of the Non-Regulation system were (a) that no legal enactments were in force except in so far as they were specially adopted and (b) that all executive and judicial functions were concentrated in the executive head of the district, who was styled 'Deputy Commissioner' instead of 'Collector.' Thus the personal element in the administration became more pronounced, and success or failure depended very much on personal equation. The officers had to be chosen with the greatest care and discrimination. "The system was paternal rather than formally legal, though legal principles were by no means set aside; and it largely depended for its success on the personal character, initiative, vigour and discretion of the local officers."³ Another peculiarity of the system was that the superior posts were open not only to the covenanted civil service but to members of the military service and the uncovenanted civil service as well. The appointment of military officers in civil posts originated, even before,

¹ The Regulation was repealed by Sec. 3 of the Act XXII of 1860, save as to any settlement of land revenue, etc. made with Zemindars under its provisions.

² Areas where the Non-Regulation system was introduced were as follows:—Under the Bengal Presidency, the Saugor and Nerbudda territories, Jalom and Jhansi, Marwarra, Assam, Arakan and Tenasserim provinces, etc. Under the Government of N. W. Provinces were Dehra-Doon, Kumaon and Gurhwal, the districts taken from Nepal, under the Madras Government were the districts of Ganjam, Vizagapattam and Kurnool, and under the Government of Bombay were Colaba, Sind and Sattarah. The importance of the Non-Regulation system is statistically demonstrated by a table given at the end of the chapter giving a comparative statement of the territories under the two systems in the administrative jurisdiction of the different Governments in the middle of the nineteenth century.

³ *Cambridge History of India*, Vol. VI, Ch. V, p. 87.

with Cornwallis who chose two distinguished military officers, Munro and Read, for organising land settlement in the ceded districts of Madras. The efficacy of employing military officers in civilian duties was found particularly great among backward people with primitive habits. This has been very well exemplified in the case of the administration of Sind under Sir Charles Napier and his military assistants and of the Punjab under the Lawrence brothers, Henry and John. The practice of appointing military servants in civil positions became very common from the successful experiment in the Non-Regulation areas. In particular, Lord Ellenborough practised it to a fault, so much so that it became a grievance of the covenanted civilians who regarded it as an encroachment on their preserve.¹ This led Dalhousie ultimately to fix the proportion between the two services at fifty fifty. The proportion was later consistently raised, till ultimately mixed commissions were abolished. However that may be, this system of administration through mixed commissions proved particularly successful in Sind and the Punjab as also in other parts. The system worked well. The less costly and less elaborate system of administration was justified only in parts inhabited by less civilised people who were not accustomed to orderly government.

¹ Sir George Campbell observes in this connection —

“Owing to the conclusion of settlement operations, new rules and other causes, promotion was a good deal retarded and pay reduced. It was just then that Lord Ellenborough and his strong proclivities in favour of the military and against civilians made things worse by his habit of replacing civilians by military men in every case in which he legally could do so. I disliked his extreme preference for military men and his contempt for civilians. The only compensation we got for the transfer of so many of the best appointments to military men, was that two or three young civilians were sent down to Scinde to be placed at the very bottom in that worst possible climate, under Sir C. Napier. If Lord Ellenborough was hard upon civilians, Sir Charles Napier was infinitely worse, he treated these young men abominably.” Sir George Campbell, *Memoirs of My Indian Career* (1893) Vol. I, Ch. I, pp. 15-16.

J. W. Kaye has paid tribute to it in the following words¹ :—

“What a people suddenly finding themselves under the sovereignty of a new set of rulers most requires, is a government very little in advance of that from which they have been transferred. All abrupt and violent changes are as injurious to the constitution of a nation as they are to the constitution of a man.....Doubtless the rough ways of Sir Chalmers Napier were better adapted to the feelings and habits of the Beloochees, after the conquest of Sindh, than the refined tendernesses and the judicial niceties of the greatest and wisest statesman that ever loved and toiled for a people.”

In the Punjab the system of mixed commission worked extremely well. It was built up by the joint efforts of Henry Lawrence, the military officer, and his brother, John, the civilian. Paying tribute to the administration in the Punjab, Kaye observes :—

“Returning to the administrative results, I think I am justified in saying that they have hitherto presented a most satisfactory appearance; and that no purely civil administration, like that which obtains in the Regulation provinces—no purely military government like that which Lord Ellenborough established in Sindh—would have accomplished so large an amount of good within so limited a space of time. The success of the experiment is to be attributed partly to the system, and partly to the men. Under no other system could so many rare administrative qualities have been fused into one governing body—could

¹ J. W. Kaye, *Administration of the East India Company*, Pt. IV, Ch. I, p. 435.

so many excellent parts have been combined into one excellent whole."¹

The three cardinal features of the system as elaborated in the Punjab were as follows :—(1) the concentration of all authority and responsibility in a single head, (2) the size of each district being small enough to make the responsibility of the district officer possible and real by personal contact with the whole area, (3) administration being run on the basis of some simple rules and laws, duly respecting local institutions and tradition.² The guiding principles of administration which Henry Lawrence set before himself and his officers may be described in his own words³ :—

“ In a new country, especially a wild one, promptness, accessibility, brevity and kindness are the best engines of government. Have as few forms as possible and as are consistent with a brief record of proceedings. Be considerate and kind, not expecting too much from ignorant people. Make no change, unless certain of decided improvement in the substitute—light assessment, considering the claims and privileges, even when somewhat extravagant, of the privileged classes, especially when they affect Government and not ryots.”

Although laid down for the Punjab in particular, they were more or less accepted and acted upon in other Non-Regulation areas as well. Particularly in the matter of judicial administration a marked difference was noticeable. The formalities and technicalities of procedure observed in the Regulation provinces were reduced to a minimum, thus justice being rendered speedy and cheap.

¹ J. W. Kaye, *op. cit.*, p. 460.

² L. S. S. O'Malley, *The Indian Civil Service*, Ch. III, p. 58.

³ Quoted by O'Malley from one of his letters to a subordinate officer. *Ibid.*, p. 57.

With all its merits, however, it was suited only to a less developed state of civilisation and had to be given up as the people acquired more orderly and law-abiding habits of life and advanced in the scale of civilisation. The distinction ceased to exist for all practical purposes towards the end of the century.

(2) *Covenanted and Uncovenanted Branches of Civil Service*

We now pass on to the other important special feature of the service organisation of this period, viz., the rise of what came to be known as the uncovenanted branch of the civil service as distinguished from the covenanted branch, which continued till the eighties. The name 'Covenanted' originated, as we have already seen, from the practice of the assistants of the East India Company subscribing to covenants with the Company defining their obligations and terms and conditions of service, which changed in form from time to time. In the early period, practically all its servants were imported from England and belonged to the covenanted civil service. But as the business of the Company expanded, and particularly since the assumption of administrative responsibility, the covenanted branch alone did not suffice for all its requirements and the Company had to employ men outside the covenanted service in less important positions. It was in order to stem the tide of incursion of men outside the covenanted service into positions hitherto held by the latter that Parliament specifically provided for the reservation of all civil positions below memberships of Council for the members of the covenanted service by the Act of 1793, and we have seen how Cornwallis also deliberately and systematically followed the policy of Europeanising the services. All the same, persons outside the covenanted service had to be appointed in increasing numbers through sheer necessity. The wide

extension of the Company's territories coupled with new activities of government, as the organisation was perfected, put increasing strain upon the limited number of covenanted servants, which could not be augmented forthwith to cope with the demand. John Adam, the then Governor-General, wrote as follows in a minute, dated June 12, 1823, regarding the shortage of covenanted servants and suggesting remedies for the situation arising therefrom¹ :—

“ I am aware that the orders of the Honourable the Court of Directors are opposed to the further employment of uncovenanted servants, but those orders were issued under a view of circumstances very different from that exhibited in the Statement now laid before the Board and the imperious necessity of the case must justify our deviation from the letter of the orders, at least to the extent proposed, while the present state of things continues to exist.”

Then there was also the financial stringency brought about by expensive wars and the not too good management of the finances of the country. All this compelled the calling to aid of men outside the covenanted service. So some officers of the military service were at first pressed into service for performance of purely civil duties, but

¹ Vide John Adam's Minute of 12 June, 1823, in Appendix IV to Parl. Paper, Vol. VIII of 1831-32. Throughout the second and third decades of the nineteenth century a lot of correspondence passed between the Court and the Governor-General in Council on the subject of shortage of covenanted servants and a demand for additional hands. Reference may be made in particular to the following :—

Public Letter from Bengal, dated 18 December, 1812 (*Bengal Letters Received*, Vol. 64, I O R.).

Public Letter to Bengal, dated 18 February, 1814 (*Bengal Despatches*, Vol. 63, I O R.).

Court's Despatch (Judicial) to Bengal, dated 23 July, 1824. (*Vide Parl. Paper*, Vol. VIII of 1831-32, Appendix IV.)

Court's Despatch to Bengal, dated 23 July, 1828. (*Vide Parl. Paper*, Vol. XII of 1831-32, App. I.)

even this means was found inadequate and the Government had to requisition the services of outsiders, both European and Indian. In course of time this element became a regular and important branch of the civil service even outnumbering the covenanted branch¹ and forcing itself on the recognition of the Government as a distinct branch of the service. One writer has traced the development of the uncovenanted service in the following words² :—

“ From the early period in the history of the covenanted service, native writers, who were employed, as copyists, to relieve the covenanted officers of the drudgery of the desk, filled the Government offices. In the course of the century, we see, that the advantages of employment under Government, had attracted men of superior ability into this subordinate service; by slow degrees higher and higher duties were entrusted to this class of servants, until they found themselves by their intelligence, character and faithfulness, in positions of high and important executive control. . . . The Government recognised them as a service, appointed them a status which their usefulness and ability had earned for them, granted them privileges of leave of absence and pensions, which proved to be not only a fair and liberal concession to deserving men, but also had the effect of rendering this branch of the service more valuable than it had been, of improving in no small measure its tone and character, and, consequently, its utility to the state.”

¹ The proportion of uncovenanted to covenanted officers in only the judicial and revenue lines, was found in the fifties in Bengal to be as 402 to 163; in the N. W. Provinces as 383 to 121, with a still greater preponderance of uncovenanted servants in the Punjab, and the presidencies of Madras and Bombay.

² *Vide* Article VII, titled *The Uncovenanted Service* in ‘*Calcutta Review*’ Vol. XXXVI (1861).

The process of incursion of uncovenanted service into even more important positions in executive and judicial branches went on till the line of division between the two tended to be blurred. -

They held posts in the Judicial, Revenue, Salt and Opium Departments as Deputy Magistrates, Deputy Collectors, Munsifs, Sadar Amins, Deputy Opium Agents, Assistant Salt Agents, etc. but on occasions they were appointed to more responsible posts which were so long the monopoly of the covenanted service. In some instances in Bengal and the Punjab certain appointments were overruled on the ground that they were not warranted by the terms of the Act of 1793. The difficulty arose from the vague language of that Act. The distribution of offices between the two services was determined in each case at the discretion of the appointing authority. There was a rough line of demarcation, but there were a large number of posts on the margin, which went to the one service or the other in different circumstances. In 1885, for instance, the Lieutenant-Governor of Bengal appointed an uncovenanted officer to officiate as a civil and sessions judge. In their order of annulment of the appointment the Government of India wrote :—" It might be difficult, perhaps, to define very precisely all the offices which are, or are not, included in the words 'offices, places, or employments in the civil line of the Company's service'; but it is quite certain that the office of civil and sessions judge is included in them. A reasonable interpretation has always been put on the words of this law, but if these words should now be interpreted as not including those offices in the regular judicial and revenue lines of the service which have hitherto been held only by civil servants of the Honourable Company, the law would be annulled altogether." This view was also upheld by the Home Government; but curiously enough it approved, at the

same time, of the appointment of an uncovenanted officer to the collectorship of Bombay which should be placed in the same category as that of a sessions judge. But many such appointments not strictly warranted by law had to be made with the connivance of the Home authorities till they were regularised by the East India Civil Service Act of 1861, which also reserved to members of the covenanted branch of the service all important civil posts under the Memberships of Council in the Regulation Provinces by means of a schedule. It may be noted, however, that the practice of appointing members of the uncovenanted service along with the military was of more frequent occurrence in the Non-Regulation provinces, although in the Regulation provinces it was not so very rare.¹ Even Lord Dalhousie upheld it in principle and did not appreciate the logic of excluding uncovenanted servants religiously from all higher appointments. He wrote in January, 1856 :—" It does, I must confess, appear to me undesirable and unnecessary that the law should be so worded, or so interpreted, as to prevent an uncovenanted officer being nominated to act for a covenanted judge or collector for short periods of leave, such as a month or two months. For so short a period of time, the appointment of a covenanted officer to act will often occasion many changes, at great public and personal inconvenience, while if no acting appointments at all are made, arrears accumulate and the public suffers."

¹ Even in 1860 the following appointments were held by uncovenanted Europeans :—

Director of Public Instruction	..	Salary of	Rs. 2,500	per mensem
Senior Magistrate, Calcutta	..	Salary of	" 2,000	" "
Post Master General, Calcutta	..	Salary of	" 1,500	" "

The most lucrative office held by an uncovenanted Indian at the time was that of the Clerk Assistant to the Legislative Council on a salary of Rs. 1,500.

[From a pamphlet on *A Very Few Words respecting the Constitution of the Covenanted and Uncovenanted Service of India*, (1860) by H. R., kept in Astor Collection (1908), Cambridge University Library.]

Whether the Company wished it or not, appointments outside the covenanted service went on increasing and in particular it received an impetus from the liberal policy of Lord Bentinck towards the introduction of Indians in administration, specially in the judicial line. Thus this element came to be organised as a regular service and was recognised by the Government as such. It memorialised the Government for the revision of Regulations for the improvement of the conditions of service, in view of its importance as a service. The improved conditions of the service had the effect also of attracting a better and more educated class of Indians. Side by side, attempt was made to draw the line more distinctly between the covenanted and uncovenanted branches. When a Commissioner (one Mr. Ricketts) was appointed about this time to go into the question of the revision of civil salaries and appointments, he laid special emphasis on this point. In the concluding paragraph of his minute, Mr. Ricketts wrote :—" The steps necessary in this matter, are, first the revision of the list and the transfer of every office, or class of offices which it may be considered right to reserve for the covenanted service, to the list styled ' Exclusively Civil,' secondly, the modification of the Act 33 Geo. III, Cap. 16, which rules that all vacancies happening in any offices, places or employments in the civil line of the Company's service in India, being under the degree of the Councillor should be from time to time filled up and supplied from among the civil servants of the said Company belonging to the Presidency wherein such vacancies shall respectively happen, *and the enumeration of the offices which shall be exclusively filled by covenanted servants, and shall not be bestowed on any other class except on temporary emergencies when covenanted officers will not be available,* and thirdly, should the doctrine of payment according to race prevail, a declaration of the percentage by which the salaries now

adjusted shall be decreased when an office may be bestowed on a person of European descent born in India, or an East Indian, or a Christian Native, or a Hindoo or a Mahomedan Native."¹ The suggestions, however, did not receive the sanction of the Government. But the distinction came to be officially recognised, as is evident from the appellations being mentioned in official documents such as Despatches and Resolutions of Government. The definition given to it in the pension code was:—"An uncovenanted officer is a public servant not belonging to the Covenanted Civil Service, the Native Civil Service or the Army."² It finally disappeared on the recommendations of the Public Service Commission of 1886-87, when the Services were reorganised on new lines at different stages as Imperial, Provincial and Subordinate.

(3) *Increasing Entry of Indians into Services*

Another special feature of the service organisation of the period which is very much connected with the one just considered, is the increasing entry of Indians into the administration,—at the beginning only in inferior positions, but later even in more responsible ones. This tendency gained momentum as time went by, and as will be seen later, culminated in the demand for self-government, that is, not only increasing employment of Indians, but complete transfer of responsibility from European to Indian hands. As a matter of fact, the major portion of the uncovenanted posts were held by Indians, though there was no such requirement. This was forced by sheer necessity,—on the one hand, due to the inadequacy of the covenanted service to cope with the increasing volume of work, with the growth

¹ Quoted in an article *The Uncovenanted Service* in 'Calcutta Review,' Vol. XXXVI (1861) (Italics ours).

² *Vide* evidence of E. Jenkins, Parl. Paper, Vol. XIII of 1890.

in the 'complexity of administration in the fast expanding territorial possessions, and on the other hand, to considerations of economy.¹ Even Lord Cornwallis who pursued deliberately a policy of excluding Indians was forced to admit Indians in minor positions of the revenue and judicial lines from these considerations which received additional force during the opening years of the nineteenth century. In the twenties many of the Indian statesmen and even the Court of Directors insisted on the acceptance of a policy of employing Indians in new positions, enlarging their powers and also equipping Indians for the discharge of the responsibilities imposed upon them—which meant a reversal of the policy of Cornwallis. Mr. Bayley, an important member of Bentinck's Government, exposed the shortcomings of the policy of Cornwallis in a Minute, dated November 5, 1829, pointing out the inevitability of the introduction of the Indian element, particularly in the judicial administration. "It was the principle of Lord Cornwallis's system," he wrote, "to provide for the administration of civil as well as criminal justice, by the almost exclusive agency of European functionaries. The districts into which the country was parcelled out were far too extensive and too populous to be successfully superintended by the individuals to whose charge the judicial administration

¹ We may quote in this connection some observations made by the Civil Finance Committee appointed by Lord Bentinck's Government to devise ways and means of economy in administration in a letter to the Governor General in Council on the 12th of July, 1830.—"It will be seen hereafter that in the Judicial and Revenue branches, the arrangements we propose are founded mainly on the principle of substituting native for European agency in the courts of primary jurisdiction, and in the conduct of details. The expediency of acting upon this principle, we are happy to believe, is now generally admitted, and experience having shown that in no other way can the charges of administration be kept within moderate bounds, a regard for economy would alone suggest the policy of gradually raising the functions and enlarging the emoluments of our native fellow subjects, even if there were no higher considerations to induce the adoption of the measure."

Vide Parl. Paper, VIII of 1831-32, App. III.

was entrusted ; It is obvious that we began by aiming at more than could possibly be accomplished ; that the expectation of being able to carry on the administration of justice, civil and criminal, by European agency, was utterly fallacious ; that no addition of numerical strength to the European portion of the judicial establishments, which the public finances can at present afford, will do more than yield a partial or temporary relief ; that we must necessarily look to the still more extended employment of natives (subject to European superintendence) if we desire to secure a moderately prompt and efficient administration of civil justice. It is true, as stated in the Letter to the honourable the Court of Directors, under date the 5th of October, 1826, that the system, when originally introduced in the year 1793, was ill-calculated to encourage the formation of a class of natives, qualified by their education and character to fill high and responsible situations in the administration of justice throughout the country. They were employed at first either in matters only of very inferior importance, or under the immediate eye of the judges ; but as the necessity of having recourse to their assistance became more and more obvious, the original principle was gradually departed from and an establishment of native judicial officers has consequently grown up, who already exercise very considerable powers." He further pointed out that the trust reposed in them had been well vindicated. " At the present moment," he wrote, " a very considerable proportion of the administration of civil justice is actually entrusted to them ; and the mode in which they have very generally discharged their duties encourages their still further employment. Referring to the testimony which has been borne in their favour by many of the authorities to whom they are subordinate, it is hardly too much to say that in the districts where, comparatively speaking, the inhabitants enjoy the

benefit of an efficient administration of civil justice, it is ascribable in a very extensive degree to the instrumentality of those officers." He pleaded for the employment of natives on grounds of policy besides those of expediency, as in his opinion, 'such an arrangement will serve to attach to us that influential class of natives who are most eminent for education and talents.' Sir John Malcolm also was of the same way of thinking. As Governor of Bombay, he wrote a minute on the question on November 10, 1830, in course of which he wrote as follows¹ :—

"A twelvemonth nearly has elapsed since almost all original civil suits were made over to natives, and there have neither been any complaints nor charges of delinquency to throw a stain upon the equity or purity of their proceedings. I am quite satisfied that, if they are liberally paid, and have proper incentives to action, in the prospect of honourable rewards, there cannot be the slightest doubt of the complete success of this measure. It is recognised by the higher classes as a boon, and while their pride is gratified by the confidence Government reposes in them, that confidence must aid in producing the virtue and integrity which it anticipates."

Mr. J. H. Harington in a Minute, dated June 18, 1823, drew pointed attention to the inadequate number of covenanted servants of the Company for the execution of the public duties appertaining to the internal administration of the country, especially in the Revenue and Judicial Departments, and pressed for its increase. The Government also in a letter to the Court, dated the 3rd of July, 1823, made the same demand. In their reply, dated July 23, 1824,² after detailing the measures

¹ *Vide App. IV to Parl. Paper, Vol. XII of 1831-32.*

² *Vide App. IV to Parl. Paper, Vol. VIII of 1831-32.*

already taken to meet the demand for additional civil servants, the Court pointed out that as the Act of 1813 (clause 46) required that no writer could be appointed after the 10th of April, 1814, who had not put in four terms in the Haileybury College, it was not possible to comply with their request immediately. As a way out of the difficulty, the Court urged upon the Government the advantage and necessity of more extensive employment of native agency in the judicial department under European supervision. They wrote :—" But whatever may be the urgency for increasing your European civil establishment and to whatever extent it may be found necessary to carry that increase, we cannot let the present opportunity pass without again inculcating that which we have endeavoured to impress upon you on various occasions in the course of the last ten years, viz. the advantage and necessity of a more extensive employment of native agency in the Judicial Department of the service. The Regulations passed by you with this object in the beginning of 1821 have our cordial approbation. We are satisfied, that to secure a prompt administration of justice to the natives of India in civil cases, native functionaries must be multiplied so as to enable them to dispose in the first instance of all suits of that description, and, as appears to us, without regard to the amount at stake ; their decisions being of course liable to revision under appeal, where this check may be deemed indispensable....."

Against the charge that Indians could not be trusted with administrative responsibility they made a vigorous defence saying that they had already been trusted and found satisfactory. At the same time they stressed the need of paying them adequately. " When we place the natives of India in situations of trust and confidence, we are bound under every consideration of justice and policy to grant them adequate allowances : We have no right

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to calculate on their resisting temptations to which the generality of mankind, in the circumstances, would yield. But if we show a disposition to confide in them, and liberally to reward meritorious services, and to hold out promotion to such as may distinguish themselves by integrity and ability, we do not despair of improving their characters, both morally and intellectually, and of rendering them the instruments of much good."

Apart from the ground of expediency another factor that independently played an important part in stimulating the movement towards the increasing employment of Indians in public services was the change in the angle of vision of the authorities towards their obligations in India.¹ Up to the second decade of the nineteenth century the attitude of the authorities at home towards Indian possessions was one of imperialistic exploitation for the benefit of the rulers. Even the care and attention bestowed on perfecting the internal administration was prompted more by selfish motives of gain than solicitude for the welfare of the governed. But perhaps the failure of this predominantly commercial policy in America, coupled with the realisation of the fact that the Company as the paramount ruling power in India had a responsibility for the moral and material welfare of the people placed under their government, led to a re-orientation of their policy towards India.²

The rise of liberalism in England at that time might have also contributed to the same end. Just at this time there came to India a band of scholar-statesmen like Elphinstone, Malcolm, Holt Mackenzie, Sir Charles Metcalfe and others who were saturated with liberal thought

¹ Vide in this connection Article VII in *Calcutta Review*, Vol IX.

² R. Muir observes :—"The realisation of the fact that Britain was now responsible for the government of all India led men to take a new view of the functions of government. It helped to give birth to new political aims and a new and deeper sense of responsibility for the welfare of the Indian peoples."

[R. Muir, *The Making of British India*, (1923) Ch. VIII, p. 278.]

and who in turn transmitted it into the spirit of the Indian administration. All of them favoured a liberal policy in administration conceived in the interest of the people and advocated extensive employment of natives and giving them the benefits of education. This can be illustrated from some of their statements. For instance, Holt Mackenzie observes in course of a Minute, dated October 1, 1830¹ :—

“ Nothing can be more striking than the scorn with which people have been practically treated at the hands of even those who are actuated by the most benevolent motives ; for, since the world began, there is probably no example of a government carrying the principle of absolutism so completely through the civil administration of a country, if that can be called civil which is in its spirit so purely military ; nay, which sets the people aside in the management of their own concerns much more than the *sepahes* in the government of the army. The principle pervades every act, from the highest exercise of legislative power to the appointment of the meanest public officer.” Another of this group of administrators, Sir Thomas Munro, as Governor of Madras, seems to have held the view as early as 1824 that the ultimate justification of British rule in India would be that under its guidance the Indian peoples should be gradually enabled to govern themselves. This is a far cry indeed from the imperialist policy of Hastings, Cornwallis and Wellesley. He wrote :—“ We should look upon India, not as a temporary possession, but as one which is to be maintained permanently, until the natives shall have abandoned most of their superstitions and prejudices, and become sufficiently enlightened to frame a regular government for themselves, and to conduct and preserve it. Whenever such a time shall arrive, it will probably be best for both countries that the British

¹ App. III to Parl. Paper, Vol. VIII of 1831-23.

control over India should be gradually withdrawn. That the desirable change contemplated may in some after age be effected in India, there is no cause to despair. Such a change was at one time in Britain itself at least as hopeless as it is here. When we reflect how much the character of nations has always been influenced by that of governments, and that some, once the most cultivated, have sunk into barbarism, while others, formerly the rudest, have attained the highest point of civilisation, we shall see no reason to doubt that if we pursue steadily the proper measures, we shall in time so far improve the character of our Indian subjects as to make them able to govern and protect themselves." ¹

On the 27th of April, 1827, he wrote in a Minute arguing for the promotion of natives to higher offices as follows :

"We ought to look forward to a time when Natives may be employed in almost every office, however high and we ought to prepare them gradually for such a change, by entrusting them with higher duties from time to time, in proportion as experience may prove their being qualified to discharge them.

"The employment of Natives in high offices, will be as much for our own advantage as for theirs it will tend both to the economy and efficiency of the administration of public affairs. Every time that a native is raised to a higher office than had before been filled by any of his countrymen, a new impulse will be given to the whole establishment ; the hope of attaining the higher office will excite emulation among those who hold the inferior ones, and improve the whole."

¹ Quoted in R. Muir, *The Expansion of Europe* (6th Edition), Ch. VI, p. 101.

Whatever the causes, the fact remains that there was a marked change in the policy of British rule in India, which was visible in measures for the moral and material uplift of the natives of India. This found concrete expression not only in the increasing measure of employment of Indians, but also in the adoption of a conscious policy of education and various measures of social reform. Above all, the experiment of employing natives in inferior positions, which was forced by necessity even in the previous period, as we have seen, also proved quite successful and encouraging in its results which is clearly admitted by many persons connected with the administration in their evidence before the Parliamentary Committees of 1830 and 1852. It was, therefore, hoped that given good facilities in the shape of education and adequate salaries, they could be entrusted with positions of higher responsibility.

Promotion of Education among Natives as a Part of the Policy of Employment of Indians

The adoption of a deliberate policy of imparting education to Indians was perhaps inspired by complex motives, but that one of the chief motives was to secure a supply of Indians fitted for manning the administration is beyond doubt. It is also true that the influence of liberal thought played no less significant a part in the matter. Any way, the policy was officially recognised by the Act of 1813 (53 Geo. III, C. 155, Sec. 43) in assigning a sum of not less than one lakh of rupees annually out of the surplus of territorial revenues of the Company for "the revival and improvement of literature and the encouragement of the learned natives of India and for the introduction or promotion of a knowledge of the sciences among the inhabitants of the British territories in India." Accordingly the Court ordered the several Governments

to devise some plan for the instruction of the people in useful sciences. Educational institutions began to spring up, but as yet no well-thought-out plan was devised to impart education on right lines or to co-ordinate the educational efforts of the Government towards a definite end.

The first attempt in this direction was the formation of a General Committee of Public Instruction composed of civil servants, about the year 1823, at the Presidency with the object of "considering and from time to time submitting to Government the suggestion of such measures as it might appear expedient to adopt with a view to the better instruction of the people, to the introduction among them of useful knowledge, and to the improvement of their moral character." The disbursement of the educational grant under the Act of 1813 was entrusted to this Committee which began to exercise control over the institutions receiving Government aid. Very soon the Committee split up into two sections over the question as to the lines on which education should be imparted to natives. These two parties to the controversy are commonly referred to as the 'Orientalists' and the 'Anglicists.' The former wanted to continue the policy of pursuing the existing course of instruction and gradually engrafting European science thereon, while the latter proposed to divert all funds spent on oriental studies to imparting to Indians literary and scientific education through the medium of English. The latter school believed in the "infiltration theory," or the saturation of masses by the limited class receiving English education. Both schools were agreed, however, that the vernaculars of the country contained nothing that was necessary for a liberal education. The Anglicists headed by Macaulay at last won the day. The famous minute, dated 2nd February, 1835, of Macaulay as chairman of the Committee, forms an epoch in the educational history of the country, as laying the foundation of western

education. It was accepted by Lord Bentinck's Government in a Resolution, dated the 7th of March, 1835, in course of which he wrote :—" His Lordship in Council is of opinion that the great object of the British Government ought to be the promotion of European literature and science among the natives of India; and that all the funds appropriated for the purposes of education would be best employed on English education alone." The Directors also approved the change, because from motives of economy as well as reasons of policy they wanted a good supply of Indians who had received western education in the public services. This marked a turning-point in the course of Indian education. Before 1835, the educational institutions with one or two exceptions were oriental in character and the medium of instruction was also oriental. No funds were available for the propagation of English education and the diffusion among people of useful knowledge. Henceforth indigenous institutions were left to their fate depending on private support alone and all Government funds were diverted to institutions imparting western education. But more active support was given to institutions of the latter type in another way. A policy was adopted of making education received in these institutions the passport to government service. The practice of giving preference to educated persons in the matter of public service had begun even earlier, but now a premium was placed upon English education, thus indirectly discouraging oriental studies. At the time of the institution of the General Committee of Public Instruction, for instance, the aims of the Government's educational policy were set forth clearly in a note of the Territorial Secretary as follows¹ :—

" The first step is to settle the ultimate object to be aimed at. For otherwise we may debate about

¹ *Vide Secretary's note in Bengal Revenue Consultations, dated 17 July, 1823. (Range LIX, Vol. 45, I. O. R.)*

the means without end. It is not then the wish of the Government that the people should be merely taught what is necessary to make them expert agents of the civil administration of the country as now administered. It is not desired to keep from them any species of knowledge that can enlighten their minds or improve their moral feelings..... To keep the people weak and ignorant that they may be submissive is a policy which the Government decidedly reject etc. etc."

The policy of giving to persons who had received education preference in public employment was first applied in the judicial line. Early in the year 1825 the Bengal Government, on receipt of a communication from Madras, considered a proposal for encouraging education among the natives of India by a Regulation directing a preference for public employments in the courts of justice of persons duly certified to be of competent learning. The Government eventually directed the judges of the different courts, in selecting pleaders for their respective courts, to give preference to those persons who should produce certificates of their acquirements, and to recommend for such certificates such individuals as appeared to them best qualified for the office, which certificates the Committee of General Instruction was empowered and directed to grant, after due enquiry, in all cases. In August, 1826, the Bengal Government had again under its consideration the proposal to make literary attainment the condition of appointment to the law stations in the courts and of permission to practise as law officers in those courts.¹ In pursuance of

¹ I am indebted for all the information on this head to the writer of an article titled *Memoir on Education of Indians* in "Bengal—Past and Present," Vol. 18. That memoir purports to be compiled from Records in the East India House in pursuance of a Minute of the Committee of Correspondence of 7 February, 1826,

this object, a Committee of Examinations at the Presidency was appointed and a Regulation (XI of 1826) was passed. The following rules were also passed for the guidance of the Committee and embodied in the Regulation :—

1. The Committee was to act under the orders of the Government in the Judicial Department.

2. The appointment and removal of law officers in the several courts were to be made by the Government on the nomination of local offices.

3. All nominations to such situations were to be made from amongst the number of candidates possessing suitable certificates.

4. Whenever a vacancy might occur from death, resignation or otherwise, in the station of law officer of a Zillah or Provincial Court or of the Court of the Dewani Sudder Adawlat, the appointing authority was to report the circumstance to the Committee of Examinations, who after proper examination were to use their discretion in issuing certificates.

5. In cases where no candidate possessing that testimonial or willing to stand the prescribed examination was forthcoming, or those applying for the examination had failed, it would be the duty of the court to apply to the local Committee of the nearest Government College or to the Committee of Public Instruction at the Presidency to recommend a duly qualified successor. In course of a letter, dated the 5th of September, 1827, in reply to Bengal Government's letter of July 30, 1823, intimating the appointment of a General Committee of Instruction, the Court remarked, among other things:—

“Adverting to the daily increasing demand for the employment of natives in the business of the

and to be reprinted from Appendix I of the Report from the Select Committee of the House of Commons on the Affairs of the East India Company on the Renewal of its Charter, about 1831-32.

country, and in important departments of the Government, the first object of improved education should be, to prepare a body of individuals for discharging public duties. It may, we trust, be expected that the intended course of education will not only produce a higher degree of intellectual fitness, but that it will contribute to raise the moral character of those who partake of its advantages, and supply you with servants to whose probity you may, with increased confidence, commit offices of trust."¹

They also approved the instruction sent by the Government to the courts regarding the selection of individuals for public offices in the Judicial Department. In their next letter to Bengal on this subject written on the 29th of September, 1830, the Court, after reviewing with approval the progress already made in the measures for the education of natives, approved, in particular, of the rules, as noted above, regarding examination as the basis of appointment to law stations in courts. In this letter² also they stressed the object of native education as being to raise a class of natives qualified to fill public offices.

Again on December 10, 1834, the Directors informed Bentinck's Government that every effort must be made to enable natives of India to compete for the public service with a fair chance of success 'whether by conferring on them the advantages of education, or by diffusing among them the treasures of science, knowledge and moral culture.'³

¹ Judl. Letter to Bengal, dated 5 September, 1827, in *Bengal Despatches*, Vol. 105, I. O. R.

² Letter to Bengal, dated 29 September, 1830 in *Bengal Despatches*, Vol. 114.

³ Public Despatch to Bengal and India (No. 44), dated 10 December 1834. See also *Cambridge History of India*, Vol. VI, Ch. VI, "Education and Missions to 1858," by Sir H. V. Lovett, p. 111.

In 1844 Lord Hardinge's Government reaffirmed the same principle. With the progress of education since the adoption of the new policy by Lord Bentinck the prejudice against the employment of Indians in public service was consistently dying out, and a feeling was growing at the same time that the seminaries aided by the Government ought to be made the nursery of the public service, so that the Government might reap some return from the immense expenditure it made on them. It was this feeling which inspired Hardinge's notification of October 10, 1844. Originally the notification proposed to introduce into the public service students of all institutions, those depending on Government as well as those maintained by private enterprise. But within a few months this was superseded by another resolution laying down a scale of qualifications or rather a rule of examination which practically shut out students of private institutions. The original intention of Lord Hardinge was that the heads of the various institutions and colleges should send in a return every year of their best students which should be forwarded to the officers in the interior of the country, in order that when situations, which they were competent to fill, would fall vacant they might be given to these men.¹ There was no intention of making any distinction between students of one institution and another, as is made clear in the following remarks of the Deputy Governor, Sir T. H. Maddek, in a speech delivered in Town Hall, Calcutta, on March 24, 1847 :—"The object of the Government is to secure for its use the services of the most distinguished talents. It is not its object to patronize one institution in preference to another. The ablest man, wherever educated, is he who should stand first on the list of candidates for public employment. The object of diffusing a taste for

¹ *See evidence of J. C. Marshman, dated 21 July, 1853.*

Answers to Questions 8606-11 in P. P., Vol. XXIX of 1852-53.

education, by rewarding with Government employment those who are best educated, and the object of obtaining for Government employment the best educated individuals, must be secured in concert. They must stand or fall together.”¹ The last few lines give a clear indication of the educational policy of the Government at the period. Within a short time, however, examinations for entry into public service were instituted by the Council of Education which gave a decided advantage to the students in Government institutions. This raised a storm of protest in many quarters and was disapproved even by the Court of Directors. However that might be, what is important for our purpose is that English education was made the passport to Government service. The same policy was reiterated even in Sir Charles Wood’s Educational Despatch (No. 49) of July 19, 1854,² which shows that the policy was consistently followed throughout the period. In paragraph 3 of the Despatch he writes :—“ We have moreover always looked upon the encouragement of education as peculiarly important, because calculated not only to produce a higher degree of intellectual fitness, but to raise the moral character of those who partake of its advantages, and so to supply you with servants to whose probity you may with increased confidence commit offices of trust 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.” The principle of employment of Indians wherever practicable in the view of the authorities at the time, or rather the removal of disqualification of natives for holding public offices on the score of birth found statutory recognition in the Parliamentary Act of 1833 (clause 87). It did not

¹ Quoted in *General Report on Public Instruction in the Lower Provinces of Bengal from May 1, 1848 to October 1, 1849*, in *Calcutta Review*, Vol. XV (1851).

² *India and Bengal Despatches*, Vol. 87 (I.O.R.).

mean of course any material advance in the matter of Indian employment, but it had a significance, all its own, in so far as the Legislature formally recognised the right of Indians along with Britishers to hold appointments for which they would be otherwise qualified. In the words of the Court of Directors ¹—"there shall be no governing caste in India, that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number." The steps that were subsequently taken to translate into practice the full implications of this clause will be discussed later. The liberal policy initiated by Lord Bentinck in regard to the employment of Indians was followed up consistently throughout this period, and on the eve of transfer of administrative responsibility from the Company to the Crown not only were the services in the inferior grades practically monopolised by educated Indians, but the path was paved for their entry into the superior services by removing the practical obstacles in the way.

Development of the Structure and Organisation of the Services

We shall now briefly trace the development of the structure and organisation of the civil services during the period, and here we may note what we have already said that the changes were not at all fundamental in character. The administration was run at all stages by the two main divisions of the civil service, referred to above, i.e. the covenanted and the uncovenanted, besides a sprinkling of military officers mainly in the Non-Regulation areas. There were originally three different administrative units, Presidencies as they were called, to which were added new administrations as new territories were acquired and the Presidencies became

¹ *Vide Public Despatch to Bengal and India of 10 December (No. 44 of 1834), para. 145, for the Directors' exposition of clause 87 of the Act of 1833.*

overgrown as single administrative units. Thus the N.-W. Province and the Punjab were carved out in 1836 and 1849 respectively as separate administrations from the overgrown Presidency of Bengal. By the Act of 1833 a separate central Government was instituted distinct from the Government of Bengal, with powers of superintendence, direction and control over all the local administrations, although the Governor-General of India for the time being presided over the Government of Bengal also, pending the appointment of a separate executive head for Bengal. The Government of India, apart from the task of superintendence, had also under its charge the direct administration of certain areas. It took some time to complete the separation of the governmental organisation of the central Government from that of Bengal. So far as the local administrations were concerned, their organisation was on parallel lines, with differences in details. The main branches of the Service based on different types of business, after the regime of Cornwallis were—(1) Commercial, (2) Revenue, (3) Judicial, and (4) Political. Of these the Commercial branch was consistently shrinking with the loss of its importance, until after 1833 it disappeared altogether with the abolition of the commercial functions of the Company. Till then its organisation continued unchanged as left by Cornwallis. The Revenue branch happened to be regarded as the most important, as the greatest importance was attached to the revenue administration to the neglect of everything else. It was Lord Cornwallis who first emphasised the importance of efficient administration of justice and laid the foundation of a judicial service separate from the revenue. But still the Revenue branch continued to be the most important inasmuch as it was concerned with revenue collection on which depended the financial stability of the Company. The Political branch carried on the diplomatic work, which gradually grew in importance with the ascendancy of the

Company as a political power. When the central Government was instituted, this branch came under its control. In each of these departments the superior posts, i.e. positions of superintendence, direction and control, were held by the covenanted servants, while the inferior positions were held by the uncovenanted branch which was becoming increasingly manned by Indians. We shall now attempt a description of the organisation of the services at different levels.

The supreme authority of the central Government and of each unit consisted of the Governor-General, the Governor or the Lieutenant Governor, as the case might be, as the head of the administration, usually assisted by an executive council consisting of the seniormost covenanted servants. The Governor-General and the Governors of the Presidencies were as a rule imported direct from home, but other heads were appointed from the covenanted service. On some occasions covenanted servants temporarily acted as Governor-Generals and Presidency Governors also. The Governments at the headquarters were assisted in each case by a Secretariat staff. The Secretariat originated in Bengal from very small beginnings and developed with the increase both in the volume and complexity of administration. The same thing happened in local administrations as well. Although a separate central Government was created in 1833 out of the Bengal Government, the Secretariat organization remained the same for both till 1843. The organisation of Departments and necessarily of the Secretariat under each of the Governments underwent various changes from time to time with exigencies of administration, although the development followed more or less the same lines. For instance, when Hastings first organised the Government of Bengal on a territorial basis in 1772, only one Secretary was appointed as Clerk of the Council together with a Persian translator. Under

Lord Cornwallis, three Sub-Secretaries were appointed for three distinct Departments called Public, Secret and Revenue. In Lord Wellesley's time (1798-1805) several changes were made in Secretariat arrangements. The number of Departments was increased to four, called—(1) Secret, Political and Foreign (with which the Persian Translatorship had been merged); (2) Public; (3) Revenue and Judicial; (4) Military.¹ Each of these was under the charge of a Secretary. The Clerk of the Council came to be styled as the Chief Secretary exercising supervision over all the Departments and the Secretaries. During Lord Bentinck's administration (1828-35), the number of Departments under the Chief Secretary increased to not less than six—(1) Secret and Political, (2) General and Foreign, (3) Military, (4) Judicial, (5) Persian, (6) Territorial. In Lord Auckland's time (1836-42), the office of the Chief Secretary was abolished and the number of Secretaries was reduced to three, but again increased to four, viz. (1) Secret, Political, Legislative, Judicial, Revenue; (2) General; (3) Financial; (4) Military. The whole Secretariat was reorganised by Lord Ellenborough upon lines substantially retained throughout the period under review. It was at this time that distinct secretariats were set up for the Governments of Bengal and India. For the central Government he formed four departments, called Home, Finance

¹ After Wellesley some minor changes took place in the departmental and Secretariat organisation. In 1809 the Revenue Department was separated from the Judicial and added to the Financial and Separate

(*Vide* Letter from Bengal to Court, dated 24 February, 1816, paras. 51-68)

In 1815 a Secretary to the Government in the Territorial Department was created, the Department comprehending the Financial and the Revenue branches. The latter undertook the salt and opium business so far managed by the Secretary to the Government in the Public Department. The Court in their Public Letter to Bengal, dated 8 April, 1819, disapproved the separation of the Revenue and Judicial Departments and recommended the abolition of the office of the Secretary to the Territorial Department and also the reunion of the two Departments under one Secretary to be assisted by one Assistant Secretary.

Foreign and Military, each under a Secretary, with Assistant and Junior Secretaries. The growth of Railways during Lord Dalhousie's regime led to the creation of another department, *viz.* the Public Works Department. Slowly each Province built up its own Secretariat. Each Province had a number of departments, organised more or less on uniform lines, *e.g.* the Departments of Public Works, Police, Jails, Education, Medical, Forest, etc. Each department was manned by a special staff, subordinate to a chief official at the headquarters. The Member of the Government in charge of a Department was assisted, as now, by a Secretary with one or two Assistant Secretaries with a subordinate staff. The Secretaries were recruited from the senior members of the covenanted service, while the subordinate staff from the uncovenanted branch.

Coming to the service organisation in the interior, the Revenue and Judicial Departments were the most important ones and absorbed the major part of the services. There was no clear-cut separation between the two either, some of the offices combining both revenue and judicial business. The Revenue systems in all the provinces were not organised on uniform lines. The system of Permanent Settlement introduced by Cornwallis in Bengal, although introduced in some new areas like Benares, parts of Oudh and the Northern Circars, was declared unsuitable for other newly acquired territories after detailed investigation carried on in Madras and the Upper Provinces. So except in Bengal and a few areas outside Bengal the system of temporary settlement with variations in tenure was adopted in all other provinces. The land revenue organisation of the different provinces was on the same lines with slight modifications in details. Cornwallis constituted, as we have seen, the Board of Revenue at the Presidency as the final authority in all revenue matters over the whole of Bengal. After the abolition of the Provincial Councils

of Revenue, there ceased to exist any intermediate agency between the central authorities and the Collectors in the districts till 1829. Boards of Revenue were organised for Madras and the North Western Provinces also, as the administration in those provinces was organised and new systems of Settlement adopted. In Bombay instead of a Board there were set up the posts of two Revenue Commissioners acting immediately under the Government. By Regulation III of 1822 three distinct Boards of Revenue were instituted in Bengal,—one for the Lower, one for the Central, and another for the Western Provinces. This innovation was, however, temporary. In 1829 the powers of these local Boards were made over to the newly created Commissioners of Revenue and Circuit, combining revenue, judicial and police functions, who still continue as merely “Commissioners” of Divisions (or regions composed of several districts), in all provinces except Madras. The Collectors were assisted by a subordinate staff of native officials. But as the burden of responsibilities of the district officers increased, the necessity was felt for the creation of a set of responsible native officials to assist the Collectors in their work. For this purpose the office of Deputy Collectors was instituted by Regulation IX of 1833 and of Deputy Magistrates in 1843. The Collector assigned to them duties in connection with settlement operations, superintendence of the management of Khas Mahals and any other part of his duties, and the Deputy Magistrates were to assist the Magistrates in their criminal jurisdiction.

District Administration

Since Cornwallis's time the district came to be the unit of administration and so it has remained to this day; only the number of districts has gone on increasing not

only by the addition of new districts but by the readjustment of boundaries also. After Cornwallis the important officers in the district were the Collector and the Judge-Magistrate. The latter officer not only presided over the civil court of the district but exercised criminal jurisdiction as magistrate, having also control over the police of the district. In point of rank and precedence he was superior to the Collector. Each Judge was assisted by a Register¹ and one or more assistants from the junior men of the covenanted service. The post of Superintendent of Police was instituted for the three Divisions of Calcutta, Dacca and Murshidabad, by Regulation X of 1808 and was extended by another Regulation (VIII of 1810) to the Upper Provinces (Patna, Benares and Bareilly). These officers were to have concurrent jurisdiction with the several Zillah and City Magistrates and to be subject to the authority of the Sudder Criminal Court in all matters relative to the Police and guided by their instructions. These offices were abolished by Regulation I of 1829, their duties being transferred to the Commissioners of Revenue created thereby. The post was again revived in 1837, when by Act XXIV of 1837 the Government was empowered to appoint a Superintendent, and in such case the Commissioner was to cease to exercise any powers in regard to magistracy and police and a single Superintendent of Police was appointed for

¹ The office dates back to 1794, when under a Regulation (VIII of 1794) Zillah and City Judges were empowered to refer to their Registers, usually junior covenanted servants, suits for money or personal property not exceeding 200 sicca rupees and in cases not exceeding the value of Rs. 25 the decision of the Register was deemed final, subject to revision by the Judge. In 1814 the Governor General in Council was empowered to invest Registers of tried ability in special cases with jurisdiction to try appeals from Munsifs or Sadrs. Amins or original suits exceeding Rs. 500 in amount or value as might be referred to them by the Judges (Sec. 9 of Reg. XXIV of 1814). The Register's office was finally abolished in 1831 by Reg. VII of that year.

(*Vide Introduction to the Regulations of the Bengal Code*, by C. D. Field (1912), Ch. IV, pp. 189-91.)

Bengal with limited jurisdiction, but it was again abolished in 1854.

The system initiated by Cornwallis under which magisterial duties were vested in Zilah and City Judges were soon found to be defective, because it led to terrible congestion of business. The charges of the Judges were too big for a single man to manage and cases went on accumulating, resulting in inordinate delay in dispensing justice. Such delay in justice led to an increase in crimes.¹ So the necessity was early felt for giving relief to these officers by lightening their burden. As early as 1810 a Regulation (XVI of 1810) was passed giving authority to the Government to appoint persons other than the Judges as Magistrates. The Governor-General in Council was authorised to direct in such cases whether the Judge should not exercise a concurrent jurisdiction as Joint Magistrate and to invest the Magistrate of any city or zilah with concurrent authority as Joint Magistrate in any contiguous district and also to appoint an Assistant Magistrate, in any city or zilah, who was to be subordinate to the Magistrate in the district, in the discharge of his official duties. Next, by Regulation IV of 1821 the Governor-General in Council was empowered, whenever it might appear expedient, to invest Collectors of revenue with powers of Magistrates and to entrust Magistrates with the power of collecting revenue. But it does not appear that the provisions of these Regulations were actually much utilised till Bentinck transferred the magisterial jurisdiction of Judges to the Collectors in 1831. Bentinck advocated the measure on still another ground, *viz.* the expediency of creating an authority in the district superior to all others. In a Minute, dated December, 10

¹ *Vide* in this connection Letter from the Court to Bengal, dated 30 March, 1831, dealing with police and the state of crimes in the Lower and Western provinces for 1827-28. It also gives statistics of various crimes from 1818 to 28.

1831, he remarked¹ :—" The recommendation, that I would the most strongly urge upon the Honourable Court is, that they would confirm and persevere in the system long since recommended by them to the Madras Government, upon the authority of Sir Thomas Munro, of uniting the appointments of Collector and Magistrate, of destroying the independence of each other of every officer employed in the same district, of making the Collector's a great office, consisting of deputy collectors and joint magistrates and assistants, subordinate to one head, and acting upon the same system. The public will then be saved from the evils of a continually occurring interregnum, from the succession of perfect strangers to all the concerns of the district."

So the offices of Magistrate and Collector were once again united in 1831. But the Court was not now very happy about the measure, although in 1814 they had advocated such a union.² In their Despatch of April 30, 1828, the Court sanctioned the appointment of separate magistrates wherever that arrangement might be absolutely necessary for the due administration of justice, but not in ordinary cases. Now, however, they were prepared to approve the union only in special cases. " We direct," they observed, " that in the existing Zillahs the ordinary European establishment consist of a Judge, a Magistrate and a Collector, each having his proper functions, with the requisite assistants. We do not mean to direct that this arrangement be carried into effect in every Zillah (for it may happen in particular cases that the union of the offices of Collector and Magistrate may be expedient,) but that it be considered as a general rule." The union of the office of the Magistrate with that of the Collector, however, effected in 1831 has continued

¹ *Vide App. M to Parl. Paper, Vol. IX of 1831-32.*

² *Vide Letter from Court to Bengal, dated 1 February, 1832, in App. I, Parl. Paper, Vol. XII of 1831-32.*

even to the present day except for a period in Bengal. In 1837 Lord Auckland got the Court to agree to the separation of the two offices as vacancies occurred, and by 1845 the separation was completed in all the districts. Thus in every district three different officers held three distinct charges,—the Judge in charge of administration of justice, the Collector in charge of revenue business and general administration, and the Magistrate in charge of criminal jurisdiction and control of police. The importance of the offices and the seniority of incumbents were also in the order in which they are named above. The Magistrates were appointed from the junior members of the service drawing an annual salary of Rs. 10,800 as compared with that of Rs. 23,000 and Rs. 18,000 respectively enjoyed by the two grades of Collectors. This gave rise to a good deal of debate. Some, like Sir John Peter Grant, upheld the arrangement while others, like Sir Frederick Halliday,¹ Dalhousie and Canning,² strongly criticised it and advocated the reunion of the offices, which was ultimately sanctioned by Lord Stanley, the Secretary of State, in his Despatch, dated the 14th of April, 1859, in course of which he directed³ :—

- “(1) That the offices of Magistrate and Collector, where now disunited in Bengal, should be combined in the same person, and that such of the covenanted officers as are now Magistrates, and are not absorbed in the higher office, should be employed as Joint Magistrates and Deputy Collectors, but without any decrease of salary; and (2) that the Joint Magistrate in each district should

¹ Halliday in a Minute written about the year 1838 pointed out that the combination of the duties of apprehending and prosecuting offenders with the judicial is much more objectionable and liable to criticism than the union of the offices of Magistrate and Collector. [Vide in this connection an article *Administration of Criminal Justice in Bengal* in “Calcutta Review,” Vol. VI (1846).]

² Vide Lord Canning's Minute, dated 18 February, 1857.

³ Vide *Report on the Administration of Bengal, 1911-12*, p. 46.

ordinarily have the superintendence of the police under the general control of the Magistrate."

These orders were quickly carried out and the district officer in Bengal once again became 'the man of all work.'¹ Eight independent Joint Magistracies were created in larger districts for the purpose of coping with crime and dacoity. Bentinck had also created two classes of covenanted officers subordinate to the District officer, viz. (1) Joint Magistrates and (2) Head Assistants. The post of the Joint Magistrate, which was filled by senior covenanted assistants, was created to give relief to the Magistrate and Collector. Latterly Joint Magistrates were given charge of subdivisions under the title of Subdivisional Officers. Assistant and Deputy Magistrates also were later on given charge of newly created subdivisions. In Bengal there were thirty-three subdivisions in all in 1856.²

The uncovenanted assistants of the District Officer were known under different designations, e.g. Deputy Collector and Deputy Magistrate in Bengal, Tahsildar in Madras and North-Western Provinces and Mamlatdar in Bombay.

Judicial System

The judicial system as left by Cornwallis practically continued unchanged except in some details till the reforms effected by Bentinck in 1829-31. The system was further extended to the 'ceded' and 'conquered provinces' and

¹ Fitzjames Stephen, in his *Minute on the Administration of Justice in British India* (No. 89 of Selections from the Records of the Government of India, Home Department, 1872), takes the view that the maintenance of the position of District Officers is essential to the maintenance of British rule, and that in order to maintain their position, judicial power in criminal matters must be left in their hands. This, in substance, was the argument of all those who supported the existing arrangement. [Vide C. D. Field, *Regulations of the Bengal Code* (1912), Ch. IV, p. 194(n).]

² Vide *District Administration in Bengal, 1818-58*, by Sir H. V. Lovett in 'Cambridge History of India,' Vol. VI, Ch. II.

as the Madras and Bombay Presidencies expanded, the judicial organisation there also was developed more or less on the same lines. Briefly it consisted of—(1) *Sudder Dewanny* and *Nizamut Adawluts* (or chief civil and criminal courts), (2) Provincial Courts of Appeal and Circuit presided over by European Judges, (3) twenty-three *zilah* and three city courts, each presided over by a single judge exercising also magisterial functions together with control over police, assisted by Registers appointed from junior covenanted servants and (4) Native Commissioners for the trial of civil suits, chosen from among the respectable native gentry. In criminal cases Mahomedan law was administered as modified by Regulations and in civil cases both Hindu and Mahomedan law as also the Regulations. Besides these courts, which were the Company's courts, there was the Supreme court at Calcutta which was a Crown's Court administering English law¹ with its jurisdiction limited to Calcutta and to all criminal suits in which European subjects were accused.

Sofar as the *Sudder Courts* were concerned, an important change in their constitution was effected by Wellesley in 1801. Under Regulation II of that year, the *Sudder Court* was to consist of two puisne judges, to be selected from the covenanted servants other than members of the Supreme Council, with such a member as the Chief Judge. The *Nizamut Court* was to be assisted by the head *Cauzy* and two *Muftees*. The reasons of the change as set forth in the preamble of the Regulation appear to be—(1) congestion of business due to the extension of territorial jurisdiction of the Court to the province of Benares in 1795 and also the preoccupation of the Governor-General and the members of the Supreme Council with various other public duties ;

¹ In Bombay also a Supreme Court was established in 1823 superseding the Recorder's Court.

and (2) the desirability of separating the judicial function from the executive and legislative. "It is essential," the preamble runs, "to the impartial, prompt and efficient administration of justice, and to the permanent security of the persons and properties of the native inhabitants of these provinces, that the Governor-General in Council exercising the supreme legislative and executive authority of the state, should administer judicial functions of Government by the means of courts of justice, distinct from the legislative and executive authority of the State; and....it is important to the honour and stability of the British Government, and to the happiness and prosperity of the native subjects of these provinces, that further provision should be made for the more effectual despatch of the proceedings of the said Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and that the exercise of the judicial functions of this Government should be more distinctly separated from the legislative and executive authority thereof." Thus reconstituted the Sudder Courts continued till their amalgamation with the Supreme Court into the High Court in 1862.¹ In 1831 Courts of Sudder Dewanny and Sudder Nizamut Adawlut were constituted for the Western Provinces, being stationed at Allahabad or any other place fixed by the Governor-General (Reg. VI of 1831).

So far as Provincial Courts and Courts of Circuit were concerned, they remained practically the same as constituted by Cornwallis except for minor changes in their number and size till they were abolished by Bentinck. In 1794

¹ By Reg. X of 1805 it was provided that the Chief Justice of the Sudder Dewanny Adawlut was not to be a member of the Council, but by Reg. XV of 1807 the old arrangement was restored. Under Regulation XXV of 1814 three years' experience as a Judge of the Provincial Court was laid down as a qualification for the office of the Judge of the Sudder Dewanny Court, which was at the same time given original jurisdiction in cases involving Rs. 50,000 or more. By Reg. XII of 1811 it was enacted that these Courts should consist of a Chief Judge and as many associate Judges as the Governor-General in Council might, from time to time, deem necessary for the despatch of business.

provision was made for forming two Courts of Circuit for each division to expedite gaol deliveries. One Court was to consist of a Judge, a Register and the *Kazi*, and the other of a Judge, an Assistant to Register and the *Mufti*, the third Judge remaining at Sudder Station (headquarters) by turn. In 1795 a Provincial Court of Appeal and Court of Circuit was established for the province of Benares. In 1803 another was established at Bareilly. The number of judges in all Provincial Courts was raised to four in 1814 by Regulation V of 1814 and in 1826 the Governor-General in Council was empowered to appoint as many judges as necessary for the despatch of business.¹ By Regulation XXV of 1814 three years' previous service as a Judge or Magistrate or six years' previous experience in civil or criminal judicial work was made a necessary qualification for the office of a judge of a Provincial Court. In 1808 the original civil jurisdiction of Provincial Courts was raised to suits of value exceeding the previous limit of five thousand rupees. In 1829 the powers and authority of the judges of the Provincial Courts in their capacity as Judges of Circuit ceased, being transferred to the newly created Commissioners of Revenue and Circuit.² Under provisions of Regulation V of 1831 for the administration of civil justice the Governor-General in Council was empowered to introduce them into any district at their discretion by an order in Council and, from the date fixed in such order, the Provincial Court was to cease to receive original suits and appeals. Finally in 1833 by Regulation II of that year the Governor-General in Council was empowered to abolish any Provincial Court. The power was immediately utilised to abolish the Provincial Courts. With the position of the Zillah Judge-magistrate we shall deal presently in connection with the Bentinck reforms.

¹ Reg. I of 1826 which was abolished by sec. 2, Reg. III of 1829.

² Secs. 3 and 5 of Reg. I of 1829.

As regards the Indian members of the judiciary, we have already seen that Cornwallis, in spite of his policy of Europeanising the services, was forced by necessity to introduce native commissioners in 1793, though with very limited jurisdiction. Throughout this period this element in the judicial line consistently increased both in importance and size. New ranks were added, the cadre of each rank was expanded, and increased powers were also given to each rank as days went on. The provisions of Regulation XI. of 1793 regarding native commissioners were extended to Benares in 1795. Amins, Salis (arbitrators) and Munsifs with jurisdiction limited to cases of value not exceeding fifty rupees were nominated by the Zilah Judges and approved by the Sudder Dewanny Court usually from the landed aristocracy. In 1803 similar provisions were extended to the ceded provinces and at the same time provision was made by Regulation XLIX of 1803 for constituting a new class of native judiciary, *viz.* Sadr. Amins to try suits for personal property not exceeding in value sicca rupees one hundred or for the property or possession of land or for any description of real property not exceeding in value the same amount, on reference by the Zilah or the City Judge. The nomination was not restricted to the landlord class, but was to be made from "persons of good character and known ability, as well as duly qualified by their education and past employments to discharge satisfactorily the trust reposed in them." Sadr. Amins were to be appointed only in such districts where there was a pressure of work. These officers and also Munsifs were not to be removed from their offices without sufficient cause proved to the satisfaction of the Sudder Dewanny Adawlut. In 1805 Hindu and Mahomedan law officers were declared to be Sadr. Amins by virtue of their office and the Sudder Dewanny Adawlut was empowered to appoint, in addition, two or more Sadr.

Amins, if required, to cope with the congestion of business.¹ In 1810 Zilah and City Judges were empowered to refer appeals from native Commissioners to Sadr. Amins for "investigation and decision." The increase in the pressure of work of the courts during the next decade rendered necessary further measures for the relief of the Zilah and City Judges. Hence in 1821 the number of Munsifs was considerably increased and the jurisdiction of Munsifs and Sadr. Amins was raised to suits involving Rs. 150 and Rs. 500, respectively.² The original jurisdiction of Sadr. Amins was further raised to Rs. 1,000 in 1827 and they were for the first time authorised to hear cases in which European British subjects, European foreigners and Americans were parties.³

Bentinck Reforms

Important changes were made by Bentinck in the administrative system of Cornwallis. These changes were brought about by two different causes—(1) defects revealed in the working of the system, (2) liberal policy of Bentinck in recognising the claims of Indians, which was to a certain extent stimulated by the shortage of European servants.

So far as (1) is concerned, we have already seen that to give relief to the overworked judges and for the more speedy disposal of justice, Bentinck provided for the transfer of magisterial duties from the Judges to the Collectors.

To institute a more systematic supervision and control of the executive, revenue and police work in the districts, and to improve the administration of criminal justice,

¹ *Vide* Regulation XV of 1805.

² Reg. II of 1821.

³ Regulation IV of 1827. The power to hear such suits was however taken away by Reg. V of 1831, but restored by Act XI of 1836.

Bentinck's Government decided to create a new class of officers styled "Commissioners of Revenue and Circuit."¹

Having reasons to apprehend the unsatisfactory nature of the control exercised over the executive revenue officers, the Governor-General directed the Secretary in the Territorial Department to report fully on the subject. The arrangement suggested in the Secretary's report corresponded in principle with the plan of a principal, with Subordinate Collectors such as was existing in the Madras Presidency, in the ceded districts, under Sir Thomas Munro, which had proved eminently successful.

In the opinion of the Governor-General there was advantage in keeping more distinct the controlling and the executive authorities, and further, the administration of civil and criminal justice, if not a complete failure, was so defective and inefficient as to demand serious attention. Both the Government and the Court agreed that the system then existing for the superintendence and control of the executive and fiscal authorities was far from satisfactory. Holt Mackenzie, the Territorial Secretary, in his Report observed :—"As recently expressed to me by a very intelligent officer, the vast majority of the Collector's acts, whether good or bad, 'is absolutely unknown both to the Board and the Government, and what does appear before them may, for aught they know, be either the result of the most laborious research, or of no research at all, but compiled by native officers, saving their European superiors all trouble but that of signature.' With the best possible system of control, indeed, it would be vain to hope for anything like the full truth.....But if we wish to come at all near it, we must compel our Collectors to master all the details of the work done by their subordinates,

¹ Vide Letter from Bengal to Court, dated 10 December, 1828, in App. III to Parl. Paper, Vol. XII of 1831-32

and to authenticate what they do by an actual trial and by a real appeal to the parties interested. For the above purposes, we must have a controlling authority of corresponding energy, and (as far as the difference in extent of jurisdiction allows) equally accessible to the people."

"If we would really establish an efficient system of control, the controlling and executive authorities should be kept distinct."

He thus advocated the idea of setting up individual officers in place of the existing Boards with purely supervising and controlling authority over Collectors in a few districts. The members of the Government, Mr. W. B. Bayley and Sir Charles Metcalfe also concurred in the plan with some suggestions of their own.¹ In the letter to the Court on the subject² of December 10, 1828, referred to above, Bentinck and his Government formulated their proposals on the subject. The remedy of the state of affairs then prevailing was, in their opinion, "to employ a considerable number of revenue commissioners vested with a controlling authority, each over a moderate tract of country and acting intermediately between the Collectors of districts and a general Board stationed at the Presidency." To secure effective supervision of executive officers and the due administration of justice, it was proposed to employ the same agency in superintending the Police and administering criminal justice under the authority of the Nizamut Adawlut. For this purpose the Commissioners were to be vested with the powers so long exercised by the Courts of Circuit. No change was proposed in regard to the position and powers of the district officers or the courts of civil justice beyond the separation of the

¹ Vide Bentinck's Minute and Holt Mackenzie's Report on the subject and also Minutes of W. B. Bayley and Sir Charles Metcalfe on the subject in App. III P. P., Vol. XII of 1831-32.

² *Ibid.*

criminal and civil jurisdiction of the provincial courts except in a few districts. It was proposed at the same time to abolish the office of the Superintendent of Police. The proposed arrangements of the Government of India were embodied in a Resolution¹ setting forth in detail the reasons therefor. The possible objection to combining in the same officers revenue duties and criminal jurisdiction was thus met in the Resolution :—" In both capacities the Commissioners will act as deliberative functionaries, entirely free from the haste and passion which may be supposed occasionally to influence the executive. In neither can they have objects to carry in the one Department through any perversion of their powers in the other. The proposed arrangement leaving untouched the jurisdiction of the civil courts does not break down any of the barriers which have been supposed to be necessary or useful for the protection of the people against the errors of the Revenue authorities." Far from being objectionable the arrangement was expedient and desirable, because the acquaintance with local conditions gained in connection with revenue business would stand them in good stead in exercising their criminal jurisdiction and control over the police. " In all cases " it was observed, " control without knowledge must be nugatory or mischievous, and while the proposed arrangement appears to involve no consequence likely to prove injurious, it has a manifest tendency to ensure the possession, by the controlling officers of that local information which is essential to their efficiency. "

The proposals were given effect to by Regulation 1 of 1829. By its provisions the Provinces were formed into twenty regions to each of which a Commissioner of Revenue and Circuit was appointed. They were vested with the authority of the Judges of Circuit, the Provincial Courts being relieved

¹ App. III to P. P., Vol. XII of 1831-32, pp. 440-47.

of their criminal jurisdiction¹ and were to hold sessions at the stations of the several Magistrates not less than twice a year in each district. The Mahomedan law officers of any Zilah within the division or of any Provincial Court were to attend the sessions.

The remainder of the Regulation relates to the arrangement of the local divisions and to the revenue authority to be exercised by the Commissioners. The object of passing the Regulation has been so clearly stated in its preamble that it would be perhaps worth while quoting certain excerpts from it. It runs:—"The system in operation for superintending the magistracy and the police, and for controlling and directing the executive revenue officers, who in several cases are also magistrates, has been found to be defective. The Provincial Courts of Appeal and Circuit, as now constituted, partly from the extent of country placed under their authority, and partly from their having to discharge the duties of both civil and criminal tribunals, have in many cases failed to afford that prompt administration of justice which it is the duty of Government to secure to the people. The gaol deliveries have been, in some instances, delayed beyond the term prescribed by law,.....and a great arrear of cases under appeal has accrued in all the Courts, to the manifest injury of many individuals and to the encouragement of litigation and crime. The Judges of Circuit, when employed singly in the districts under their authority, do not possess sufficient powers, nor have they the opportunity of acquiring sufficient local knowledge to enable them adequately to control the police or protect the people. The great extent of country under each of the Boards of Revenue has

¹ It may be noted that the Provincial Courts were shortly after altogether abolished in Bengal, their civil jurisdiction being transferred to Zilah Judges, (Reg. V of 1831 and Reg. II of 1833). In the Presidency of Madras the same step was taken in 1843 by Act VII of 1843.

similarly operated to impede them in the execution of the duties which belong to them,as directors and superintendents over the executive officers, and as the confidential advisers of Government. For the correction of the above defects, it has appeared to be expedient and necessary to place the magistracy and police, and the Collectors and other executive revenue officers, under the superintendence and control of Commissioners of Revenue and Circuit, each vested with the charge of such a moderate tract of country as may enable them to be easy of access to the people, and frequently to visit the different parts of their respective jurisdictions."

To come now to the lower branch of the judiciary mainly manned by Indians, we have already reviewed the steps by which they were increasingly admitted and their powers enlarged by the force of necessity as well as a change in outlook of the authorities on the question of employment of natives. Bentinck, particularly, actuated by this liberal spirit gave an additional stimulus to this movement. We have seen already that the policy of replacing a European agency by Indians subject to European supervision, specially in the judicial line, was accepted as much from a motive of reposing greater trust in natives as from helping the economy campaign of Government.¹ By a Regulation passed in 1831 (V of 1831) Bentinck effected material changes in regard to the native judiciary, by further enlarging the powers of the existing classes and also creating a new class called the Principal Sadr. Amins in place of the European Registers. The reasons for passing the Regulation have been set forth in detail in the Preamble as follows :—

"Whereas the state of civil business in the Zillah and City courts renders it desirable on general

¹ See in this connection Minute of H. Mackenzie, dated 1 October, 1830, and extract from a Letter from the Calcutta Civil Finance Committee to the Governor.

grounds to employ respectable natives in more important trusts, connected with the administration of the country ; and whereas it is expedient that the provisions for this purpose should be gradually introduced into the Zillahs and Cities from time to time as the Governor-General in Council, by an order in Council, may be pleased to direct, and whereas it has become necessary, in connexion with those arrangements, to modify the powers and duties of the Zillah, City and Provincial courts ; and whereas it has been deemed just and proper that no native of India should be considered ineligible to the office of moonsif or vakeel on account of his religious belief, etc. etc..... ”.

The jurisdiction of both Munsifs and Sadr. Amins was further enlarged, extending to cases involving suits of the value of Rupees three hundred and one thousand respectively. It was provided that Munsifs were to be paid by fixed salaries instead of by fees on the cases disposed of, as before. The mode of selection of Munsifs and Sadr. Amins who were so far appointed by the Judges of the Provincial Courts was also changed. The Judges of Zilah and City Courts in conjunction with the Commissioners of Revenue and Circuit were authorised to revise the existing establishment of the Munsifs and Sadr. Amins, the actual selection being made by the Governor-General in Council. Law officers of the Zilah and City courts were no longer to be Sadr. Amins *ex-officio*. A new office styled Principal Sadr. Amin was created. The Governor-General in Council was authorised to appoint Principal Sadr. Amins to any Zilah or City jurisdiction, the persons selected for the office

being also appointed by the Governor-General in Council. Their monthly allowance was fixed by the same authority. Their jurisdiction was limited to cases involving the money value of rupees five thousand.¹ The jurisdiction of the Provincial Court was to be suspended wherever the Regulation was extended. The decision of Zilah or City judges on appeals from the Sadr. Amins or Munsifs was to be final and in case of the Principal Sadr. Amins a further appeal was to lie with the Sudder Court. Sadr. Amins and Principal Sadr. Amins could be removed by the Governor-General in Council and Munsifs by the Sudder Dewanny Adawlut on a report made by the Zilah or City judge concurrently with the Commissioner of Revenue and Circuit, submitted through the Secretary to the Judicial Department. The jurisdiction of the Zilah and City judges was further increased in 1831, the Governor-General in Council being authorised by Regulation VII of that year to vest sessions jurisdictions, previously exercised by the Commissioners of Revenue and Circuit, in those officers. This was done with a view to giving relief to the Commissioners, who were overburdened with work. The judges were not given any authority over the magistrates or any control over the police. The effect of the changes in the judicial system made by Bentinck in 1831 was practically to vest all original jurisdiction in civil cases in the native judiciary—who formed, so to say, the nucleus of the modern provincial services, the covenanted European members mainly exercising powers of supervision, review and control over them.² Bentinck's measures were very much appreciated by the people. The judiciary in the other provinces was also organised on the same lines.

¹ By Act XXV of 1837, Judges were empowered to refer to Principal Sadr. Amins original suits of any amount or value. The office was abolished in 1868 (Act XVI of 1868), being succeeded by that of "Subordinate Judge."

² *Vide* evidence of J. C. Marshman, dated 25 April, 1853, before Parliamentary Committee (reply to Q. 3532), P. P., XXVII of 1852 53.

During the rest of the period under review the administrative system continued very much the same as left by Bentinck. We may conclude the chapter by sketching in outline the structure of judicial, revenue and executive administration as it stood towards the end of the period. At the head of the judicial system in the provinces stood the Sudder Court in two divisions,—Civil (Dewanny) and Criminal (Nizamut), composed of the Company's civil servants. In Calcutta it usually consisted of four members including the chairman. As the chief civil court it exercised both powers of general supervision and control over the proceedings of the local courts and also appellate jurisdiction. It was the final court of appeal except in cases involving more than the amount of ten thousand rupees, in respect of which an appeal lay to the Queen in Council. Next there was the Zillah judge in charge of a district, the unit of administration in British India, of varying size in respect of territory and population. He was a European recruited from the covenanted branch of the civil service, exercising both civil and criminal jurisdiction, and in the latter capacity dealing with sessions cases. The Collector's jurisdiction was usually coterminous with that of the Judge. Except in Bengal up to 1859, the Collector combined with his fiscal duties also criminal jurisdiction as magistrate. His criminal jurisdiction was of course limited to less important cases. In more serious offences he was to commit offenders to the Sessions Judge. Even in his fiscal duties his function was quasi-judicial in character. He decided questions as to the nature of land tenures, involving rights of property, disputed possession, realisation of rents, grant of *pattahs* or leases, etc. In fact most of the cases relating to personal and real property disposed of by judges originated with the Collectors. Besides these the Collector exercised general control over the police within his district. Next

after the Zilah judge there were different grades of native judges—Principal Sadr. Amins, Sadr. Amins and Munsifs. The limit of jurisdiction of the Munsif's authority varied in different parts. In Bengal, as we have seen, it extended to cases involving three hundred rupees, the Sadr. Amin's to one thousand rupees, and the Principal Sadr. Amin's was unlimited. In Madras the limit of the Munsif's jurisdiction was fixed as high as one thousand rupees, the Sadr. Amin's to rupees two thousand five hundred and the Principal Sadr. Amin's to cases involving not more than ten thousand rupees. But in spite of such variations in detail the general constitution and operation of the courts was the same everywhere.

So far as the criminal judicature was concerned the same Sudder Court operated as the chief criminal court with a different designation, *viz.* Sudder Nizamut Adawlut. Below it there was the Zilah Judge. While exercising sessions jurisdiction, he had authority to deal with all cases excepting those involving capital sentences which were to be submitted to the Nizamut Adawlut for confirmation. Next came the Magistrate who was the same officer as the Collector, except in Bengal, exercising a limited jurisdiction, varying in different provinces, cases involving more serious offences being committed to sessions for trial. In some cases considerable jurisdiction was exercised by uncovenanted Indian officers as assistants to magistrates. In Bengal they were called Deputy Magistrates, which office was created in 1843, the senior members among whom exercised all the jurisdiction of the magistrate.

On the revenue side also the district was the unit of administration, and both in the permanently and temporarily settled provinces the Collector was the officer in charge of both revenue settlement and collection. He was assisted by uncovenanted native servants such as Deputy Collectors

in Bengal, Tahsildars in the N.W.P., and Mamlatdars in Bombay. Above the Collectors there were the Commissioners of revenue, except in the Presidency of Madras, and at the top of the system there was the Board of Revenue at the headquarters, except in Bombay, where there were two Revenue Commissioners working independently under the Government. Revenue and Judicial were the most important Departments, but new departments were being created as the functions of Government developed, such as Departments of Public Works, Education and so on. All branches of administration were, however, under the direction and control of the Governor-General, Governor or Lieutenant Governor as the case might be, usually assisted by a Council and a secretariat staff. All the threads of administration, then as now, were gathered up in the headquarters. This in outline was the organisation of administration in this period.

Taking a broad survey of the period as a whole we may say that it forms, as it were, a connecting link between two distinct epochs in the history of the civil service in India, characterised by marked differences,—the previous epoch when it was mainly a commercial service, and the following epoch in which it became a regular civil service in the accepted sense of the term. We find, therefore, in the administrative organisation of this period traces of the commercial origin of the service and also all the features of the service organisation of the next period. Profit-making was the keynote of the previous epoch and public welfare of the next, while in this period we find a slow and gradual process of the supplanting of the one by the other. This finds institutional expression, as we have already seen, in the changes in the system of recruitment of the covenanted civil service and secondly, in the progressive introduction of Indians in the services, with provision for their equipment for undertaking those responsibilities.

NOTE A

*Statement showing the British territories in India towards the end of the period under each Government*¹

(indicating the areas under Regulation and Non-Regulation systems and their respective importance)

Under Supreme Government

Non-Regulation provinces	Area in sq. miles	Population	Number of districts	Land revenue in £ at 2s. per rupee
Punjab, including Julunder, & Cis-Sutlej territory	83,006	80,00,000	22	15,05,213
Saugor, Nerbudda, and part of Bundelcund	17,543	21,43,599	8	3,00,000
Total	1,00,549	1,01,43,599	30	18,05,213

Under the Government of Bengal

Regulation provinces Bengal, Behar, Orissa	1,13,702	3,68,48,981	34	35,06,070
Non-Regulation provinces	1,11,401	42,45,344	16	No separate returns
Total	2,25,103	4,10,94,325	50	35,06,070

Under the Government of the N W P.

Regulation provinces	71,072	2,31,99,668	31	40,47,760
Non-Regulation provinces	13,599	6,00,881	4	74,800
Total	85,571	2,38,00,549	35	41,22,566

Under the Government of Madras

Regulation provinces	1,19,946	1,46,12,206	18	34,79,487
Non-Regulation provinces	24,943	17,27,220	3	
Total	1,44,889	1,63,39,426	21	34,79,487

Under the Government of Bombay

Regulation provinces	57,405	81,51,048	13	22,90,969
Non-Regulation provinces excluding Scinde	10,540	10,59,224	1	
Scinde	52,120	12,74,744	3	No separate returns
Total	1,20,065	1,04,85,017 (?)	17	22,90,969
Grand total of British territories in India	6,76,177	10,18,62,916	153	1,52,04,055

¹ Reproduced from *Modern India*, by Sir George Campbell, (1852) Ch. VI, pp. 230-31.

NOTE B

An idea of the designations of officers in the Company's civil service in different Departments in the first quarter of the 19th century as also of their scale of salaries will be gathered from the following table.¹

Schedule (A) Judicial & Judicial Fiscal

Offices	Present salaries Sonat Rs.	Proposed salaries St. Rs.	Proposed less St. Rs.	Proposed more
S. D. Adawlut : each :				
5 Judges at 5,220 <i>Judges of Provincial Courts</i>	2,92,600	2,61,000	31,600	..
14 Judges . . at 36,000	5,02,456	5,04,000	88,456	..
Register of S. D. & S. Niz. Adawlut	25,080	37,200	.	12,120
Deputy ..	16,302	14,400	1,902	.
21 Commissioners of Revenue & Circuit at 42,000	8,94,483	8,82,000	12,483	..
10 Judges at 30,000	2,83,636	3,00,000	..	16,370
36 Judges and Magistrates at 30,000	10,68,075	10,80,000	..	11,925
7 Magistrates	1,37,856	1,31,400	3,456	.
47 Registrars including vacancies, at 8,400 & 6,000	3,78,930	3,94,800	..	15,861
10 Jt. Magistrates, also Registrars as now, subject to revision	1,30,980	1,27,200	3,780	..
8 Principal Assistants, including 2 vacancies, at 30,000	1,81,930	2,40,000	..	58,070
Commissioner in Kumaon	31,640	30,000	1,640	..
Asstt. Commissioner in Kumaon	18,810	8,400	10,410	..
Ranghur Judge, Magistrate & Collector	37,620	36,000	1,620	..
1 Register & Assistant	12,540	12,000	540	..
1 Collector & Magistrate of Calcutta	43,350	36,000	7,350	.
3 Collectors and Magistrates	79,125	90,000	..	10,875
4 Sub Collectors & Jt. Magistrates as now, subject to revision	78,117	77,307	810	..
1 Superintendent & Remembrancer of Law-suits	25,080	24,000	1,080	..
1 Head Assistant, S. D. Adawlut	10,032	8,400	1,632	..
1 Second Assistant, S. D. Adawlut	8,778	7,200	1,578	..
1 Third Assistant, S. D. Adawlut	7,524	6,000	1,524	..
24 Assistants at 4,800	1,21,596	1,15,200	6,396	.
	44,76,561	44,25,507	1,76,265	1,25,221

¹ Compiled from Schedules to the Resolution of the Governor-General in Council (Territorial Dept.), dated the 17th of February, 1839, proposing a revision of allowances of covenanted civil servants. (App. M to P. P., Vol. IX of 1831-32.)

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NOTE B (Contd.)

Schedule (B) Fiscal

Offices	Present salaries	Proposed salaries	Proposed less	Proposed more
	St. Rs.	St. Rs.	St. Rs.	St. Rs.
3 Members of Bd. of Revenue at 52,200	1,74,950	1,56,600	18,350	..
Senior Secretary	25,143	37,200		12,057
Junior Secretary	30,773	31,200		427
Sub Secretary	10,032	14,400		4,368
Head Assistant Secretary	6,270	8,400		2,130
*3 Commissioners under Reg. III of 1828 at 45,000	1,30,823	1,35,000	..	4,177
2 Members—Board of Customs at 52,000	1,09,725	1,04,400	5,325	.
1 Secretary	25,080	31,200		6,120
Head Assistant in charge of Salt Chokees	15,048	14,400	648	.
Second Assistant in charge of Salt, with Chokees & Stamps	10,659	8,400	2,259	..
Opium agent at Bolhar	52,013	42,000	10,013	..
Opium agent at Benares, an equal sum to be drawn as Commercial Resident	48,334	24,000	24,334	..
2 Salt Agents, Turnlook & Hidglee, at 50,000	1,54,880	1,00,000	54,880	..
1 Salt Agent, Jossore	27,856	30,000		2,144
6 Salt Agents & Collectors at 36,000	2,18,514	2,16,000	2,514	.
48 Collectors, including those in charge of Customs, Salt Chokees & Opium Agents & also Collectors of Customs at 30,000	14,70,126	14,40,000	30,126	..
7 Dy. & Sub Collectors, including Customs at 12,000	94,332	84,000	10,332	..
Superintendent of Sulkea Golas	37,620	30,000	7,620	
1 Superintendent of Eastern Salt Chokees	19,964	19,200	764	..
Collector of Calcutta Sea Customs	51,832	42,000	9,832	
1 Dy. Collector of Calcutta Sea Customs	23,826	20,400	3,426	..
1 Head Assistant to Collector of Calcutta Sea Customs	12,540	12,000	540	..
Collectors of Inland Customs	28,215	21,200	..	2,985
1 Dy. Collector Inland Customs	17,556	16,880	756	..
1 Collector of Customs at Moorshedabad	37,583	30,000	7,583	..
1 Commissioner Sunderbans	23,967	30,000	..	6,033
13 Assistants in Revenue & Salt departments at 4,800	60,376	62,400	17,976	..
Total	29,38,037	27,71,200	2,07,278	40,441

*Second Asst. to Sudder Board not included

.. St. Rs. 6,000

NOTE B (Contd.)

Schedule (L) Commercial

Offices	Present salaries St. Rs.	Proposed salaries St. Rs.	Proposed less St. Rs.	Proposed more St. Rs.
Board of Trade				
Senior Member	57,475	52,200	5,275	..
Junior Member	45,043	52,200	.	7,157
1 Secretary	25,080	25,200	..	120
1 Assistant	5,102	6,000	..	898
13 Commercial Residents				
Benares	46,639	24,000	22,639	..
Cosimbazar	50,160	48,000	2,160	..
Etawa & Calpee	74,423	48,000	26,423	..
Bauleah	48,456	36,000	12,456	..
Malda	40,404	36,000	4,404	..
Radnagore	38,063	36,000	2,063	.
Comanervolly	34,570	30,000	4,570	.
Hurrupaul	25,786	30,000	..	4,214
Jungipore	30,463	30,000	463	..
Rungpore	22,637	30,000	..	7,363
Santipur and Gosgow	42,351	30,000	12,351	..
Soonamooky	29,064	30,000	.	936
Surdah	31,297	30,000	1,297	.
2 Assistants				
Bauleah	10,032	9,600	432	..
Benares	10,032	9,600	432	.
Sub Export Ware-house keeper	63,800	42,000	21,800	.
Head Asstt. Ware house keeper	24,935	18,000	6,935	..
Second Asstt. Ware-house keeper	12,257	9,657	2,657	.
Import Ware house keeper	15,048	.	15,048	..
Total	7,83,007	6,62,400	1,41,405	20,708

CHAPTER IX

CONCLUSION

From the angle of constitutional and administrative development the Company's association with India falls into three markedly distinct periods :—

1. 1600-1757, in which the Company is a commercial corporation, pure and simple ;

2. 1757-1833, in which the Company becomes a quasi-public corporation ;

3. 1833-1858, in which the Company is a purely ruling organisation. The change in the character of the Company during these periods corresponds with a similar change in the character of its civil servants. In the first period, they were almost purely mercantile servants, as their designations implied. In the second period they became a mixed body of servants with a semi-public character, and in the third they became a public service in the full sense of the term. The administrative organisation underwent transformation to adjust itself to new conditions, characterised by all the anomalies and halting steps of a process of transition. This is amply illustrated by the efforts of Hastings and Cornwallis in building up the machinery of administration, dealt with in detail in the text. The relationship of the Company with the Home Government also underwent a change, beginning with the Regulating Act of 1773 and ending with the Charter Act of 1853. It was a process of tightening up of the control of the Home Government over the Company—characterised on the one side, by a distrust of the capacity of a commercial corporation, while carrying on a trade monopoly,

to undertake the growing political responsibility for a fast expanding dominion, and on the other side, by the natural reluctance to part with powers acquired and a desire to exploit territorial acquisitions to add to commercial profits. In this tussle, although the Company had to lose, gradually and consistently, its powers in favour of the Government, it held fast, however, to the last, to its much valued power of patronage, with all its evil effects, on the composition of the service. Of course, as we have pointed out, the Company's service counted in its ranks many distinguished and able men, who would do honour to any service, but they were exceptions rather than the rule. They did not emerge as a result of the system of patronage, but in spite of it. At last, however, the Company had to surrender this last rampart also.

The commercial monopoly of the Company was assailed quite early in its history and was practically ended in 1813, soon after to be followed by the cessation of commercial functions altogether. This was brought about by the attitude of the Home Government and public opinion at home as also by contemporary conditions, *e.g.* a clamour for a share in the India trade on the part of the British commercial interests, stimulated by the effects of the Industrial Revolution to an increasing demand for markets combined with the practical closing of the European market due to the Napoleonic wars. But even in the absence of these factors it would have come through sheer necessity. The burdens of an extensive empire and expanding commerce were sooner or later sure to prove too much for a commercial corporation. So the Company had at last to abandon commerce as a price for retaining its territorial sovereignty, subject, of course, to the increasing interference of the Home Government.

The third period ushered in a new era in the history of the Company and its service. With the passing away

of its commercial function, and even before, the commercial spirit which was so much in evidence in the operations of the Company in the first two periods was definitely on the wane. Particularly, since the Company had been established as the paramount political power in India by the policy of expansion followed by Wellesley and Lord Hastings, a sense of responsibility for the welfare of the people in all its aspects was gaining ground among the Anglo-Indian administrators as also among the British public. So far as the latter is concerned it is reflected in the attitude of the Select Committees of the House of Commons appointed in 1812 and 1832 to enquire into Indian affairs. To the former the aim of British rule appeared to be :—

“ To establish the system of administration best calculated to promote the confidence and conciliate the feelings of the native inhabitants, not less by a respect for their own institutions, than by the endeavour gradually to engraft upon them such improvements as might shield, under the safeguard of equal laws, every class of people from the oppressions of power, and communicate to them that sense of protection and assurance of justice, which is the efficient spring of all public prosperity and happiness.”

The Parliamentary Committee of 1832 also evinces a similar solicitude for the interests of the natives. In particular it made a strong advocacy for the admission of Indians into higher offices as being calculated to “ strengthen their attachment to British dominion,” to “ conduce to a better administration of justice ” and to “ be productive of a great saving in the expenses of Indian government.” The Committee also recognised it as :—

“ an indisputable principle, that the interests of the Native subjects are to be consulted in preference to

those of Europeans, whenever the two come in competition; and that therefore the Laws ought to be adapted rather to the feelings and habits of the Natives than to those of Europeans." ¹

The allotment of an annual grant of a lakh of rupees by Parliament in 1813 "for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India" also points in the same direction. The same enlightened spirit is also visible in a group of distinguished civil servants serving under the Company in the twenties of the last century, among whom the following stand out as pre-eminent for their progressive views and breadth of outlook on Indian problems—we mean, Mountstuart Elphinstone, Sir Thomas Munro, Sir John Malcolm and Sir Charles Metcalfe. They approached the Indian problem from a new angle. They seem to have taken the view that now that the Company had come to be established as the supreme power in India, they must assume the full responsibility of that position and consolidate their empire on the basis of the amelioration of the conditions of the people. This spirit of enlightened imperialism can be traced even in the writings of the Wellesley brothers and of Bentinck as the Governor of Madras at the opening of the century. The latter hinted in 1804 that mere dominion and power was not the goal, but the increasing prosperity, union and self-respect of the people of India should be the ultimate justification of British power in India. He pleaded for a policy of founding "British greatness upon Indian happiness." Very much the same sentiments find expression in the writings of many other Indian administrators of the period. We quote here a few. Lord Hastings observes

¹ Vide extract from the Report of the Committee of Parliament, 1833, quoted in H. Muir, *The Making of British India*, (1923) p. 305.

with reference to the need of spreading western education in India as follows :—

“ A time, not very remote, will arrive when England will, on sound principles of policy, wish to relinquish the domination which she has gradually assumed over this country.”¹

Sir Thomas Munro dwelling on the ultimate problem of British rule in India, observes² :—

“ There is one great question to which we should look in all our arrangements : what is to be their final result on the character of the people ? Is it to be raised, or is it to be lowered ? Are we to be satisfied with merely securing our power and protecting the inhabitants, leaving them to sink gradually in character lower than at present ; or are we to endeavour to raise their character, and to render them worthy of filling higher situations in the management of their country, and of devising plans for its improvement ? It ought undoubtedly to be our aim to raise the minds of the natives, and to take care that whenever our connection with India might cease, it did not appear that the only fruit of our dominion there had been to leave the people more abject and less able to govern themselves than when we found them

We should look upon India, not as a temporary possession, but one which is to be maintained permanently, until the natives shall in some future age have abandoned most of their superstitions and prejudices, and become sufficiently enlightened, to frame a regular government for themselves, and to

¹ H. H. Dodwell, “ *India* ” (Part II) (1858 to 1936), (1936) Ch. VII, p. 191.

² Extract from a Minute by Sir Thomas Munro, as Governor of Madras, dated 31 December, 1824, quoted in R. Muir, *op. cit.*, p. 282.

conduct and preserve it. Whenever such a time shall arrive, it will probably be best for both countries that the British control over India should be gradually withdrawn."

Mountstuart Elphinstone, as Governor of Bombay in a Minute written in March, 1824, stressed the need for an educational system as the only solvent of the prevailing evils among the Indian people. Sir John Malcolm very strongly sponsored the case for admission of upper classes of Indians as much as possible in the participation of the government of their country in the interest of the stability of British rule. We may also quote here another Englishman not directly connected with Indian administration but having first-hand experience of it, one Sir. Alexander Johnston. He writes ¹ :—

"The best policy which Great Britain can pursue in order to retain her possessions in India, is to raise the moral and political character of the natives, to give them a share in every department of the state, to introduce amongst them the arts, sciences, and literature of Europe, and to secure to them, by a legislative act, a free constitution of government, adapted to the situation of the country and the manners of the people."

With this view he proposed (a) the introduction of a system of education based upon this policy, (b) free access of natives to all civil offices, (c) discussion of all laws before enactment in assemblies representative of all classes of natives and also many other measures affecting the welfare of Indians. A similar attitude towards the Indian possessions

¹ Paper sent by Sir Alexander Johnston, in 1806 from the island of Ceylon to the late Mr. Charles Fox, in consequence of the latter having requested Sir Alexander to send him his opinion upon different subjects relating to India (tendered with his evidence before the Parl. Select Committee on 6 & 9 July, 1832. *Vide* Parl. Paper, XII of 1832-33).

of the Company was visible in England also, particularly traceable in the Parliamentary legislation of 1833, and in the findings of the Parliamentary Committee of 1832 referred to above. It was perhaps prompted by the ascendancy at the time of Whig principles in politics and the political philosophy of the Philosophical Radicals. The Company was no longer viewed as simply a means of bringing wealth and profit to England, but to exist for the welfare of the people over whom it ruled. At the Parliamentary Committee of 1832, even a talk of the immediate transfer of responsibility to the Crown was raised, though ultimately abandoned. This distinct change of outlook had its effect on the direction of administrative policy as well, indicating the end of the era of conquest and the beginning of a period of consolidation and penetration. Bentinck in all his reform measures—social and administrative—was actuated by the new spirit as was also Dalhousie after him, although the latter at the same time pursued a vigorous policy of annexation. In that policy also he was, rightly or wrongly, inspired by the belief that peace and happiness could come to the people of India only through the establishment of the *Pax Britannica*. In the sphere of administration, the principle of exclusion of Indians, pursued since Cornwallis's time, was systematically abandoned and that of admitting Indians even into superior offices, in so far as it was consistent with considerations of safety and expediency, was adopted. It was of course dictated by financial considerations also.

In spite of this welcome change in outlook, however, one thing that prevented its full fruition is the fact that the Company's administration was throughout characterised by a lack of imaginative insight and careful planning. This may perhaps be accounted for by two facts:—

(1) Neither the Directors, the Board of Control, Parliament nor the British public had any direct touch

with conditions in India or any clear grasp of the problems confronting the administration, and (2) the actual handling of the problems devolved upon the heads of administration and the civil service. The influence of the heads of administration, if endowed with personality like Bentinck or Dalhousie, left no doubt a mark on the course of administration, but its effect was only temporary in character. The civil service, in the absence of a regular organ of criticism and control, grew up to be a bureaucracy with all its virtues and vices. Moreover, the working of the patronage system had the effect of keeping down the average level of ability and resulted in a general prevalence of mediocrity in the service. It did not tackle major problems unless these were forced upon it, so much engrossed was it with the technique and minutiae of administration, and when it did, it did so in an opportunistic way. We may, by way of illustration, cite just a few instances. Thus the problem of education of natives and their employment in public service was long recognised and their necessity accepted in principle. But they were not systematically handled according to a well thought-out plan for a long time. It took many years to decide whether education should be imparted on western or indigenous lines and many more years to formulate a scheme of education. This was also done without much prevision as is evidenced by the defects of the system at the present day—appalling illiteracy, cleavage between the educated classes and the masses, middle class unemployment, etc.¹ Similarly the principle of employment of natives in increasing numbers was accepted out of sheer necessity, but not systematically tackled until as a result of pressure from the

¹ A very interesting and illuminating and at the same time critical study of British educational policy in India from 1835 to 1920 will be found in *The Education of India*, by Arthur Mayhew (1936).

intelligentsia reared in western education and western ideas of government. The fact is that although the Company now formally cast off its commercial rôle and with that there came about a welcome change in its outlook, it had inherited a legacy of commercial tradition from the previous period. That explains its putting greater emphasis on the technique of administration rather than on human values,—on good government, rather than self-government. The Company's service handed down the same tradition from generation to generation. In course of time it grew up to be a fine bureaucracy able to keep the machine going, but lacking initiative and the imagination necessary to deal with changing situations and new problems.

The Company's administration came to a close after the disaster of the Sepoy Mutiny in 1857. The direct assumption of the responsibility for administration of the Indian territories by the Crown in 1858, marks a turning-point in the history of the Indian people as much as of the Civil Service in India. It signifies the end of one epoch and the beginning of another. So it offers a convenient vantage ground and an observation post from where to look back on the process of development of the Civil Service that we have traced in the last few chapters before we begin to deal with its development in the next epoch. It is not our purpose to go over the ground that we have already covered, but to offer our judgment on the process as a whole in a few words. To those who study carefully the history of the service during this period, it will appear as a picture of light and shade. There have been periods of corruption and misrule, but also periods of progressive administration. The members of the service were influenced no doubt by the spirit of the times, by ideas and movements from the West, but not to the extent which could be expected, having regard to the

fact that the rulers came from the West. For currents of contemporary opinion and ideas did not galvanize a distant governing authority steeped in a commercial tradition even to the small extent to which they influenced the Government in England during the greater part of the nineteenth century.