

GOVERNMENT OF INDIA.

DECENTRALIZATION COMMITTEE

---

FOR THE

ROYAL COMMISSION

ON

DECENTRALIZATION.

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GENERAL MEMORANDUM ON THE DEVELOP-  
MENT OF BRITISH ADMINISTRATION IN  
INDIA, AND ON THE ORIGIN AND  
FUNCTIONS OF THE INDIAN  
GOVERNMENTS.

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# TABLE OF CONTENTS.

	PAGE.
<b>I. First period, up to the passing of the Charter Act of 1833—</b>	
Early trading settlements ... ..	2
Their administration ... ..	2
Acquisition of Bengal and the Northern Circars, 1757-1772 ...	3
The Regulating Act, 1773. The Governor of Bengal becomes Governor General ... ..	3
Effect of the Regulating Act on the character of the Company's administration ... ..	4
Legislation by Regulations. Act of Parliament of 1781 ...	5
Pitt's Government of India Act, 1784. Reforms of Madras and Bombay Councils. Board of Control... ..	5
Acquisition of the Benares territory, 1775 ... ..	6
Governor General authorized to overrule his Council, which becomes a consultative body, 1786 ... ..	6
Acquisition of territory in Madras, 1792 ... ..	6
Codification of Regulations, 1793. Regulation and non-Regulation Provinces ... ..	6
Permanent settlement of Bengal, 1793 ... ..	7
Purification of Civil Service ... ..	7
Transfer to Governor General of diplomatic relations with important Native States in the South and West ... ..	7
Charter Act of 1793. Governors of Madras and Bombay empowered to overrule their Councils ... ..	7
Overthrow of Tipu Sultan, and expansion and consolidation of the Madras Presidency, 1799-1801 ... ..	8
Acquisition of the 'Ceded' and 'Conquered' Provinces constituting the bulk of the present Province of Agra, 1801-03 ...	8
Of Orissa, 1803 ... ..	8
Of portions of Gujarat, 1803 ... ..	9
Subsidiary alliances with Native States ... ..	9
Charter Act of 1813 ... ..	9
Overthrow of the Peshwa and consolidation of the Bombay Presidency, 1818 ... ..	9
Acquisition of the Saugor and Nerbudda territories (the nucleus of the present Central Provinces), and of Ajmer, and establishment of British paramountcy through Rajputana and Central India, 1818 ... ..	9
Acquisition of territory from Nepal, 1816 ... ..	10
Of Assam and part of Lower Burma, 1824-26 ... ..	10
British Provinces at end of this period ... ..	10
Presidency armies ... ..	10
And fleets ... ..	10
General character of internal administration ... ..	11
District Organization. Collectors and their Assistants ...	11
Villages ... ..	12
Effect of the ryotwari system on village government ...	12

	PAGE.
Local self-government on present lines non-existent outside the Presidency towns ... ..	12
Boards of Revenue ... ..	13
Establishment of Commissioners of Divisions in the Bengal Pre- sidency, 1829 ... ..	13
Subsequent extension] of the system to other Provinces outside Madras ... ..	13
Employment of natives of India as subordinate civil judges ...	14
The Supreme Courts ... ..	14
Courts of Sadr Adalat ... ..	14
Character of law administered ... ..	15
Public Works ... ..	15
Posts ... ..	16
Famine relief ... ..	16
'Takavi' ... ..	16
Medical Service ... ..	16
Education ... ..	16
Fiscal Resources ... ..	17
Land Revenue Settlements ... ..	18
Surveys ... ..	19
Forests ... ..	19
Opium ... ..	19
Salt ... ..	19
Customs ... ..	19
Excise ... ..	20
Coin ... ..	20
Currency notes ... ..	20
Summary ... ..	20

#### Second period (1833-57).

Charter Act of 1833 ... ..	22
The Company ceased to be a trading body ... ..	22
The Bengal Government became the "Government of India" ...	22
Provision (not carried out) for constitution of a Presidency of Agra ... ..	22
But the North-Western Provinces became a Lieutenant-Gover- norship ... ..	22
Withdrawal of legislative powers from the Governments of Madras and Bombay, and Home control over Indian legislation ... ..	23
Withdrawal of financial powers from the Governments of Madras and Bombay ... ..	23
Other provisions ... ..	23
Main consequences of the Act ... ..	24
Acquisition of Coorg, 1834 ... ..	24
Uniform coinage ... ..	24
English made the official language ... ..	25
The North-Western Provinces formed, 1836 ... ..	25

	PAGE.
General Postal Service started, 1837 ... ..	25
Beginning of a separate Jail department ... ..	25
Establishment of Presidency Banks in Bombay and Madras, 1840-43	25
Acquisition of Sind, 1843 ... ..	25
Police organization in Sind and Bombay proper, and later in the Punjab ... ..	26
The Punjab becomes a Province, 1849 ... ..	26
First appointment of Chief Commissioners, 1853 ... ..	26
The Punjab Frontier Force ... ..	27
Acquisition of the rest of Lower Burma, 185 <sup>2</sup> ... ..	27
Berar taken under British management, 1853 ... ..	27
Acquisition of Nagpur, 1854 ... ..	27
Annexation of Oudh, which becomes a Chief Commissionership, 1856 ... ..	27
Administration in the non-Regulation Provinces ... ..	28
Charter Act of 1853. Bengal becomes a Lieutenant-Governorship, 1854 ... ..	28
The Legislative Council of the Governor General made wider than his Executive Council ... ..	28
Indian Civil Service thrown open to competition ... ..	29
Railways ... ..	29
Constitution of Imperial and Provincial Public Works departments ... ..	29
Irrigation ... ..	30
The Postal department constituted, 1854 ... ..	30
Telegraphs ... ..	30
Education ... ..	30
Institution of Annual Administration Reports ... ..	32
General Administration ... ..	32
Land Revenue and Surveys ... ..	32
Famine ... ..	33
Medical ... ..	33
Forests ... ..	33
Customs and Salt ... ..	34
Formation of a centralized Civil Accounts department ... ..	34
Agents to the Governor General in Rajputana and Central India, 1832-54 ... ..	34
Constitution of Geological department, 1856 ... ..	35
Local and Municipal ... ..	35
Summary ... ..	35

### Third period (1858-76).

The Government of India Act, 1858. The Secretary of State for India and his general and financial powers ... ..	36
Appointment of the Governor General and other high officials ... ..	37
Transfer of the Company's armies to the Crown ... ..	37
Present general financial powers of the Government of India ... ..	38
Indian Civil Service Act, 1861. Certain appointments ordinarily reserved to the Indian Civil Service ... ..	38

	PAGE.
Indian Councils Act, 1861 ... ..	39
The Governor General's Council ... ..	39
Indian Legislative Council: its composition and powers ... ..	39
Special Ordinances by the Governor General ... ..	40
Establishment of Provincial Legislatures for Madras and Bombay ... ..	40
Establishment of a similar Council for Bengal, and provision for like Councils elsewhere ... ..	41
Extra-statutory restrictions on Indian legislation ... ..	41
The Indian High Courts Act, 1861. Establishment of the High Courts of Calcutta, Madras, Bombay and Allahabad ... ..	42
Government of India Act, 1865. Powers of the Government of India in regard to the alteration of Provincial boundaries ... ..	43
Government of India Act, 1870. Gave power to make Regulations for backward areas ... ..	43
And enabled the appointment of natives of India to appointments usually reserved for the Indian Civil Service ... ..	44
Reorganization of the Governor General's Council on the portfolio system, 1860-61 ... ..	45
The Departments of Government ... ..	46
The Punjab becomes a Lieutenant Governorship, 1859 ... ..	46
Constitution of the major Provinces of Lower Burma and the Central Provinces, 1861-62 ... ..	46
Army arrangements consequent on the Mutiny and the abolition of the Company's local European forces, 1861-63 ... ..	47
Creation of an Imperial Military Accounts department, 1861 ... ..	47
Abolition of the Indian Navy, 1863 } ... ..	47
Constitution of the Indian Marine, 1877 }	
Enactment of an Indian Penal Code, and of Codes of Criminal and Civil Procedure, 1859-61 ... ..	48
Establishment of Chief Courts and Judicial Commissioners in non-Regulation Provinces ... ..	48
Organization of magisterial courts ... ..	49
Of civil courts ... ..	50
Codification in other matters. Law of Evidence, Contracts, Registration, Limitation, etc. ... ..	51
Organization of the Police department on its present lines, 1861 ... ..	52
Military Police ... ..	53
Financial reforms. Annual budgets; stricter audit and control; creation of Imperial departments to deal with public works and postal accounts, 1860-61 ... ..	53
Government of India takes over the paper currency, 1862 ... ..	53
General fiscal enactments relating to stamps and customs, 1860-63 ... ..	54
Organization of the Jail department on its present footing, 1864 ... ..	54
The Andamans ... ..	55
Organization of Forest department, 1864 ... ..	55
Sanitary organization, 1864-67 ... ..	56
First general Census, 1867-72 ... ..	56
Adoption of policy of constructing State Railways and Irrigation works from loans, 1868-70 ... ..	56

	PAGE.
Improvement of the superior agency of the Public Works department. Cooper's Hill Engineering College, 1871 ...	57
The Government of India takes over the Northern India Inland Customs department, 1869-70 ... ..	58
Lord Mayo's measures of financial decentralization, 1870-71 ...	58
Decentralization in the direction of 'local self-government,' 1871 ...	59
In municipalities ... ..	59
In rural areas ... ..	60
Its general results ... ..	60
First general Local Loans and Agricultural Loans Acts, 1871 ...	60
Detachment of Ajmer-Merwara from the North-Western Provinces. Assam becomes a separate Province, 1871-74 ...	61
Formation of an Imperial Meteorological department, 1875 ...	61
Commencement of British administration in Baluchistan, 1876 ...	62
Appointment of Settlement Commissioners ... ..	62
Initiation of special legislation for protection of agricultural tenants, 1859 ... ..	62
and of legislation for the protection of historic estates, 1862 ...	62
Imperial Secretariat Department of Revenue, Agriculture and Commerce, 1871-79 ... ..	62
Excise legislation, 1871 ... ..	63
Initiation of an Archæological department, 1868 ... ..	63
Famine relief ... ..	63
Relations with Native States consequent on the transfer of the Government of India to the Crown ... ..	63
Summary ... ..	64
<b>Fourth period (1877-1907).</b>	
Queen Victoria's assumption of the Imperial title. Oudh united to the North-Western Provinces, 1877 ... ..	65
The Famine Insurance Grant, 1877-78. Its effect on the construction of railways and irrigation works ... ..	65
Development of financial decentralization. Provincial settlements of 1877-79 ... ..	65
Further developments, 1882-97 ... ..	66
Equalization of salt duties. Abolition of the great inland customs line. Conversion of the department of Inland Customs into the Northern India Salt department. Northern India Salt Act, 1878-82... ..	67
Medical re-organization, 1880 ... ..	68
Sanitary Boards, 1888 ... ..	68
Constitution of a Revenue and Agricultural Department in the Government of India, and of Provincial Agricultural departments ... ..	69
Preparation of Famine Codes, 1881-84 ... ..	69
Codification of Provincial land-revenue laws ... ..	69
Extension of local self-government under Lord Ripon ...	70
In municipalities ... ..	70
In rural areas ... ..	70
Functions and resources of municipalities and rural boards ...	71
General results of the above measures of devolution ... ..	72

	PAGE.
Constitution of a Military Works Service 1882-90 ... ..	72
Bengal Tenancy legislation of 1885 and its effects ... ..	72
Establishment of a Legislative Council in the North-Western Provinces. Annexation of Upper Burma, 1886... ..	73
Baluchistan becomes a Chief Commissionership, 1887 ... ..	73
Public Service Commission of 1886-87. 'Imperial' and 'Provincial' services ... ..	73
Institution of a Civil Veterinary department, 1892 ... ..	75
Indian Councils Act, 1892. Expansion of Legislative Councils and admission of elected members ... ..	75
Stoppage of free coinage of silver (1893) and its consequences ... ..	76
The Indian Government has in the main to be its own banker ... ..	77
Abolition of the Presidency armies, and unification of the Indian Army under the Commander-in-Chief and the Government of India, 1895 ... ..	77
Unification of the Indian Medical Service, 1896 ... ..	78
Passing of a uniform Prisons Act, 1894 ... ..	78
Burma made a Lieutenant-Governorship. Constitution of Legislative Councils for Burma and the Punjab, 1897-98 ... ..	78
Creation of the North-West Frontier Province, 1901... ..	79
The North Western Provinces and Oudh become the United Provinces of Agra and Oudh, 1902 ... ..	79
Berar joined for administrative purposes to the Central Provinces, 1903 ... ..	79
Creation of the Lieutenant-Governorship of Eastern Bengal and Assam, 1905... ..	79
Curtailment of Administration reports and other returns, 1901 ... ..	79
Educational reforms. Creation of a Director-General of Education. A new Universities Act. Improvement of school teaching, 1902-04 ... ..	80
Legislation regarding mines and appointment of an Imperial inspecting staff, 1901 ... ..	81
Appointment of an Inspector General of Agriculture, 1901. Measures taken towards agricultural development ... ..	81
Irrigation Commission of 1901-03. Appointment of an Inspector General of Irrigation, 1906 ... ..	81
Land revenue policy. Provision for more liberal suspensions and remissions of revenue in times of distress, and of larger facilities for loans by Government to agriculturists and for assistance to co-operative credit societies, 1902-06 ... ..	81
Restrictions on land alienation in the Punjab, Bundelkhand and Bombay, 1900-03 ... ..	83
Police Commission, 1902. Improvement of Provincial Police departments, and creation of an Imperial Director of Criminal Intelligence, 1904-05 ... ..	83
Appointment of a Director General of Archæology, 1902 ... ..	84
Initiation of a system of <i>quasi</i> -permanent financial settlements with the major Provinces, 1904. Its character and effects ... ..	84
Restricted powers of Local Governments outside the scope of the Provincial Settlements ... ..	87
Appointment of a separate Imperial Sanitary Commissioner, 1904 ... ..	87
Appointment of a Controller of Printing, Stationery and Stamps, 1904 ... ..	88
Proposed decentralization of part of the work of the Imperial Survey department, 1904-05 ... ..	88

	PAGE.
Establishment of an Imperial Customs Service, 1905-06 ...	88
Excise reforms. Appointment of an Imperial Inspector General for Excise and Salt, 1905-07 ... ..	89
Addition of a sixth ordinary member to the Viceroy's Council, and redistribution of portfolios. Creation of a Department of Commerce and Industry and of a Railway Board, 1905 ...	91
Abolition of Consulting Engineers and Railway Secretaries to certain Local Governments, 1907 ... ..	92
Abolition of the Military Department. Its replacement by an Army Department (under the Commander-in-Chief), a Military Supply Department, and a Military Finance Branch of the Finance Department, 1906 ... ..	93
Army reorganization of 1907. Abolition of Commands ...	93
Extension of the functions of the Post Office ... ..	94
Summary. ... ..	95

### Concluding Remarks.

The constitution and powers of the Indian Governments are largely derived from Parliamentary legislation ... ..	97
Large scope of the present functions of Government in India ...	97
Limitations of the Government of India's powers ... ..	98
Division of functions between the Government of India and the Provincial Governments, and character of control exercised over the latter ... ..	98
Functions of statutory local bodies ... ..	99
Some statistics in regard to the major Provinces ... ..	100
Administrative system in Regulation Provinces ... ..	100
Secretariats and administrative departments ... ..	100
Boards of Revenue ... ..	101
District organization ... ..	101
Commissioners of divisions ... ..	102
Collector-Magistrates. Their functions ... ..	102
(a) Revenue ... ..	102
(b) Magisterial ... ..	103
(c) Other duties ... ..	103
Departmental district officials ... ..	104
District subdivisions ... ..	104
Arrangements in the non-Regulation major Provinces ...	106
The minor Administrations ... ..	106



*General memorandum on the development  
of British administration in India, and  
on the origin and functions of the Indian  
Governments.*

1. In this and other memoranda the relevant chapters of the recently published volumes of the Imperial Gazetteer of India relating to the Indian Empire as a whole will be freely utilized and quoted from.\* Their writers were persons specially cognizant of the subjects they had to deal with; they were subject to strict editorial† control; and the chapters were individually submitted to the Departments of the Government of India concerned, and in some cases modified with reference to suggestions made by them.

2. In treating of the large subject of this memorandum it will be convenient to consider matters under four periods. The first covers the conversion of the trading 'Presidencies' of the East India Company into large Provinces, the initiation of control over them by the Government and Parliament of Great Britain, and the establishment of a Central Government in India itself, though the Governor General was still also Governor of the Bengal Presidency. This period ends appropriately with 1832, for the Charter Act of the following year first established the Government of India, as opposed to a mere controlling Government of Bengal, and placed the Madras and Bombay Presidencies under its direction to a much greater degree than had hitherto been the case. The second period covers the interval from 1833 to 1857 when the Company's Government disappeared. The third period commences with the direct government of India by the Crown, and goes on in its main features to the present day. A break may, however, conveniently be made at 1877, when Queen Victoria assumed the title of Empress of India, and thus emphasized the paramount control of her Indian Government over the Native States, while about the same time the financial position, and consequently the powers, of the Provincial Governments were considerably improved by the measures associated with the name of Sir John Strachey. Accordingly, the third period of this memorandum will end with the year

\* Also, where necessary, the as yet unpublished articles on the Provinces.

† I was for more than two years the Indian editor.

1876, while the fourth period will carry the story on to the present day.

### I. First period, up to the passing of the Charter Act of 1833.

3. The position of the Local Governments of British India *vis-à-vis* of the 'Government of India,' *i.e.*, the Central Government—itsself controlled by His Majesty's Government through the Secretary of State in Council, cannot be adequately comprehended without some general idea of the circumstances under which the Indian Provinces as they now stand, and the existing system of administration, came into existence.

4. It is, of course, well known that the Indian Empire of to-day has grown out of scattered trading settlements established along and near the coasts by the agents of the East India Company. "Trading relations were instituted with Masulipatam on the east, and Surat on the west, coast in the years 1611 and 1612. Madras was rented from a local Raja in 1639. Bombay was ceded to the British Crown as part of the dower of Catharine of Braganza in 1661 and granted in 1668 to the East India Company to be held of the Crown 'as of the manor of Greenwich in free and common soccage'. Leave to trade with Bengal was obtained from the Mughal emperor in 1634; the factory at Hooghly was established in 1640; and Calcutta owes its foundation to the events of 1686, when Job Charnock was forced to quit Hooghly by the Deputy of Aurangzeb and settled further down the river. The Revolution of 1688 imperilled the position of the old or 'London' Company. It had to struggle for its privileges with a new 'English' Company, and after several years of contention the two were amalgamated by Lord Godolphin's award of 1702 as the 'United Company of merchants of England trading to the East Indies'. From this period the Company's status was regulated by Acts of Parliament instead of by Charter from the Crown."

*Early trading settlements.*

Imperial Gazetteer, Volume IV, page

5. In the middle of the eighteenth century, on the eve of the events which were to transform these trading settlements into vast territorial acquisitions, "the factories and affairs of the Company on the east and west coasts of India and in Bengal were administered, at each of its principal settlements of Madras (Fort St. George), Bombay, and Calcutta (Fort William), by a President (or Governor) and a Council consisting of the senior servants of the Company. [The Councils were unwieldy bodies, varying in number from 12 to 16, and included members who, being in charge

*Their administration.*

Imperial Gazetteer, Volume IV, page 7.

of out-factories were usually absent from head-quarters.\*] Power was exercised by the President and Council collectively, and orders were issued in accordance with the votes of the majority. The three 'Presidencies' were independent of one another and subordinate only to the Directors in England.† The servants of the Company [who were appointed by the Directors in England, and are the lineal predecessors of the present Indian Civil Service] were classified, beginning from the lowest rank, as writers, factors, senior factors and merchants. Promotion was usually by seniority."

*Acquisition of Bengal and the Northern Circars, 1757-1772.*

6. The first stage of subsequent development belongs to the period 1741-65, which is marked by the struggle between the French and the British, with contending Native Princes as their instruments and allies, for supremacy in the South; and by the events which led to the battle of Plassey (1757), and thereby to the virtual conquest of Bengal. In 1765 the Company had, through the instrumentality of Lord Clive, obtained from the feeble representative of the once mighty Mughal empire the grant of the *diwani*, or right of revenue and civil administration, in Bengal proper, Bihar and Orissa,‡ and a few years afterwards (1772) the Company took over direct administration of these territories from the puppet Nawab whom they had hitherto maintained.§ In 1765, too, the Company obtained a similar grant of the Northern districts of Madras (as now constituted, Ganjam, Vizagapatam, Godavari, Kistna and Guntur) known collectively as the Northern Circars.

*The Regulating Act, 1773.  
The Governor of Bengal becomes Governor General.*

7. In 1773 Lord North's Regulating Act (13 George III, c. 63) enabled the first step to be taken towards unification of administration in India. The events of the preceding years had moved the centre of the Company's power from Madras to Bengal, and this fact was now recognized by the Bengal Presidency (technically termed the Presidency of Fort William in Bengal) being placed under a Governor General, with a Council of four||, who was to superintend and control the Presidency Governments of Madras and Bombay.¶

\* Passages in square brackets in quotations are inserted for the purposes of the present memorandum.

† The establishment of the Bombay 'Presidency' may be said to date from 1668, when the Crown handed over Bombay to the East India Company; that of Madras (originally an Agency under the Presidency of Bantam in Java) from 1684; and that of Fort William (Bengal) from 1700. The Company's stations in Bengal were previously for a time under the jurisdiction of Madras.

‡ The "Orissa" here referred to is mainly represented by the present Bengal district of Midnapore (in the Burdwan division). The existing Orissa division was mainly acquired in 1803, see paragraph 16.

§ Original criminal jurisdiction remained nominally with Muhammadan courts, representing the Nawab, till 1790.

|| Madras and Bombay retained their former unwieldy Councils till 1784.

¶ The Act also refers to the Presidency of Bencoolen in Sumatra, but this was ceded to the Dutch in 1824.

"The subordinate Presidencies were forbidden to wage war or make treaties without the previous consent of the Governor General of Bengal in Council, except in case of imminent necessity. The Governors of these Presidencies were directed in general terms to obey the orders of the Governor General in Council, and to transmit to him intelligence of all important matters. But the then isolated position of the three Presidencies rendered the control of the Bengal Government more theoretical than real, as was shortly proved by the embarrassing action of the Bombay authorities in the Maratha troubles of 1775-82."

The first Governor General and Councillors of Bengal were named in the Act and were to hold office for 5 years\* after which the patronage was to be vested in the Company. The decisions of the Council were to be by the majority of the members, the Governor General having only a casting vote in the case of an equal division. The trouble and embarrassments which this provision caused to Warren Hastings are well known.

The Governor General in Council was to obey the orders of the Court of Directors and keep them constantly informed of all matters relating to the interests of the Company.

The Act also provided for the constitution of a Supreme Court in Calcutta which became the ancestor of the present High Court. Similar Courts were created for Madras and Bombay in 1801 and 1823.

8. As has been aptly observed by Sir C. Ilbert in his *Government of India* (pages 51-52),† the Regulating Act and the enactments which followed it placed the Company's Government in a dual position. On the one hand, as legatees of the Mughal Emperor "they were the all-powerful agents of an irresponsible despot"; on the other hand, "they were tied and bound by the provisions of Charters and Acts of Parliament." This dual function, which at the outset led to considerable ambiguity as to the right of the Company's authorities to take action in particular circumstances, and as to the character of such action, continued, in a greater or less degree, as long as the Company itself.

*Effect of the Regulating Act on the character of the Company's administration.*

\* It has been suggested that this temporary enactment is the origin of the custom under which the tenure of the more important offices in India, such as those of Governor General, Governor, Lieutenant-Governor and Member of Council, is limited to 5 years. The limitation is not imposed by statute or by the instrument of appointment and rests only on custom." Note on page 45 of Ilbert's *Government of India* (1907 edition).

† The references to this valuable work are, throughout, to the new edition of 1907.

*Legislation by Regulations. Act of Parliament of 1821.*

Ilbert's Government of India, page 58.

*Pitt's Government of India Act, 1784.  
Reform of Madras and Bombay Councils.  
Board of Control.  
Imperial Gazetteer, Volume IV, page 15.*

Imperial Gazetteer, Volume IV, page 35.

9. An Act of 1781 (21 George III, c. 70) "contained a further provision which was of great importance in the history of Indian legislation. It empowered the Governor General and Council of Bengal 'from time to time to frame regulations for the Provincial Courts and Councils'. Copies of these regulations were to be sent to the Court of Directors and to the Home Government. They might be disallowed or amended by the King in Council, but were to remain in force unless disallowed within two years."\* Similar legislative powers were granted to the Governments of Madras and Bombay in 1800-07.

10. The Regulating Act was followed up some years later by Pitt's Act of 1784 (24 George III, Sess. 2, c. 25) which "vested the administration of each of the three Presidencies in a Governor and three Councillors including the Commander-in-Chief of the Presidency army. At the same time, the control of the Governor General in Council over Madras and Bombay was somewhat extended†, as it was again by the Charter Act of 1793; but distance still secured for the subordinate Presidencies the continuance for some time of much of their independence of action, and its final curtailment was due as much to the British possessions becoming contiguous, and to the development of means of communication, as to mere injunctions of subordination to the central Government." The Act also placed Indian affairs under the direct control of the British Government of the day by the establishment of a Board of Control, the President of which soon became *de facto* the whole Board, and was to develop later on into the Secretary of State for India. Its provisions in this respect "transferred the substance of authority from the Company to the Crown; but as all orders still purported to issue from the Court of Directors, the importance of the change escaped general recognition..... Patronage continued to be vested in the Court, though its nomination of Governors-General, Governors and Commanders-in-Chief had to receive the approval of the Crown..... The Governor General in Council was forbidden, without the express authority of the Court of Directors or of the Secret Committee, to make war except for the protection of

\* The Regulating Act had empowered the Governor General in Council to make such Regulations, but only subject to their being approved and registered by the Supreme Court. Under the statute of 1781 the approval of the Supreme Court became no longer necessary, and legislation was usually carried on under this latter enactment.

† It was declared to apply to all such points as relate to any transactions with the country powers, or to the application of the revenues or forces of such Presidencies in time of war.

our own territories and those of our allies, or to make fresh treaties guaranteeing the integrity of any Native State. It was the practical ignoring of these provisions by Lord Wellesley, under the stress of circumstances, which caused so much friction between himself and the Directors."

11. The first Governor General of Bengal was, as is well known, Warren Hastings (1772-85),\* but his tenure of office, while it marks the successful issue of a most critical period in the maintenance of British rule in India, was, as regards direct advance, only signalized by the acquisition, in 1775, of the greater part of the territory now constituting the Benares division of the United Provinces.

*Acquisition of the Benares territory, 1775.*

12. The Governor-Generalship of Lord Cornwallis (1786-93) is marked by—

(1) The passing of an Act (25 George III, c. 16) "authorizing the Governor General to override the majority of his Council and to act on his own responsibility in matters of grave importance. This condition was repeated in subsequent enactments and is still in force..... Under the board system of administration initiated by Lord Cornwallis, the Council acted in the capacity of advisers only, offering opinions on the cases put before them but exercising no individual responsibility," and the real heads of the Government Departments were the Secretaries.

*Governor General authorized to overrule his Council, which becomes a consultative body, 1786. Imperial Gazetteer, Volume IV, pages 18-19.*

(2) By the successful conclusion (1792) of a war with Tipu Sultan of Mysore, resulting in the direct addition to the Madras Presidency, which already controlled large territories through the puppet Nawab of the Carnatic, of areas corresponding roughly to the present districts of Madura, Salem and Malabar.

*Acquisition of territory in Madras, 1792.*

(3) By the codification, in 1793, of the Regulations which had been enacted from time to time for the internal government of Bengal. A British statute of 1797 (37 George III, c. 142) recognized and confirmed 'this wise and salutary provision,' and similar codes were subsequently drawn up for Madras and Bombay. Hence we get the distinction between the Regulation and non-Regulation Provinces of British India. The former are those to which the Regulations of the three Presidency Governments *ipso facto* applied, and are, at present represented by the Provinces of Madras, Bombay (outside Sind), Bengal, Eastern Bengal, and Agra; but in territories subsequently acquired, full introduction of the existing codes would have been inadvisable, and these Provinces, now principally represented by Sind, Assam, Oudh, the Punjab, Burma,

*Codification of Regulations, 1793. Regulation and non-Regulation Provinces.*

\* He became Governor of Bengal in 1772 and Governor General in 1774.

and the Central Provinces, were styled non-Regulation, and were ruled at the outset by simpler codes modified to suit their special circumstances, and with a greater centralization of functions in the hands of the District Officers. This distinction has, however, now generally disappeared, and its main relics are that in non-Regulation Provinces the District Officers are termed Deputy and Assistant or Extra Assistant Commissioners, instead of Collectors and Assistant or Deputy Collectors, and that the principal Court of civil and criminal jurisdiction is (except in Assam) a Chief Court or a Judicial Commissioner, and not a Chartered High Court.

*Permanent settlement of Bengal, 1793.*

(4) By the 'permanent settlement' in Bengal (1793), under which the land revenue assessments were fixed in perpetuity instead of being periodically revised, as they now are, in the greater part of India.\*

*Purification of Civil Service.*

(5) By the purification and adequate remuneration of what now corresponds to the Indian Civil Service, and by large measures of reform in internal administration. As remarked by Sir George Chesney in his *Indian Polity*, "the establishment of definite laws and procedure for the guidance of the Courts of Justice and the information of the people; the creation of those Courts, with their defined graduated powers, and provisions for the conduct of appeals; the hierarchy of district and controlling officers—the magistrate, collector and judge, and the superior boards for the general management of the revenues; all these were his (Cornwallis') creation."

*Transfer to Governor-General of diplomatic relations with important Native States in the South and West.*

(6) By the transfer to the hands of the Governor-General of diplomatic relations with the more important Native States. Thus the British Agents stationed at the courts of Poona and Hyderabad henceforward received their instructions direct from the Bengal Government, and not from the Governments of Bombay or Madras.

*Charter Act of 1793. Governors of Madras and Bombay empowered to overrule their Councils.*

13. The Company's Charter Act of 1793 (33 George III, c. 52) extended to the Governors of Madras and Bombay the power of over-ruling their Council in important matters, and laid down that the Governor General while visiting one of the minor Presidencies might supersede the Governor there. It also removed the Commander-in-Chief in Bengal from the position of an *ex-officio* to that of an extraordinary member of the Governor General's Council, *i.e.*, he could sit on it if specially nominated thereto by the Court of Directors (as he usually was) but not otherwise.

\* The Permanent Settlement system is still predominant in Bengal and Eastern Bengal, and in parts of the United Provinces, Assam and Madras.

14. The Governor-Generalship of Lord Wellesley (1798-1803) marks a great territorial advance both in the north and the south. By the acquisition of territory consequent on the final overthrow of Tipu Sultan (1799); by the cession of the present districts of Bellary, Anantapur, Cuddapah and a part of Kurnool by the Nizam in return for the maintenance of subsidiary forces in his territory (1800); and by the absorption of the Carnatic kingdom (1801) and the principality of Tanjore (1799), the Madras Presidency was extended to its present limits; and the only important alterations subsequently made have been the acquisition of the rest of Kurnool through the deposition of the local Nawab (1839), and the transfer of the North Kanara district to Bombay (1862).

*Overthrow of Tipu Sultan, and expansion and consolidation of the Madras Presidency, 1799-1862.*

#### 15. In the North—

(1) In 1801 the Nawab of Oudh ceded, in return for a guarantee of protection in respect of his remaining territories, the so-called 'Ceded Provinces' which include, roughly speaking, the present Gorakhpur and Rohilkhand divisions of the United Provinces and the bulk of the divisions of Agra and Allahabad.

*Acquisition of the 'Ceded' and 'Conquered' Provinces, constituting the bulk of the present Province of Agra, 1801-03.*

(2) As a result of the successful Maratha war with Sindhia in 1803, the latter ceded what were known as the 'Conquered Provinces,' including the bulk of the present Meerut division of the United Provinces and the remainder of the Agra and Allahabad divisions, as also a large part of what is now the Delhi division of the Punjab.\*

(3) British Bundelkhand, or rather a large part of it, was at the same time obtained by cession from the Peshwa.

The Province of Agra as now constituted, with a portion beyond, thus fell under British sway, with the exception of the Kumaun division and the Dehra Dun district which were acquired from Nepal as a consequence of the war of 1814-6.

16. The Raja of Nagpur, who had taken up arms against the British at the same time as Sindhia, was deprived of the greater part of the present Orissa division, which was added to Bengal and opened direct communication between that Presidency and Madras. He had also to cede Berar to the Nizam.

*Of Orissa, 1803.*

\*The Delhi districts, though under British control from this date, were not taken under direct administration till 1802.



*Of portions of Gujarat, 1803.*

17. The Maratha war of 1803 was likewise important on the Bombay side, since it added to the British territories there—which had hitherto consisted only of Bombay City and its environs, and of Surat, taken over from the local Nawab in 1800—Broach and some other parts of the present Gujarat districts.

*Subsidiary alliances with Native States.*

18. The Governor Generalship of Lord Wellesley was also signalized by his system of subsidiary alliances with the Native States which he protected or reconstituted, and which brought Oudh, Hyderabad, Mysore as restored to its former Hindu rulers after the fall of Tipu, Baroda, and the territories of the Poona Peshwa within the British sphere of influence.

*Charter Act of 1813.*

19. The Company's Charter Act of 1813 (53 George III, c.155) took away the monopoly it had hitherto endeavoured to hold in respect of trade with India. It laid the foundation of the present Ecclesiastical department by providing for a Bishopric of Calcutta, and as will be noted subsequently, it initiated Government grants for education.

*Overthrow of the Peshwa and consolidation of the Bombay Presidency, 1818.*

20. The Governor-Generalship of the Marquis of Hastings (1813-23) is memorable for the last Maratha war of 1817-18, resulting in the suppression of the Peshwa and the transfer of the bulk of his territory to Bombay which, so far as the Presidency proper is concerned, thus attained almost its present size. The Presidency, as it now stands, was completed later on by the annexation of Aden (1839); by the transfer of Sind (conquered in 1843) in 1847; by the annexation, in 1849, of the principality of Satara on the death of its Raja without a recognized heir; and, as already mentioned, by the cession of the North Kanara district by Madras in 1862.

*Acquisition of the Saugor and Nerbudda territories (the nucleus of the present Central Provinces), and of Ajmer, and establishment of British paramountcy through Rajputana and Central India, 1818.*

21. As the result of this Maratha war, the Raja of Nagpur was also forced to cede territories which correspond to the present Jubbulpore and Nerbudda divisions of the Central Provinces (then styled "the Saugor and Nerbudda territories"). Ajmer was obtained by cession from Sindhia, and the Company's predominant control over the Native States of Rajputana and Central India was at the same time definitely established. From this period may be dated the general supervision of the Company's Government over the Native States of India, though as yet there was, as a rule, no interference with their internal administration, save in the case of disorders necessitating the employment of British troops, as in the case of Mysore which was

taken under British administration for this reason in 1831, and remained so administered until 1881.

22. Lastly, the war with Nepal in 1814-16 resulted, as has already been stated, in an accretion of territory along the Himalayas in what are now the United Provinces, and in the acquisition of Simla.

*Acquisition of territory from Nepal, 1816.*

23. The first Burmese war of 1824-26 led to the acquisition of Assam, and of the Arakan and Tenasserim divisions of the present Province of Burma.

*Of Assam and part of Lower Burma, 1824-26.*

24. Accordingly in 1833, when the British Charter Act of that year brought about important developments in the system of Indian Government which will be noticed presently, we find that of the three Indian Governments then existing—each of which, it should be noted, had its separate army—the two minor Presidencies, Madras and Bombay, had attained almost to their present size, save for the subsequent addition of Sind to Bombay; while the Governor-General, besides exercising general control over these two Presidencies, ruled directly over areas which correspond generally to the present Provinces of Bengal, Eastern Bengal and Assam, and the United Provinces, together with the Saugor and Nerbudda territories, Ajmer and a portion of Burma. Of these outlying areas, the Saugor and Nerbudda territories were managed by an Agent to the Governor-General; Arakan was attached to Bengal; Tenasserim was under a special Commissioner; and Ajmer was managed by a Superintendent under the direction of the Resident at Delhi.

*British Provinces at end of this period.*

25. Each Presidency had, as above observed, its separate army, consisting of the Company's Indian and European troops and of the King's regiments serving there, and its own Commander-in-Chief; and though the armies had by this time been organized on much the same model, the control exercised by the Government of Bengal over those of Madras and Bombay was but small, while the Commander-in-Chief of Bengal, though recognized as Commander-in-Chief in India, had in this capacity control only over military operations in the field and, to a limited extent, over the King's troops serving in the minor Presidencies.

*Presidency armies.*

26. The Bengal and Bombay Governments maintained separate fleets, which at this time included vessels of war (Madras appears to have had none). The Bombay fleet was the more important of the two, and was, subsequent to 1830, denominated

*And fleets.*

' the Indian Navy, ' the other fleet being designated ' the Bengal Marine. '\*

*General character of internal administration.*

27. As regards internal administration, this was necessarily of a far more primitive character than at present. Much of the Company's territory had only been lately acquired, and, as observed in Sir John Strachey's ' India ' (page 59, 1903 edition) " kingdoms were annexed and conquered, and stirring events were constantly going on, but the ordinary business of administration was comparatively small."

28. The administration began on the lines of that of the Native Governments whom we superseded, and was only gradually altered, the chief advance being, at the outset, in the direction of settled order, safety of life and property, milder judicial punishments, and more certain and equitable taxation. The main unit of administration was then, as now, the district, though the districts of those days were, as a rule, considerably larger than they are at present.

*District Organisation.  
Collectors and their Assistants.*

Each district was in charge of a Collector whose primary function was, as his name implies, the realization of the revenues. He was also however, at the close of this period, and still is, the Chief Magistrate of the district,† and was responsible for the police arrangements and for the supervision of the primitive jails which at that time existed. But the difficulty of communication, and the pre-occupation of the Presidency Governments with diplomacy, wars and the means of financing these, naturally gave the Collector much larger powers than are possessed by his successors of to-day. Each Collector had Assistants belonging to the Company's service (Indian Civilians as we should now say) who were either in subordinate charge of outlying portions of the district, or worked directly under his orders. Apart from larger subdivisions under such an Assistant, each district was, as now, split up into smaller areas generally designated *tahsils* or *taluks*‡ and in the immediate charge of native officers (*tahsildars*—in Bombay *mamlataars*). Towards the end of this period, too, Lord

\* The remarks on the subject of the early history of the present Indian Marine contained in page 382, Volume IV, of the Imperial Gazetteer are not quite correct.

† The functions of Collector and Magistrate had been for a time disjoined, by Lord Cornwallis, and were again separated in Bengal from about 1840 to 1859, but were united once more after that year.

‡ Tahsildars have long disappeared from Lower Bengal, where the next unit to a large sub-division of the district under a Civilian or a Deputy Collector is now the Police *thana*; but the valuable 'Fifth Report' of the Select Committee of the House of Commons on Indian affairs in 1812 mentions them as then existing there.

William Bentinck inaugurated the appointment of native officers of a higher class, Deputy Collectors, who are now entrusted with the same duties and responsibilities as the Collector's civilian Assistants. The Collector's principal subordinates, European and Native, were like himself generally entrusted with magisterial and police functions also, their powers varying according to the revenue position they held.

29. At the base of all came, as ever in India, the village, whose organization, which had survived from remote Hindu times, gave each village community its own staff of petty officials, and a large degree of autonomy which has perforce been considerably curtailed by the advance of British administration \* Where settlements of land revenue were not made with large land owners who owned several or many villages, they were, throughout the greater part of this period, made with the villages as a whole, and it was only towards the close of this time that the ryotwari system of Madras, evolved by Sir Thomas Munro, which involved a settlement with each individual landholder, emerged as the predominant system in the Madras Presidency (its application to Bombay commenced in 1836). The ryotwari system, while preventing local oppression of poor or low-caste peasant proprietors, naturally led to many matters which would formerly have been settled by village headmen or village councils (*panchayats*) being referred to the Government revenue officer or magistrate.

Villages had, especially in the south of India, their own system of village police, and were held responsible for undetected thefts or other crime committed within their area.

30. But what we now know as local self-government, that is the administration of local matters relating to roads, schools, hospitals, sanitation, etc., by District Boards or municipalities, empowered to levy local taxation for these objects, was non-existent outside the Presidency towns, where the Justices of the Peace had been authorized to provide for watch, scavenging and street repair, and to levy an assessment on houses and land for the purpose. In the *mufassal* towns, the Mughal system of maintaining a *kotwal* or town police magistrate, who also discharged various functions now classed as municipal, had been largely adhered to.

\* A short account of the Indian village, and of its varying character in the north and south of India, will be found at the commencement of chapter IX of the Imperial Gazetteer, Volume IV. But village organisation of either sort does not exist in Eastern Bengal or Assam, where the people live in small collections of houses or in separate homesteads,

*Villages.*

*Effect of the ryotwari system on village government.*

*Local self-government on present lines non-existent outside the Presidency towns.*

**Boards of Revenue.**

*Establishment of Commissioners of Divisions in the Bengal Presidency, 1829.  
Subsequent extension of the system to other Provinces outside Madras.*

31. For the greater part of this period, Collectors were directly responsible to the Presidency Governments, and, in Madras and Bengal, to the Board of Revenue which these had established at head-quarters, (Bengal developed two Boards of Revenue, one for Bengal proper—the Lower Provinces—and the other for what is now the Province of Agra—the Upper Provinces.\*) But in 1829 the important step was taken, in the Bengal Presidency, of establishing an intermediate authority, *viz*, Commissioners of divisions, each of which contained several Districts. The Commissioner supervised the work of his Collectors in revenue and police matters,† and also for a time exercised judicial functions, inheriting in this latter capacity from previous 'Provincial' (or as we should now say divisional) Courts, but it was not very long before his judicial functions passed in the Bengal Presidency to District and Sessions Judges, who dealt in the former capacity with civil and in the latter with criminal work. The Commissioner system has been applied to all the Provinces that were at one time or other under the more immediate control of the Governor General in Council, and in Upper Burma the Commissioner is still (as he was till not long ago in Lower Burma and the Central Provinces) the Sessions Judge for his division.

32. The Bombay Presidency started in 1830 with a single Commissioner, who at that time rather corresponded to the Boards of Revenue of Madras and Bengal (there never was a Board in Bombay); but since 1845, this single Commissionership has been resolved into several, and the Bombay Commissioner therefore stands on the same footing as the Commissioners of divisions elsewhere, although, owing to the absence of a Board of Revenue or of a Financial Commissioner in its place, he exercises larger powers.

Madras, which has always remained a Province of large districts, never adopted the system of Commissioners, and here the Collector continues to be in direct subordination to the Board of Revenue in revenue matters and to the Local Government otherwise.

Owing to the absence of Commissioners, Madras retained the old Provincial Civil

\*The Boards of Revenue were already, also, Courts of Wards, supervising the management of estates of persons disqualified by minority, sex or natural infirmity for the management of their own affairs.

† The police jurisdiction of the Commissioners replaced that of Superintendents (or as we should now say Inspectors General) of Police, for the Upper and Lower Provinces of Bengal who had been established some years previously but who were now abolished.

and Circuit Courts till 1845: in Bombay they had already disappeared in 1830.

33. The system of appointing natives of India to be subordinate civil judges had been initiated, the bulk of the original civil work of the country was already in their hands, and there were Munsifs and *Sadr Amins* in existence corresponding to the District Munsifs and Subordinate Judges of to-day, though the limits of their jurisdiction were smaller. In Madras, too, a Regulation of 1816 had given heads of villages power to act in petty civil and criminal matters.

*Employment of natives of India as subordinate civil judges.*

34. The supreme courts of the Presidencies were of a double character. There were the Supreme Courts proper, established in Calcutta by the Regulating Act of 1773 and in Madras and Bombay subsequently, and consisting of British barristers; but their jurisdiction, as curtailed by an Act of Parliament of 1781 already referred to in another connection in paragraph 9, was practically restricted, territorially to the Presidency towns, and personally to British subjects (European British subjects as we should now say) outside these; and they were forbidden to interfere with acts done in the collection of the revenue according to the usage and practice of the country or the Presidency Regulations. It was also laid down that in suits between natives falling within their jurisdiction, regard should be paid to the personal law of the party whether Hindu or Muhammadan, and where the parties were under different personal law to that of the defendant. It was likewise prescribed that no act done in consequence of the rule or law of caste in native families should be held to be a crime although it might not be justifiable under the laws of England.

*The Supreme Courts.*

35. Alongside of these Supreme Courts were Company's Chief Courts of *Sadr Diwani* (civil) and *Nizamat* (criminal) *Adalat*, which originally were the Presidency Governors in Council sitting judicially, but were now manned by independent judges taken from the Company's service. These courts,\* which had been specifically recognized by the Act of 1781 above referred to, served as Courts of Appeal in respect of the Company's *mufassal* courts, but there was a further appeal to the King in Council in civil suits the value of which was £5,000 and upwards. There was a similar right of appeal in important cases in respect of the Supreme Courts' decisions.

*Courts of Sadr Adalat.*

\* The Bengal Presidency had two, one for the Upper and one for the Lower Provinces.

*Character of law administered.*

36. Except in Bombay, where a code of regulations drawn up by Mountstuart Elphinstone contained (as described by Sir James Fitz-James Stephen) "a body of substantial criminal law which remained in force until it was superseded by the Indian Criminal Code," no attempt had been made to codify the criminal or civil law administered by the Company's courts, which was generally based on the Muhammadan law in criminal matters, though with a dropping of the harsh punishments, such as mutilation and stoning, which that law permits, and as far as could be ascertained on the personal law of the parties in respect of civil disputes. Lord William Bentinck's legislation against *sati* in 1829 is generally held to be the first important attempt to over-ride native custom when that was held to be unworthy of a civilized community; but it is stated in the 'Fifth Report' of 1812 that "the Government has also deemed it expedient to take measures for putting a stop to the barbarous practices of certain Hindus, not sanctioned by their shaster, in devoting the life of infants to the sacred waters; of certain Hindus of high caste in Benares, who, on a prospect of inability to provide suitably for their female children, were induced not unfrequently to put them to death; and of other castes of Hindus, who, with a view to deter the execution of legal process, or in revenge for a supposed injury, would murder their females or their children, under a persuasion that by such means, they could command and direct spiritual vengeance against their adversaries. But (the Report significantly continues) in regard to immolation in the various modes practised by self-devoted victims, who are invariably Hindus, no further interference is permitted to take place, on the part of the Magistrate, than may be necessary to ascertain from the party that the resolution taken has been voluntary and in no wise influenced by improper means."

Such legislation as was required, and it was mainly confined to revenue and administrative matters, was, as already indicated, carried out in the form of Regulations by the Presidency Governments as such.

*Public Works.*

37. The Public Works Department, as we now conceive of it, was non-existent. The roads were few and poorly maintained (see quotation from Shore's *Notes on Indian Affairs* on page 404, Volume III of the Imperial Gazetteer), and as they were kept up mainly for military purposes, they were placed under Military Boards at the various Presidencies whose administration

was anything but effective.\* The same authorities dealt with the provision of barracks and other building accommodation required. As regards Irrigation, little had been done beyond taking advantage of such works as had been constructed by previous native rulers, though between 1817 and 1823 work was commenced on the system now known as the Eastern and Western Jumna canals which owe their first beginning to canals previously constructed by Firoz Shah Tughlak and the Mughal emperors.

38. There was no organized postal system. Mail runners were kept for Government purposes along main lines of communication, but the use of this post by private individuals was conceded only as a privilege, and on payment.

*Posts.*

39. As regards State responsibility for famine relief and prevention, little advance had been made over native methods, under which "occasionally a large relief work was started and spasmodic attempts were made to send food to famine stricken areas, but primitive transport could not enter fodderless and roadless country, and so broke down where most required;" and the great Bengal famine of 1770, which cost millions of lives, took place before the Company had assumed direct responsibility for the government of the Province. Relief works "were first opened in Madras in 1792; [but] the obligation to provide work for all who sought it was fully recognised for the first time [only] in the Agra famine of 1838."

*Famine relief.*

Imperial Gazetteer, Volume III, page 472.

Ibid, page 484.

It may be noted, however, that the policy of granting what is known as *takavi* advances, that is, small loans to cultivators where circumstances seemed to require it, was recognized so early as the Bengal Regulations of 1793.

*Takavi.*

40. The Company had long had a Medical service, whose officers, though maintained chiefly for military purposes, were also available at the larger civil stations. Medical administration (civil and military) in each Presidency was under a Medical Board which consisted of a Surgeon General, a Physician General, and an Inspector General of Hospitals. Hospitals had long been in existence in the Presidency towns, but their number in the *mufassal* was still small.

*Medical Service.*

41. In regard to education, the Government at this period "did little to supplement the indigenous systems of education existing in their territories. Their efforts

*Education.*

Imperial Gazetteer, Vol. IV, page 409.

\*In Madras, irrigation works were under a *maranah* department of the Board of Revenue.



were confined to the establishment of colleges for Oriental learning, such as the Calcutta Madrasa for Muhammadans founded by Warren Hastings in 1782, and the Benares College for Hindus established in 1791. About this time Mr. Wilberforce and other benevolent persons in England took up the cause of the education of the natives of India, and, after an unsuccessful attempt in 1793 to introduce a measure for the encouragement of missionaries and schoolmasters, succeeded in inserting a clause in the Charter Act of 1813 that one lakh of rupees in each year should be 'set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India.' The grant was devoted mainly to the up-keep of the Oriental colleges, the payments of stipends to students, and the publication of works of Oriental literature. But the cause of general education was not without its advocates. In 1815 Lord Hastings declared his anxiety to see some system of public instruction established, and the private endeavours of native and English gentlemen and of missionary bodies gave a fresh impetus to educational progress,"—which was being further stimulated by the growing necessity for the employment of English-knowing natives in the administration. Missionary bodies in Calcutta and in the South of India had already done much in the direction of starting schools and colleges, and, in Bombay, Mountstuart Elphinstone had initiated a sound vernacular system of education, while the Elphinstone College, called after his name, was started about the close of this period (in 1834).

Educational affairs in the Bengal and Madras Presidencies were under the direction of Boards or Committees of Education which had been started in 1823-26, and Bombay was provided with a similar Board in 1840.

**Fiscal Resources.**

42. The principal fiscal resources of the Government—apart from the trading operations of the Company which were carried on under the supervision of Presidency Boards of Trade and Commercial Residents, but which disappeared after the close of this period—consisted of—

- (1) The Land revenue.
- (2) Réceipts from—
  - (a) Opium.
  - (b) Customs.
  - (c) Salt.

- (3) Abkari or Excise revenue.
- (4) Stamp duties and fees on judicial proceedings.

The receipts falling under head (2) were not, at any rate in Bengal, under the Revenue Boards proper, but under a separate Board of Customs, Salt and Opium, which was subsequently abolished by Lord Dalhousie.

43. The Land revenue was, as usual in *Land Revenue Settlements.* Oriental countries, the mainstay of the Government. During the first years of British rule it had been exacted without any definite principle, except that of obtaining as much as it was thought the land could yield to the State, by means of frequent and arbitrary re-assessments and by farming the collection of these to the highest bidder, a method which had become generally prevalent under native rule with the decay of the Mughal empire and the political anarchy that set in subsequently. But in 1793 Lord Cornwallis, as already observed, placed Bengal under a permanent settlement, which not only gave the great landlords with whom he dealt fixity of assessment, but precluded the Government from raising this for ever. The right of the Government to a share in the produce of the soil was in fact compounded for a fixed land tax, which at that time was, however, (though it now is not) heavy in proportion to the landlord's receipts. Endeavour was made to introduce this system elsewhere, but it was not generally adopted; and outside Bengal in the wide sense and parts of Assam, it only survives, as already indicated, in portions of Madras and of the Province of Agra, the Benares division of which belonged to Bengal in Lord Cornwallis's time. The alternative system, since adopted, of giving the landholder an assessment which should yield him a considerable portion of the profits of cultivation, and which should be fixed for a considerable period of years, but be liable to revision thereafter with reference to the circumstances then existing, was now in process of development. The ryotwari system of Madras had already, as stated in paragraph 29, been framed by Sir Thomas Munro; and in the Upper Provinces of Bengal (now the Province of Agra) steps were just being taken towards the well organized land revenue system which that Province owed subsequently to the labours of Bird and Thomason, and which resulted in the settlements of Upper India being made with large landowners or joint proprietors of villages, and not with peasant occupiers as

in Madras, or in permanency as in Bengal. In Bombay matters were not yet definitely settled, but the ryotwari system of that Province may be said to have commenced from 1836.

*Surveys.*

44. The settlements of land assessment were not, however, as they would now be, accompanied by scientific measurement and demarcation of the areas dealt with: the first attempt at a regularly organized revenue survey was initiated by Lord William Bentinck, for the Upper Provinces' only at the close of this period. A trigonometrical and topographical survey which had been initiated in Madras, and which the Bengal Government had taken over in 1818, was, however, in progress (though as regards topographical survey little of importance had been done outside Madras), and from this dates the present Survey of India department.

*Forests.*

45. There was at this time no separate system of Forest management; but a Conservator of Forests had been appointed in Malabar in 1806, who for 15 years protected the teak forests there by declaring that timber to be a Government monopoly. The appointment lapsed, however, in 1821.

*Opium.*

46. The Opium revenue was, as at present, principally derived from the production of opium in the Bengal Agencies in Bihar and the Upper Provinces, and its production was, as now, a Government monopoly. The other considerable source of opium revenue now available, *viz.*, the imposition of a pass duty on the 'Malwa' opium produced by Native States in Central India and Rajputana upon its entry into British territory for export to China *via* Bombay, was initiated in 1830, in substitution for a system under which British opium agents in Malwa purchased from the cultivators the opium produced in that region.

*Salt.*

47. Salt production, like opium, was a Government monopoly both in Lower Bengal and in Madras, and the prices at which it was sold to the public represented a considerable duty *plus* cost of production. In the Upper Provinces production was subject to an excise duty. In Bombay salt was subject to the transit and custom duties till 1838, when a system of excise was introduced.

*Customs.*

48. Customs revenue was derived from duties on imported goods, and *sayer* (transit) duties on articles of internal trade. *Sayer* stations were originally planted all

over the principal routes, but shortly after the close of this period steps were taken, in the Bengal Presidency, to substitute customs lines along the external frontier.

49. Excise revenue, derived from the production and sale of country liquor, and to a minor extent from the sale of imported spirit, was generally obtained, as under native rule, by farming out the rights of manufacture and sale to the highest approved bidders. The first attempt to impose a quantitative duty on locally produced spirit under a distillery system was made in Bengal in the year 1813, in Bombay in 1816, in Upper India in 1861-62, and in Madras in 1869.

*Excise.*

50. The currency arrangements were as yet anything but uniform. The rupees issued from the Company's mints were, at the close of this period, still of four different standards and weight. The Murshidabad or *sikka* rupee, struck at the Calcutta mint, represented the old Mughal coin; the Farrukhabad mint in the Upper Provinces followed the standard of the Lucknow rupee struck by the Wazirs of Oudh; the 'Surat' rupee was the standard of the Bombay Presidency; and the 'Arcot' that of Madras; while in addition there was considerable circulation of coin struck by native sovereigns. The Company's accounts were generally kept in 'current' rupees, but these represented merely the estimated value of the standard coin after making allowance for wear.

*Coins.*

See Imperial Gazetteer, Vol. IV, page 515.

51. Notes were issued by the Bank of Bengal which had been established as the Bank of Calcutta in 1806, and which was allowed to issue notes up to two crores of rupees.\* But these notes never had any circulation beyond the Lower Provinces of Bengal, and even here they were not general legal tender, though accepted in payments at Government treasuries. There was also some issue of notes by a 'Government Bank' which had been established by Lord William Bentinck in Madras early in the 19th century.

*Currency notes.*

52. To sum up, this period witnesses the firm establishment of British dominion in India, and the recognition, after the first great territorial acquisitions, that the new empire required control by a single Government in India, and in fundamental matters by the British Crown and Parliament. It was also recognized, however, that the

*Summary.*

\* Up to 1836 the Government took a share in the management of the Bank of Bengal, and of the other Presidency Banks established subsequently, by the inclusion of some of its officials among the Directors.

empire was of too vast and heterogeneous a character to be entirely ruled by a Government at Calcutta, and the Presidency Administrations of Madras and Bombay were wisely preserved as subordinate Local Governments, with a large degree of internal autonomy. Their powers were indeed, in some respects, still larger than it would be possible to grant to any subordinate Indian Government under present conditions, for the India of to day, with an elaborate telegraph and postal system, and with its component parts re-acting on each other in ever increasing proportion, owing to the spread of communications and commerce and the growing knowledge of English, presents, of course, a very different aspect from the India of the first portion of the 19th century. Even then the position was not altogether satisfactory: the Bengal Government was, for instance, often embarrassed by having to meet expenditure initiated by the Governments of Madras and Bombay, and, as will be seen in the next period, the later consolidation and advance of the empire was accompanied by a very large increase in centralization.

The fact that Government by mere committee was not suited to Oriental conditions had been recognized by giving the Governor General and the Presidency Governors power to over-rule their Councils, when they thought such a course advisable in the interests of the State; but though the Governor General was thus free from the troubles and intrigues that beset Warren Hastings, he was still over-burdened by having direct charge of the ever-growing Presidency of Bengal.

The machinery of internal administration was still of a primitive character; but it had already been recognized by the Acts of Parliament relating to India, and by the series of Regulations passed by the Indian Governments, that the British *raj* must be a reign of law as well as of order. The Oriental practice of concentrating all public functions in the hands of a single local representative of the State was still largely followed, but the institution of separate civil courts evidenced the first important departure from this method. Efforts were being made to place the land revenue assessments on a sound and equitable footing, and the importance of developing the efficiency of local administration through native agency was already recognized. But outside defence, law and order, and taxation, the Government was still mainly of a *laissez faire* character: very little had been done towards economic improvements and for the education and health of the people.

## Second Period (1833-57).

53. This period opens with the passing, in 1833, of a fresh Company's Charter Act (3 and 4 William IV, c.85). By it—

(1) The Company's trading privileges were now finally taken away and it became henceforth a purely governing body. One result of this change was more economical administration, since trading profits were no longer available to eke out taxation receipts, and by consequence the larger employment of native agency.

(2) "The superintendence, direction, and control of the whole civil and military Government were expressly vested in a Governor General and Councillors who were to be styled 'the Governor General of India in Council.' This Council was increased by the addition of a fourth ordinary member [the Commander-in-Chief, it will be remembered, sat only as an extraordinary member] who was not to be one of the Company's servants, and was not to be entitled to act as Member of Council except for legislative purposes."

(3) "The over-grown Presidency of Bengal was to be divided into two distinct Presidencies [administered by Governors in Council] to be called the Presidency of Fort William and the Presidency of Agra. But this provision was suspended by an enactment of 1835 (5 and 6 William IV, c.52) and the suspension was continued indefinitely [*i.e.* until the Court of Directors and the Home Government should otherwise direct] by the Charter Act of 1853 (16 and 17 Victoria, c. 95, s. 15).

"The intention was that each of the four Presidencies, Fort William, Fort St. George, Bombay and Agra should have, for executive purposes, a Governor and Council of its own. But the Governor General and his Council were to be, for the present the Governor and Council of Fort William, and power was given to reduce the members of the Council, or even to suspend them altogether, and vest the executive control in a Governor alone."

(4) The actual upshot was that Madras and Bombay remained under Governors in Council, while the Upper Provinces of Bengal (now the Province of Agra) became the Lieute-

*Charter Act of 1833.*

*The Company ceased to be a trading body.*

*The Bengal Government became the "Government of India."*

*Ilbert's Government of India, pages 82-83.*

*Ibid.*

*Provision (not carried out) for constitution of a Presidency of Agra.*

*Ilbert's Government of India, page 83.*

*But the North-Western Provinces became a Lieutenant-Governorship.*

*Withdrawal of legislative powers from the Governments of Madras and Bombay, and Home control over Indian legislation.*

Ibbert's Government of India, page 86.

Ibid.

*Withdrawal of financial powers from the Governments of Madras and Bombay.*

*Other provisions.*

nant-Governorship of the North Western Provinces :\* and the Governor General was left directly responsible for Bengal, but with power, when he was absent from the Province, to appoint a member of his Council as Deputy Governor.

- (5) Legislative power was withdrawn from the minor Presidencies, and vested solely in the Governor General in Council whose laws henceforth became "Acts" instead of "Regulations". It was at the same time laid down *inter alia* that the law making power of the Government of India was not to extend to 'any variation of the provisions of the Charter Act, or to affect any prerogative of the Crown, or the authority of Parliament, or the constitution or the rights of the Company, or any part of the unwritten laws or constitutions of the United Kingdom, whereon may depend the allegiance of any person to the Crown or the sovereignty or dominion of the Crown over the Indian territories'. \* \* \* \* \*

"There was also an express saving of the right of Parliament to legislate for India and to repeal Indian Acts, and, the better to enable Parliament to exercise this power, all Indian laws were to be laid before Parliament."

- (6) "Laws made under the powers given by the Act were to be subject to disallowance by the Court of Directors, acting under the Board of Control, but, when made, were to have effect as Acts of Parliament, and were not to require registration or publication in any court of justice."

- (7) The Governments of Madras and Bombay were precluded from creating any new office or granting any fresh salary, gratuity or allowance without the previous sanction of Governor General in Council. The same prohibition of course held good as regards fresh Provinces subsequently formed.

- (8) "Section 87 of the Act declared that 'no native of the said Indian territories, nor any natural born

\* It may be noted that there had previously (1801-03) been a temporary Lieutenant-Governor, assisted by a Board of Commissioners, for the preliminary administration of the 'Ceded Provinces' referred to in paragraph 15.

subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the Company.' "

Ilbert, pages 88 "

- (9) Lastly the Act established bishops at Madras, and Bombay, as well as in Calcutta.

5. Accordingly from this period we may date—

- (1) The commencement of the present active control of the Government of India over all the Provincial Governments, the latter losing for the time even the power of separate legislation and of fresh expenditure in regard to establishments.
- (2) The creation of fresh Provinces outside the three old Presidencies, and the administration of such Provinces not by a Governor in Council, but by a single Lieutenant-Governor, or, in the case of later lesser charges, by a Chief Commissioner.
- (3) The dissociation of the Government of India from direct charge of any of the principal Provinces. It is true that the Governor-General remained up to 1854 Governor of Bengal; but as he was frequently absent from this Province, its administration fell more and more into the hands of the Deputy Governors above referred to. But, as the latter were necessarily frequently changed, being appointed by rotation of seniority on the Council, the administration necessarily lacked strength and continuity.

*Main consequences of the Act.*

55. In 1834 the small Province of Coorg came under British administration on the deposition of its native ruler for mis-government. It was attached for administrative purposes to Mysore which had shortly before been taken under British management for similar reasons, and the Commissioner (afterwards Chief Commissioner) in Mysore exercised similar functions in respect of Coorg. With the rendition of Mysore to native rule in 1881, the Chief Commissioner there was replaced by a Resident, but the latter continues to be *ex-officio* Chief Commissioner of Coorg.

*Acquisition of Coorg, 1834.*

56. In 1835 a uniform rupee coinage was introduced based on the Madras or Aroot rupee, and from this period may be dated the centralized control of the Government of India over coinage matters.

*Uniform coinage.*



*English made the official language.*

57. In the same year Lord William Bentinck prescribed the use of English instead of Persian as the language of official administration.

*The North-Western Provinces formed, 1836.*

58. In 1836 the Lieutenant Governorship of the North-Western Provinces, representing the Upper Provinces of the Bengal Presidency, was finally constituted. The new Province took with it the Board of Revenue and the *Sadr* Court of the Upper Provinces of Bengal, and also the control of the Saugor and Nerbudda territories and of Ajmer. But the administration of the Opium Agency in the North-Western Provinces remained, as it still does, with the Government of Bengal; and the Bengal Committee of Public Instruction continued to deal with educational affairs in the new Province until 1843, when their administration was made over to the Provincial Government, acting through local committees.

*General Postal Service started, 1837.*

59. In 1837 the Government of India initiated a general postal service, and took the exclusive right of carrying letters for payment which was then made in cash. Presidency Postmasters General, with another for the North-Western Provinces, looked after postal conveyance along the main lines of communication, while Collectors had charge of district post offices and local lines.

*Beginning of a separate Jail department.*

60. In 1838 a Commission, which owed its inception to Lord Macaulay, proposed radical reform in the system of jail administration. Convicts were to be confined and put to labour in large central jails, supplemented by smaller district jails in which adequate arrangements could be made for classification and discipline; and it was proposed that one or more Prison Inspectors should be appointed for each Province. The labours of the Commission did not have immediate effect; but before the close of this period Jail departments under Inspectors-General of Prisons had been started in the larger Provinces.\*

*Establishment of Presidency Banks in Bombay and Madras, 1840-43.*

61. In 1840 and 1843 Presidency Banks, with a right of note issue like that possessed by the Bank of Bengal, were established in Bombay and Madras, the Madras bank superseding the Government institution referred to in paragraph 51.

*Acquisition of Sind, 1843.*

62. In 1843 came the annexation of Sind, which was first placed under a separate Commissioner, and in 1847 made over to the Bombay Presidency. It still, however, occupies a special position there, as the

\* In the North Western Provinces in 1845, and in Bengal, Madras and Bombay in 1854-56.

Commissioner in Sind has much larger powers than an ordinary Commissioner of Division, and is practically a sub-Governor having in his hands the threads of the local administration in all its branches.

63. The annexation of Sind is also notable for the fact that Sir Charles Napier there introduced what was to become the model of the present Indian police system, *vis.*, a force modelled on the Irish constabulary, "the main characteristics of which were separate organization, severance of police and judicial functions, and a reasonable degree of discipline." In 1853 a similar system was introduced in the Bombay Presidency proper; and shortly after the annexation of the Punjab in 1849, that Province received an ordinary police force on similar lines, and a semi-military force for escort and guard duty. These bodies were however distinct forces under the District Magistrates. The wider application of Sir Charles Napier's system belongs to the next period.

*Police organization in Sind and Bombay proper, and later in the Punjab.*

Imperial Gazetteer, Volume IV, page 387.

64. The Governor-Generalship of Lord Dalhousie (1848-56) is marked by enormous advance both as regards acquisition of territory and the constitution of new Provinces, and in respect to internal administration.

(1) The year 1849 witnessed the final fall of the Sikh power and the constitution of the present Province of the Punjab, lacking, it is true, the Delhi territory, which still belonged to the North-Western Provinces, but embracing, on the other hand, the districts which now form part of the separate Frontier Province. This Province was at first placed under a Board of Commissioners; but in 1853 Sir John (afterwards Lord) Lawrence became the Chief (and sole) Commissioner. The title Chief Commissioner now arose for the first time in connection with the regular administration of a Province; and it was apparently due to the fact that at this same period the Punjab received Judicial and Revenue Commissioners as the controlling authorities to discharge functions analogous to those of the High Court and the Board of Revenue in Bengal, and it was therefore necessary to provide the head of the Province with a higher title. "Chief Commissioners, [for the Punjab example was soon followed, and there are several of them now], stand upon a lower footing than Lieutenant Governors], being delegates of the Governor General in Council, appointed without any reference to Act of Parliament.\*

*The Punjab becomes a Province, 1849.*

*First appointment of Chief Commissioners, 1853.*

Imperial Gazetteer, Volume IV, page 32.

\* In practice, however, the Chief Commissioner of the Central Provinces has now in most matters as much power as a Lieutenant Governor. The other Chief Commissioners now existing control minor Administrations which stand on a different footing.

[Moreover a Chief Commissioner's appointment rests entirely with the Governor-General, while that of a Lieutenant-Governor now requires the approval of the Crown]. In theory the whole of British territory in India which is not within the Presidency of a Governor in Council or the Province of a Lieutenant-Governor, is under the immediate authority and management of the Governor-General in Council, who is competent [by an Act of Parliament passed in 1854—17 and 18 Vict., c. 77] to give all necessary orders and directions respecting its administration. A Chief Commissioner therefore is regarded as administering his Province on behalf of the Governor-General in Council, who may resume or modify the powers that he has himself conferred."

*The Punjab Frontier Force.*

- (2) The Punjab Government had a separate military Frontier force at its disposal, which remained on this footing till 1886.

*Acquisition of the rest of Lower Burma, 1852.*



- (3) In 1852 came the second Burmese war, resulting in the extension of British sway over the whole of Lower Burma. At the outset, Martaban was placed under the already existing Commissioner of Tenasserim, and the rest of the newly-acquired territory under a Commissioner of Pegu (with head-quarters at Rangoon) also directly subordinate to the Governor-General.

*Berar taken under British management, 1853.*

- (4) In 1853 the Nizam of Hyderabad made over to the administration of the Company the Province of Berar as security for pecuniary liabilities arising from the cost of maintenance for his protection of the special force known as the 'Hyderabad Contingent'. Berar was administered, in trust for the Nizam, by the Resident at Hyderabad under the Governor-General in Council, and the Hyderabad Contingent was similarly controlled. In 1903, as will be subsequently narrated, other arrangements were made.

*Acquisition of Nagpur 1854.*

- (5) In 1854, the Nagpur State was acquired on the death of the Raja without recognized heirs, and was placed under a Special Commissioner. The acquisition of Satara by lapse under similar circumstances, and its incorporation in the Bombay Presidency, in 1849 has already been referred to (paragraph 20).

*Annexation of Oudh, which becomes a Chief Commissioner's Province, 1856.*

- (6) In 1856, Oudh was annexed, owing to the misgovernment of its king

and was made into a separate Chief Commissionership, to be subsequently (though not within this period) joined to the North-Western Provinces.

65. Lord Dalhousie's new acquisitions were all non-Regulation Provinces, and were at first administered in a very simple manner, all powers—revenue, police, magisterial and judicial, being concentrated in the hand of the Deputy Commissioners (corresponding to the Collectors of the older Provinces), while the same concentration of power applied to their assistants and above them to the territorial Commissioners\*. The civil administration of these Provinces was, moreover, not confined to the Company's covenanted servants, but military officers and some locally recruited uncovenanted men were also employed and there is still, it may be noted, a considerable 'military civilian' element in the civil administration of Burma, Assam and the Punjab, though hereafter only civilians will be recruited outside Burma. Lastly, legislation required for these Provinces was carried out not by Act, as for India generally under the Charter Act of 1833, but by Regulations of the Governor-General in executive Council.

*Administration in the non-Regulation Provinces.*

66. In 1853, the Company's last Charter Act (16 and 17 Vic., c. 95) authorized the constitution of Bengal into a separate Presidency under a Governor in Council, and also the similar creation of one new Presidency, but provided that in each case a Lieutenant-Governor might be appointed in the meantime. The former power was put into effect at once in the case of Bengal, which became a separate Lieutenant-Governorship in 1854. That of creating a new Presidency, or in default a new Lieutenant-Governorship, was utilized subsequently by the elevation of the Punjab into a Lieutenant-Governorship in 1859.

*Charter Act of 1853, Bengal becomes a Lieutenant-Governorship, 1854.*

67. The Act of 1853 also placed the fourth or legal member of the Governor General's Council on the same footing as the rest, *i.e.*, he had the power to discuss and vote on all executive business and not merely, as formerly, on matters relating to legislation. This Act likewise, for the first time, made the Legislative Council considerably wider than the Executive

*The Legislative Council of the Governor General made wider than his Executive Council.*

\* The withdrawal of sessions, and civil judicial, work from the revenue staff was not completed till 1884 in the Punjab, till 1890-91 in Oudh and the Central Provinces, till 1904 in Lower Burma, and till 1902 in the Assam Valley which was also a non-Regulation area.

Council by the addition to the latter, for law-making purposes—

(a) Of the Chief Justice and a puisne judge of the Calcutta Supreme Court.

(b) Of four representative official members from Bengal, Madras, Bombay, and the North-Western Provinces.

The proceedings of the Council were from this time public and formally recorded.

*Indian Civil Service thrown open to competition.*

68. Lastly, under this Act, the nomination to Indian appointments was to be no longer by the Board of Directors, but in accordance with Regulations framed by the Board of Control; and the result of this was the throwing open of the Company's principal service, then known as the Covenanted and now as the Indian Civil Service, to competitive examination in England.

*Railways.*

69. We now come to the wide and far-reaching reforms introduced by Lord Dalhousie in the internal administration. To him, in the first place, we owe the inception of railway enterprise in India. He sketched out a comprehensive plan for lines linking Calcutta with Lahore, Bombay with the Calcutta-Lahore line, and Madras with Bombay and with the Malabar coast; and the carrying out of these projects was entrusted to private companies, the Government providing them with free grants of land, and guaranteeing interest on their capital at not less than  $2\frac{1}{2}$  per cent. per half year (5 per cent. per annum) at a definitely fixed rate of exchange. Any profits over the guaranteed rate of interest were to be shared with the Government, which had also the right of acquiring the lines after 25 years and of exercising close control over the working of them. This control was exercised through the medium of a Consulting Engineer for Railways in each of the principal Provinces (these officers were at the outset under the Provincial Governments), while the general supervision of railway was carried out in the Public Works Secretariat of the Government of India.

*Constitution of Imperial and Provincial Public Works Departments.*

This Secretariat, established in 1854, took the place of the old Military Boards referred to in paragraph 37, which were now abolished, a Public Works Department under a Chief Engineer, who soon also became Secretary for Public Works to the Local Government, being established in each Province. There are now, in most of the principal Provinces, separate Chief Engineers for (a) Buildings and Roads, and (b) Irrigation, but at this

time there was a separate Irrigation branch only in the Punjab and the North-Western Provinces.

70. Lord Dalhousie's Governor-Generalship was marked by substantial progress in road making, and the construction of the large irrigation works which now form one of the great assets of British rule had been vigorously commenced during the period now under review. In Madras Sir Arthur Cotton had strengthened and improved the works on the Cauvery delta which had been first made under native rule, and had undertaken (though the Kistna project was not finally carried out by him) the great canal systems which now radiate from the Godavari and Kistna rivers. Work was also started, though with much less successful result, on the Kurnool-Cud-dapah canal. In the North-Western Provinces the great Ganges canal, the pioneer of all large canals subsequently constructed in Upper India, had been opened in 1854. The necessity for obtaining trained subordinates for this work led to the establishment, in 1848, of the Thomason College at Roorkee, the first, and still by far the most important, of the Indian engineering colleges.

*Irrigation.*

71. The commencement of a general postal service in 1837 has already been referred to. In 1854 the Post Office department was organized on the lines upon which it has since worked, as a department directly under the Government of India, and controlled by a Director-General, with Postmasters-General under him in the larger Provinces, and, later, Chief Inspectors (afterwards styled Deputy Postmasters-General) in the smaller ones. Postage stamps were now first introduced, and rates were fixed for the conveyance of letters irrespective of distance.

*The Postal department constituted, 1854.*

The Postal department, as thus constituted, was confined for some time to purely postal functions; but in regard to one of the outside matters which have since been taken up—savings bank work, it may be mentioned that Government savings banks had been established at the Presidency towns in 1833-35.

72. The Telegraph system also owes its inception to Lord Dalhousie, and has from the outset been worked by a department directly under the Government of India. Telegraph operations were commenced on a small scale in 1851, and by 1857 about 4,500 miles of wire had been laid down.

*Telegraphs.*

73. As regards education, the Government had gradually been assuming a larger

*Education.*

part than the modest role mentioned in paragraph 41, especially in the North-Western Provinces under the auspices of Mr. Thomason ; but taking India as a whole, the general progress made up to 1854 was not very great. It had, however, been definitely settled, at the instance of Lord Macaulay, that the instruction to be superimposed upon primary vernacular education should be in English and on a Western model.

Imperial Gazetteer, Volume IV, page 413.

In 1854 the Home Government decided, after communication with Lord Dalhousie, "that the Government should afford assistance to the more extended and systematic promotion of general education in India ; and addressed the Governor-General in Council in a memorable despatch which sketched in outline a complete scheme of public education, controlled and aided, and in part directly managed, by the State. The principles then laid down were re-affirmed in 1859, after the transfer of the administration to the Crown, and still guide, in the main, the efforts of the Government for the better education of the people. The despatch of 1854 prescribed the constitution in each Province of a separate department of Public Instruction ; the institution of Universities at the Presidency towns ; the establishment of institutions for training teachers for all classes of schools ; the maintenance of the existing Government colleges and high-schools, and the increase of their number when necessary ; the establishment of new schools between the elementary and high schools ; the multiplication and improvement of vernacular schools, indigenous and other, for elementary education ; and the introduction of a system of grants-in-aid of schools maintained by private persons or bodies. ....English, which was to be taught where there was a demand for it, was to be the medium of instruction in the higher branches, and the vernacular languages in the lower. "

From this despatch dates the organization of the departments of Public Instruction in the various Provinces, and the inclusion of education among the primary functions of Government. It should be noted, however, that the first Directors of Public Instruction and Inspectors of Schools were generally covenanted civilians or military officers, and that a separate Educational service, with its principal officers recruited (as a rule) specially from England, was the result of further and gradual development. The events of the Mutiny did not interrupt

the educational activity thus evolved, and the year 1857 witnessed the establishment of the Universities of Calcutta, Madras and Bombay.

74. To Lord Dalhousie also is due the establishment of annual Administration Reports, to be furnished by the various Provinces, showing the progress made in the various departments during each year. This system of reports is not only of great value as a standing record of administration, but it affords a ready means to the Indian Governments to exercise control in matters of policy over the departments subordinate to them; while it assists the Government of India in advising, and if necessary intervening, in regard to the conduct of Provincial administration, and in the last resort, helps the Secretary of State to do the same where he thinks this necessary. The system has thus become an instrument of centralization, though so long as the interference of outside authorities is not carried too far, such centralization is inevitable and beneficial.

*Institution of Annual Administration Reports.*

75. As regards some of the other matters mentioned in Part I of this memorandum—

(1) In the older Provinces tranquillity and improved communications were enabling a better developed administration. Districts were being gradually reduced to more manageable size, and the proceedings of the Collectors and Commissioners were necessarily becoming subject to greater check by the Provincial Governments, and those of the latter to larger control by the Government of India.

*General Administration.*

(2) The revenue and judicial systems were being improved, and native agency was being employed in increasing proportion.

(3) As regards land revenue, the methods of revenue settlement had been greatly improved, and were gradually becoming systematized, while towards the close of this period it was already becoming an axiom that the Government should not, as a rule, take more than 50 per cent. of the net assets upon a fresh settlement, and that in the older Provinces the settlement period should be for not less than 30 years. Topographical and survey work was being vigorously pressed on. Bombay had already a Revenue Survey department of its own, while

*Land Revenue and Surveys.*



Madras started one (now merged in the Settlement Branch of the Board of Revenue) in 1858: the Indian Survey department looked after the revenue survey work in other Provinces. A record of the various rights in the land which came under settlement was at the same time being pushed on in Upper India.

*Famine.*

- (4) In regard to famine relief, as already indicated in paragraph 39, the obligation to provide work for all who sought it was fully recognized in the great Agra famine of 1838, and there was considerable expenditure then both on direct relief and in the shape of revenue remission. The effect of this famine was, it may be noted, to forward the policy of starting irrigation works in the North-Western Provinces.

*Medical.*

- (5) The gradual increase in the number of hospitals and dispensaries involved larger employment of native agency; and in 1835 colleges had been opened at Calcutta and Madras for the training of subordinate medical officers (now Assistant Surgeons), while similar institutions were started in Bombay in 1845 and in Lahore in 1860. Later on, in the 'seventies', these were supplemented by medical schools for the training of a lower class of officers now styled hospital assistants.

- (6) The Medical Boards referred to in paragraph 40 were superseded, in 1857, by Directors-General for each of the three old Presidencies. The Bengal Director-General had two Deputies under him, who dealt respectively with medical administration in the Upper Provinces, and in Bengal proper and Lower Burma. Madras and Bombay also had a Deputy Inspector-General apiece.

*Forests.*

- (7) Forest Conservators had been appointed in Bombay and Madras in 1847-56, and in the last mentioned year Dr. (afterwards Sir Dietrich) Brandis who subsequently organized the Indian Forest department, was appointed.

to be Superintendent of Forests in Pegu.

- (8) Customs duties on goods imported into India were, at the close of this period, subject to a general duty of 5 per cent. *ad valorem*. The Internal Customs arrangements were reformed in 1843, all articles except salt, exported sugar and cotton being exempted from taxation; and the main Customs line ran along the frontiers of the North-Western Provinces, the Commissioner of Inland Customs being placed under that Government. The annexation of the Punjab pushed the line out to the north-west, and brought the great salt sources of the Punjab under control. In 1855 the cotton duties were abolished, and the greater part of the Central Provinces was brought within the Northern India Customs line, which remained under the supervision of the North-Western Provinces administration. Duties on salt were levied at different rates in Northern India, Bengal, Madras and Bombay; and the local manufacture of salt had been stopped in the North-Western Provinces, and was gradually coming to an end in Bengal which was being supplied by importation from abroad. One of the main functions of the Internal Customs department was to prevent the transit of the lighter taxed Madras and Bombay salt, and of the outside Rajputana salt, into the Northern India sphere without payment of the higher rates of duty prevalent there.

*Customs and Salt.*

- (9) As regards general finance, the control of the Central Government was becoming more systematized as well as much closer, and in 1857 the Civil Accounts establishments of the various Provinces were amalgamated into an Imperial establishment under the control of an Accountant-General to the Government of India.

*Formation of a centralized Civil Accounts department.*

76. In 1832 relations with the Native States in Rajputana had been systematized by the appointment of an Agent to the Governor-General, who controlled the Residents and Political officers in the various

*Agents to the Governor-General in Rajputana and Central India, 1832-54.*

States and was himself subordinate to the Government of India. In 1854 a similar step was taken as regards Central India.

*Constitution of Geological department, 1856.*

77. A Government of India Geological department was organized in 1856. The East India Company had, however, previously employed a Geological Surveyor from 1845 and Markham's "Memoir on the Indian Survey s" indicates the employment of individual geologists in previous years.

*Local and Municipal.*

*Imperial Gazetteer, Volume IV, page 286.*

78. Between 1840 and 1853 the municipal constitution of the Presidency towns had been widened, and the first practical commencement of *mufassal* municipal administration had been made by Act XXXVI of 1850, which enabled the establishment of Town Committees who were permitted to levy local taxes. This Act "was largely used in the North-Western Provinces, and to a considerable extent in Bombay, while in Madras and Bengal it had practically no effect. In Bombay the success of the Act was due to the fact that the taxes collected under it found their prototype in those levied by the Maratha Government under the designation of town duties and *moh-tarfu*. In Madras the object in view was, to some extent, met by voluntary associations for sanitary and other municipal purposes, and in Bengal by the expenditure on conservancy of the balance of the taxation levied under the Town Police Act of 1856\*." Outside the towns, semi-voluntary funds for local improvements had been raised in Madras and Bombay, while in Bengal and the North-Western Provinces consultative committees assisted the district officers in the management of funds devoted to local schools, roads and dispensaries.

*Summary.*

79. To sum up, this period was one of large territorial expansion and internal development. At its commencement the Company's territories consisted mainly of large coast tracts, with an extension inland up the Gangetic valley: its close marks the attainment of the British India of to-day, less only Upper Burma and Baluchistan. The control of the Home Government over affairs in India, exercised through the Board of Control and the Court of Directors, had become fuller and closer, while the Government of India was now a central Imperial authority disconnected with the direct administration of any large Province. The old Bengal Presidency had developed into the four major Provinces of Bengal, and the North-Western Provinces (under Lieutenant-Governors), and the Punjab and

\*This system is still in force in a number of small towns in the United Provinces.

Oudh (under Chief Commissioners), and, save for the maintenance of their separate armies, the prerogatives of the Presidency Governments of Madras and Bombay were now little larger than those of Lieutenant-Governors.\* The period was one of constantly increasing administrative efficiency, combined with growing centralization; but in two important respects—legislation and finance—centralization had been carried to an undue extent by the concentration of all law-making power, and of the creation of all fresh appointments however small, in the hands of the Central Government. A uniform coinage had been introduced, and English had become the official language. Internal and economic development had led to the creation of new or improved departments for the management of Post Offices, Telegraphs, Civil Accounts, Public Works, Railways, Education and Jails. The first three of these were under the direct management of the Government of India; the last two under the Provincial Governments, which also dealt with ordinary public works; while the control of railways was divided between the Central and the Local administrations.

### Third period (1858-1876).

80. This period, though short in duration, is marked by large administrative change, due partly to the necessity for re-building and strengthening foundations which had been shaken by the Mutiny, and partly to the assumption of direct government by the Crown, which emphasized the responsibility of the Government of India for improved administration, while it enlarged the ultimate control of the Home Government and of Parliament. The first years of the period witnessed a series of important Acts of Parliament affecting Indian administration.

81. The Government of India Act of 1858 (21 and 22 Vict., c. 106)—

(1) “Declared that India was to be governed directly by and in the name of the Crown, acting through a Secretary of State for India, to whom were to be

*The Government of India Act, 1858. The Secretary of State for India and his general and financial powers.*

Ilbert's Government of India, page 95.

\* The chief present distinction is that they have power to appoint certain high officials, such as members of a Board of Revenue, whose selection would in other Provinces require the sanction of the Governor-General; that they can correspond direct with the Secretary of State on matters not of primary importance which do not involve financial considerations; and that they can, on occasion, appeal to the same authority against an order of the Government of India.

Imperial Gazetteer, Volume IV. pages 36-37.

transferred the powers exercised either by the Court of Directors or by the Board of Control." The Secretary of State, who was furnished by this Act with a Council,\* "has the power of giving orders to every officer in India, including the Governor General, and of directing all the business relating to the Government of India that is transacted in the United Kingdom. . . . Of these wide powers and duties many rest on his personal responsibility; others can be performed only in consultation with the Council, and for some of these [mainly relating to financial matters] the concurrence of a majority of members of Council is required;" otherwise the Secretary of State need not accept the opinion of his Council.

(2) The property of the Company was transferred to the Crown, and when any civil suits in which the Government is concerned are instituted in Indian Courts, the Secretary of State in Council now figures as plaintiff or defendant as the case may be.

(3) Expenditure from Indian revenues both in India and elsewhere was made subject to the control of the Secretary of State in Council (section 41 of the Act); and he was required to lay the Indian budget every year before the Houses of Parliament, and to accompany it with a statement showing the moral and material progress of India (section 53).

*Appointment of the Governor General and other high officials.*

(4) The Governor General—henceforth commonly styled the Viceroy except in formal official documents,—the Governors of Madras and Bombay, the Commanders-in-Chief, and the members of Council for India and the two minor Presidencies are from this time appointed by the Crown, whose approval is also necessary to the appointment of Lieutenant Governors. The maximum salaries of these high officials, as also of Judges of the High Courts, and of the Bishops and Archdeacons of Calcutta, Madras and Bombay, have, it may be noted, been fixed by Acts of Parliament.

*Transfer of the Company's armies to the Crown.*

(5) The Act transferred to the service of the Crown all the naval and military forces of the Company, and the Company's local European troops were merged in the general British Army by a subsequent Act of 1860 (23 and 24 Vict, c. 100).

82. As regards the Secretary of State's financial powers referred to in paragraph

\* The legal conditions affecting the strength of the Council, and the qualifications and tenure of office of its members, have been altered by some subsequent enactments, the last of which was passed in the current year.

81 (3) above, while he directly controls all receipts and expenditure relating to India which arise in England, the Government of India has, necessarily, large powers in regard to the revenue and expenditure which accrue in India. This matter will be dealt with in a separate memorandum on financial powers. It will suffice to mention here that the Government of India has to refer to the Secretary of State on any matter which raises an important question of financial or administrative policy or involves considerable expenditure of an unusual nature.\*

*Present general financial powers of the Government of India.*

And, specifically, the Secretary of State's sanction has till lately been required *inter alia* to—

- (1) The creation of an appointment of which the salary exceeds Rs. 250 a month.
- (2) The raising of the salary of an existing appointment to an amount exceeding Rs. 416-10-8 a month (Rs. 5,000 a year).
- (3) The revision of an establishment at a total cost of more than Rs. 25,000 a year.

But in his despatch No. 107 Financial, dated 2nd August 1907, the Secretary of State has now, except in the case of gazetted appointments habitually held by officers appointed in England, raised the Government of India's power of creating fresh appointments to Rs. 500 a month, of increasing the emoluments of existing appointments up to Rs. 750 a month, and of dealing with a general establishment scheme which does not include any appointment to which his specific sanction is necessary up to Rs. 50,000, a year.

83. The Indian Civil Service Act, 1861 (24 and 25 Vict., c. 54) specified a number of appointments—the principal of which are civil Secretary to Government outside the Public Works Department; Comptroller General and Accountant General; Member of a Board of Revenue; and Commissioner, Collector or District Judge in a Regulation Province—which must ordinarily be filled from the 'Covenanted' (now 'Indian') Civil Service, and laid down that when any outside officer was appointed to such a post otherwise than provisionally, it could only be with the sanction of the Secretary of State in Council.

*Indian Civil Service Act, 1861. Certain appointments ordinarily reserved to the Indian Civil Service.*

\* And it must similarly refer matters of large administrative importance which do not primarily involve financial considerations.

*Indian Councils Act, 1861.*

84 By the Indian Councils Act, 1861  
(24 and 25 Vict. c. 67)—

*The Governor General's Council.*  
Ilbert's Government of India, page 99.

(1) "A fifth ordinary member was added to the Governor General's [executive] Council. Of the five ordinary members, three were required to have served for 10 years in India under the Company or the Crown, and one was to be a barrister or advocate [of the United Kingdom] of five years' standing. Power was retained to appoint the Commander-in-Chief an extraordinary member." The Act also regulated the filling of temporary vacancies in the Council.

*Indian Legislative Council : its composition and powers.*

(2) "For purposes of legislation, the Governor General's Council was reinforced by additional members, not less than six nor more than twelve in number, nominated by the Governor General and holding office for two years. Of these additional members, not less than one-half were to be non-official, that is to say, persons not in the civil or military service of the Crown. [This enabled the participation of non-official Indians in legislation]. The Lieutenant Governor of a Province was also to be an additional member whenever the Council held a legislative sitting within his Province."

Ilbert's Government of India, page 100.



Ibid 101.

(3) "The functions of the new Legislative Council were limited strictly to legislation; and . . . measures relating to the public revenue or debt, religion, military or naval matters or foreign relations, were not to be introduced without the Governor-General's sanction. The assent of the Governor General was required to every Act passed by the Council, and any such Act might be disallowed by the Queen, acting through the Secretary of State."

*Imperial Gazetteer, Volume IV, pages 132-3.*

(4) "The legislative powers conferred do not extend to affecting the provisions of any Act of Parliament passed after the year 1860; nor do they permit the enactment of any law touching the authority of Parliament, or any part of the unwritten laws or constitution of the United Kingdom whereon may depend in any degree the allegiance of any person to the Crown or the sovereignty or

dominion of the Crown.' And, in particular, the [Legislative] Council has no authority to repeal or alter the Army Act, or any of the Government of India Acts of 1833, 1853, 1854, 1858 and 1859,\* or any Act enabling the Secretary of State for India to raise money in the United Kingdom. But, within the limits and under the conditions above indicated, the Council possesses plenary power to legislate for all persons, courts, places, and things within British India. And, further [as laid down by 28 and 29 Vict. c. 17] it has extra-territorial power in that it may make laws for native Indian subjects of the King-Emperor anywhere; for European British subjects and servants of the Government of India in the Native States of India; and for native officers and soldiers in the army, and persons belonging to the Royal Indian Marine, wherever they may be serving."

- (5) "An exceptional power was given to the Governor-General, in cases of emergency, to make, without his Council, Ordinances which were not to remain in force for more than six months".

*Special Ordinances by the Governor General.*  
 Ilbert's Government of India, page 101.

85. "The power of legislation which had been taken away from the Governments of Madras and Bombay by the Charter Act of 1833 was restored to them by the [Councils] Act of 1861. The Councils of the Governors of Madras and Bombay were expanded for [local] legislative purposes by the addition of the advocate general and of other [official and non-official] members nominated on the same principles as the additional members of the Governor General's Council."

*Establishment of Provincial Legislatures for Madras and Bombay.*

Ibid, page 102.

Legislation by these Councils was, however, subject to the following restrictions:—

- (1) No member might introduce, without the previous sanction of the Governor, any measure affecting the public revenues of the Province (section 38 of the Act).
- (2) These Councils could not, except with the previous sanction of the Governor General, legislate in regard to the public debt of

\* The 1859 Act related to contracts by or on behalf of the Secretary of State in Council.



India, customs duties or any other tax imposed for general purposes by the Government of India, coinage or currency, posts or telegraphs, the Indian Penal Code, the religion or religious customs of any class of the population, copyrights, patents, or foreign relations (section 43).

- (3) Provincial legislation was not to affect the provisions of any Act of Parliament in force in the Province, or of any Government of India Act passed subsequent to 1861 (section 42).
- (4) No law passed by such Councils was valid until it had been assented to not merely by the Governor, but by the Governor General also, and, as in the case of Indian Acts, legislation thus passed might be disallowed by the Sovereign on the advice of the Secretary of State (sections 39-41).

*Establishment of a similar Council for Bengal, and provision for like Councils elsewhere.*

Ilbert's Government of India, page 103.

86. "The Governor General was directed to establish, by proclamation, a Legislative Council for Bengal, and was empowered to establish similar Councils for the North-Western Provinces and for the Punjab. These Councils were to consist of the Lieutenant Governor and of a certain number of nominated [official and non-official] councillors, and were to be subject to the same provisions as the local legislatures for Madras and Bombay". A Legislative Council was accordingly established for Bengal in 1862; but the North-Western Provinces did not receive a Council till 1886, while the establishment of one in the Punjab was deferred till 1897.

"The Act also gave power to constitute new Provinces for legislative purposes, and appoint new Lieutenant Governors, and to alter the boundaries of existing Provinces". It was under this provision that Burma, and Eastern Bengal and Assam were subsequently constituted Lieutenant Governorships.

87. In addition to the statutory restrictions referred to in paragraphs 84 and 85, the following checks upon Indian legislation have been subsequently laid down:—

- (1) Under No. 26 of the present Rules of Business in connexion with the Governor General's Council, issued under section 8 of the Indian Councils Act, the Government of India cannot, except in the case of merely codifying

*Extra-statutory restrictions on Indian legislation.*

or routine enactments, or matters which are absolutely urgent, introduce fresh legislation into the Legislative Council without previous reference to the Secretary of State, which must ordinarily be accompanied by a copy of the proposed Bill. This procedure was laid down by Lord Salisbury's despatch No. 9 Legislative, dated the 31st March 1874.

- (2) Subject to the same exceptions, a reference to the Secretary of State is also necessary in the case of Provincial legislation. This reference is made direct in the case of the Governments of Madras and Bombay, and through the Legislative Department of the Government of India in the case of all other Local Governments. The Governments of Madras and Bombay send a copy of each Bill, and of their covering despatch to the Secretary of State, to the Legislative Department of the Government of India, and no Local Government may proceed with a Bill, without a communication from that Department. This procedure also dates from 1874.
- (3) Further, a Provincial Bill which involves a substantial question of principle may not be submitted to the Secretary of State, until the approval of the Government of India in the administrative Department concerned has first been obtained. This rule in its present shape dates from 1898; but it had been laid down by the Secretary of State, as far back as 1862, that the previous sanction of the Government of India should be required to any penal clauses in proposed Provincial legislation.

88. By the Indian High Courts Act of 1861 (24 and 25 Vict., c. 104), "the Queen was empowered to establish by letters patent High Courts of Judicature in Calcutta, Madras and Bombay, and on their establishment the old chartered Supreme Courts, and the old *Sadr Adalat* Courts were to be abolished, the jurisdiction and the powers of the abolished courts being transferred to the new High Courts." The strength and constitution of the High Courts were also laid down. Not less than one-third of the judges of each Court were to be English or Irish barristers or Scotch advocates, and another third Indian

*The Indian High Courts Act, 1861. Establishment of the High Courts of Calcutta, Madras, Bombay and Allahabad.*

Ilbert's Government of India, page 103.

Civilians. These judges were appointed by the Crown. The Act permitted the establishment of another High Court of the same character as the Presidency High Courts, and this power was exercised by the establishment of a High Court for the North-Western Provinces, at Allahabad, in 1866.

The High Courts as thus constituted, while entirely independent of the executive Government in judicial matters, are under its control in respect to matters connected with their establishments. This control is exercised by the Government of India in the case of the Calcutta High Court, and by the Provincial Governments in respect of the other three. And these Governments can, respectively, fill up temporary vacancies in the High Courts in question.

Appeals from Indian High Courts to the Judicial Committee of the Privy Council are regulated by their charters, supplemented as to civil cases by the provisions of the Code of Civil Procedure. Speaking generally, a civil suit is not so appealable unless it covers a value of not less than Rs. 10,000, and, in the case of decisions confirmed by the High Court on appeal, involves some substantial point of law; nor a criminal case unless the High Court itself certifies that it is a fit case for further consideration.

89. "The Indian High Courts Act of 1861 closed the series of constitutional statutes consequent on the transfer of the Government of India to the Crown. Such Acts of Parliament as have since then been passed for India, have done little more than amend, with reference to minor points, the Acts of 1858 and 1861." Thus—

- (1) The Government of India Act of 1865 (28 and 29 Vict., c. 17) permitted the Governor General in Council, subject to disallowance by the Secretary of State, to alter the boundaries and territories of any Indian Province, but no entire district can be transferred from one Province to another without the Secretary of State's previous sanction.
- (2) An Act of 1870 (33 and 34 Vict., c. 3) enabled the Governor General "to legislate, by Regulation in executive Council, for the least advanced parts of India. The machinery provided is as follows. The Secretary of State in Council, by Resolution, declares the provisions of section 1 of the Act of 1870 applicable to some parti-

See Imperial Gazetteer, Vol. IV, page 152.

Ilbert's Government of India, page 104.

*Government of India Act, 1865.*

*Powers of the Government of India in regard to the alteration of Provincial boundaries.*

*Government of India Act, 1870. Gave power to make Regulations for backward areas.*

Ilbert's Government of India, page 105.

cular part of a British Indian Province. Thereupon the Governor in Council, Lieutenant Governor or Chief Commissioner of the Province may at any time propose to the Governor General in Council drafts of regulations for the peace and good government of that part; and these drafts, when approved and assented to by the Governor General in Council and duly gazetted, have the same force of law as if they had been formally passed at sittings of the Legislative Council. This machinery has been extensively applied to the less advanced districts of the different Indian Provinces, and numerous regulations have been, and are constantly being, made under it”.

“These less advanced tracts, and others specially ‘scheduled’, may also be dealt with under an Act of the Indian legislature entitled the Scheduled Districts Act, 1874, which empowers the [Local] Government [with the previous sanction of the Governor General in Council] to declare, in case of doubt, the law in force in them, and further to extend to them, with or without modification, any enactment in force elsewhere in British India.”

Imperial Gazetteer, Vol. IV, page 131.

- (3) “The same Act of 1870 contained two other provisions of considerable importance. One of them (section 5) repeated and strengthened the power of the Governor-General to overrule his Council. The other (section 6), after reciting the expediency of giving additional facilities for the employment of natives of India ‘of proved merit and ability’ in the Civil Service of Her Majesty in India, enabled any native of India to be appointed to any ‘office, place or employment’ in that service, notwithstanding that he had not been admitted to that service in the manner directed by the Act of 1858, *i.e.*, by competition in England. The conditions of such appointments were to be regulated by rules made by the Governor General in Council with the approval of the Secretary of State in Council.” The method by which this permission has been applied will be referred to later on.

*And enabled the appointment of natives of India to appointments usually reserved for the Indian Civil Service.*

Ilbert's Government of India, page 106.

*Reorganisation of the Governor General's Council on the portfolio system, 1860-61.*

go. Turning now to the action taken in India in connexion with these Acts, or at about the same time, the Governor General's Council had, as we have seen, been, from the time of Lord Cornwallis, a consultative board only. But the increasing volume and complexity of business made the continuance of this state of things inadvisable, and from the time of Lord Canning, the ordinary members of Council have been in individual charge of particular Departments, in regard to which they are practically Ministers, while the position of the Secretaries is now largely analogous to that of a permanent Under-Secretary of State at home. This portfolio system was legalized by section 8 of the Indian Councils Act (1861), which empowers the Governor General to make arrangements for the convenient despatch of business, and provides that any act done under such orders should be deemed an act of the Governor General in Council.

Accordingly, the present position is that the Member in charge of each Department can issue final orders in regard to ordinary matters which concern that Department alone; but where any other Department is concerned, it must also be consulted, *e.g.*, the Finance Department must be referred to in any matter touching expenditure or financial rules, and if the Departments concerned cannot agree, the matter must be referred to the Viceroy. All important matters arising in any Department must also go to His Excellency; as also any matter in regard to which it is proposed to over-rule a Local Government, unless the action or proposal of that Government is in obvious disagreement with standing orders or accepted general principles. This provision affords a very desirable safeguard against unnecessary interference with Provincial Governments in matters of detail, but it throws a large amount of work on the Viceroy.

The Viceroy decides whether a matter, which has been thus referred to him, is of sufficient importance to go before the Council as a whole, which generally meets for collective deliberation once a week. But if he differs from the Departmental Member the latter can claim a reference to Council. The Secretary in each Department also waits periodically on the Viceroy (generally weekly) for discussion of cases appertaining to his Department and to give information as to any matters happening therein, of which, he thinks, His Excellency should be apprised. When matters are discussed in Council, the decision is

generally that of the majority, but the Viceroy can, as already indicated, overrule such majority, if he considers that the action it desires, is prejudicial to the public interest.\*

Further, in any financial question in which the Viceroy and the Financial Member are together in a minority in Council, and the Viceroy is not prepared to overrule the majority, he can nevertheless require a reference on the subject to be made to the Secretary of State.†

91. As already noted, the number of ordinary Members of Council was increased to five in 1861, and from that time there were always separate Members for—

- (a) Home (internal) administration.
- (b) Military matters.
- (c) Finance.
- (d) Legislation.

The portfolio of the fifth Member varied from time to time during this period; and between 1874 and 1880, as again between 1882 and 1885, there was a sixth Member specifically for Public Works. Subsequent to 1885, and up to 1905, the distribution of work among the five ordinary Members was as follows:—

- (1) (a) Home, and (b) Revenue and Agriculture, with separate Secretariats for (a) and (b).
- (2) Military.
- (3) Finance and Commerce.
- (4) Legislative.
- (5) Public Works.

The Viceroy has always been in direct charge of the Foreign Department; and the Commander-in-Chief, while always an additional Member of Council, is *qua* Commander-in-Chief under the orders of the Government of India in respect to army matters, which at this period were issued in the Military Department.

A portfolio system somewhat similar to that above described prevails also in the smaller Councils of Madras and Bombay.

92. In 1858 the Delhi territories were transferred from the North-Western Provinces to the Punjab, which in 1859 became a Lieutenant Governorship.

93. In 1861-62, two new major Provinces were created, under Chief Commissioners, *viz.*, Lower Burma and the Central Provinces. The new Province of Burma

*The Departments of Government.*

*The Punjab becomes a Lieutenant Governorship, 1859.*

*Constitution of the major Provinces of Lower Burma and the Central Provinces, 1861-62.*

\* In such a case any two members of the majority can, however, require that the matter be notified to the Secretary of State.

† No. 21 of the Rules of Business under the Indian Councils Act (1907 edition). The condition was laid down by the Secretary of State in 1888.

absorbed the special Commissionerships of Pegu and Tenasserim referred to in paragraph 64 (3), and took over Arakan from Bengal. The Central Provinces were constituted out of the special Commissionership of Nagpur referred to in paragraph 64 (5), and the Saugor and Nerbudda territories which had hitherto been under the control of the North-Western Provinces.

*Army arrangements consequent on the Mutiny and the abolition of the Company's local European forces, 1861-63.*

94. The reorganization of the army in India consequent on the disappearance of the bulk of the old Bengal army in the Mutiny, and the abolition of the Company's local European forces, was carried out in 1861-63. The Presidency armies were maintained, but with an altered regimental organization for native troops; while the establishment of a Military Department of the Government of India under a Member of Council, already referred to, practically brought the Madras and Bombay forces under large control by the Government of India, since, under the financial restrictions imposed on the Local Governments and referred to in paragraph 53 (7) above, all matters of any importance relating to these armies had to come to the Government of India for approval. The European troops necessary for the defence of India were henceforth supplied by British regiments taking a term of Indian service. India pays in full for these troops while at her disposal, and contributes, in addition, sums which come under periodical discussion in respect to training and non-effective charges in England. All alterations in the British military system, e.g., as regards period and terms of recruitment, and pay concessions, now react directly upon India.

*Creation of an Imperial Military Accounts department, 1861.*

95. Following on the concentration of the Civil Accounts department under the Government of India already referred to in paragraph 76 (9), a similar step was taken in respect to military accounts, and an Imperial department of Military Accounts, first organized in 1861, was in 1864 placed directly under the Military Department.

*Abolition of the Indian Navy, 1863.  
Constitution of the Indian Marine, 1877.*

96. In 1863 the Indian Navy ceased to exist as a war force, the naval defence of India being undertaken by the Home Government, towards the naval estimates of which India contributes £100,000. Separate marines were, however, still maintained by the Governments of Bengal and Bombay, whose functions were mainly the transport of troops and stores, and later on the carrying out of marine surveys. In 1877 these two marines were combined into an Indian (now Royal

Indian) Marine, under the direct control of the Government of India in the Military Department.

97. This period was one of great legislative activity, especially in matters relating to codification. The years 1859-61 witnessed the first enactment for all India of a Penal Code (Act XLV of 1860), and of Codes of Criminal and Civil Procedure (Acts XXV of 1861 and VIII of 1859). The Penal Code, as then passed, remains in force to this day with a few modifications embodied in it by subsequent enactments. The Codes of Criminal and Civil Procedure have been several times revised, the Acts at present in force being V of 1898 for Criminal, and XIV of 1882 for Civil, Procedure. It may be noted that a fresh Code of Civil Procedure is now being considered in the Legislative Council, which involves a large measure of decentralization, as the Bill itself embodies only general uniform principles of procedure, while minor matters come into a schedule which can be altered to suit circumstances of the different Provinces by the High Court or other principal Court of such Province, acting with the assistance of a Rule Committee, and subject to the sanction of the Provincial Government, or of the Government of India in the case of the Calcutta High Court.

98. In connexion with these enactments, and with the creation of the chartered High Courts already referred to, the machinery for the administration of civil and criminal justice was placed on a general uniform footing throughout India. The establishment of the chartered High Courts, which have jurisdiction throughout the present Provinces of Madras, Bombay proper, Bengal, Eastern Bengal and Assam, and Agra, "was followed by the constitution, in 1866, of a Chief Court for the Punjab, framed on the same model but deriving its authority from the Indian legislature, and composed of a Chief Judge and judges appointed by the Governor General in Council; and in 1900 a similar Court was established at Rangoon for Lower Burma. In each of the other non-Regulation Provinces, [the principal of which now are Oudh, Upper Burma, the Central Provinces, Sind, the North-West Frontier Province, Baluchistan and Coorg\*] the place of a High Court or Chief Court is taken by one or more Judicial Commissioners who are appointed by the Government of India and

*Enactment of an Indian Penal Code, and Codes of Criminal and Civil Procedure, 1859-61.*

*Establishment of Chief Courts and Judicial Commissioners in non-Regulation Provinces.*

*Imperial Gazetteer, Volume IV, page 147.*

\* In Baluchistan the functions of Judicial and Revenue Commissioner are conjoined, and in Coorg the Chief Commissioner (the Resident in Mysore) is Judicial Commissioner also.



*Organisation of magisterial courts.*  
Imperial Gazetteer, pages 147-148.

exercise authority by virtue of various Indian enactments."

93. "The Code of Criminal Procedure provides for the constitution of inferior criminal courts styled courts of session and courts of magistrates. Every Province . . . is divided into sessions divisions, consisting of one or more districts. For every sessions division the Local Government is bound to establish a court of session and to appoint a Sessions Judge [usually a member of the Indian Civil Service], and provision is made for the further appointment, if need be, of additional and assistant Sessions Judges. Subject to the territorial limits of their respective jurisdictions, these stationary sessions courts, which take the place of the assizes by a Judge of the High Court on circuit in England, are competent to try all accused persons duly committed and to inflict any punishment authorized by law; but every sentence of death is subject to confirmation by the highest court of criminal appeal in the Province. Below them come the courts of magistrates. . . . Magistrates' courts are of three classes, those of the first having power to pass sentences of two years' imprisonment and a fine of Rs. 1,000, those of the second sentences of 6 months' imprisonment and a fine of Rs. 200, and those of the third sentences of one month's imprisonment and a fine of Rs. [50].\* Their powers are also defined by territorial limits, and with reference to the various classes of crimes, a schedule to the Code setting forth, in regard to each offence, the grade of magistrate competent to try it. Magistrates of the first class, or of a lower class if specially authorized, are also enabled to commit for trial by the court of session such offences as are not within their cognizance or for which they are incompetent to inflict adequate punishment. The Local Government may, in a non-Regulation Province, invest any magistrate of the first class with power to try, as such, any offence not punishable with death [and to pass sentences of imprisonment or transportation up to seven years]; and it may nominate special magistrates to dispose of particular cases, or particular classes of cases, in any area outside the Presidency towns."

Collectors and Deputy Commissioners in their capacity as District Magistrates; their Assistants belonging to the Indian Civil Service after these have obtained sufficient experience; and Deputy and Extra-Assistant Collectors or Commissioners

\* The figure of Rs. 100 given in the Gazetteer is incorrect.

(these latter usually natives of India) are magistrates of the first class. The second and third class magistrates are almost entirely Indians, and as a rule also exercise revenue jurisdiction as *tahsildars*, *mamlaldars* and so forth.

"Provision is also made, and largely resorted to in the towns, for the appointment of honorary magistrates, for the formation of benches of magistrates, honorary or stipendiary; and for the appointment in the Presidency towns of Presidency magistrates to try minor offences and commit to the High Court persons charged with more heinous crime.

Imperial Gazetteer, Volume IV, page 148.

"The Code further confers on the magistracy large powers, carefully defined and safeguarded, for the prevention of offences: as, for example, power to require security for good behaviour or for keeping the peace, power to deal with unlawful assemblies, and power to abate or remove public nuisances.

"From a conviction by a second or third class magistrate an appeal lies to the District Magistrate or to any specially empowered first class magistrate; and, subject to certain limitations, original convictions by magistrates of the first class are appealable to the Sessions Judge, whose own original convictions are in turn appealable to the highest court in the Province. The latter court is empowered to call for and examine the record of any proceedings before any subordinate court for the purpose of satisfying itself as to the correctness, legality, propriety, or regularity of any finding, sentence, or order. A finding of acquittal is ordinarily final, but may be appealed against under the special orders of the Local Government or revised by the chief court in the Province in the exercise of its discretionary powers above referred to. This procedure is not, however, adopted, save in the case of some manifest failure of justice. The system of Indian laws thus allows considerable latitude in the matter of appeal. . . . Finally, the prerogative of mercy is exercisable in India by both the Governor General in Council and the particular Local Government concerned, without prejudice to the superior power of the Crown".

100. As regards civil courts, next below the High or other principal Court of each Province, come the District Judges who are the Sessions Judges above referred to in their civil capacity. "Next to the District Judge come Subordinate Judges with co-extensive original jurisdiction; while the lowest courts are presided over by

*Of civil courts.*

Imperial Gazetteer, Volume IV, pages 150-151.

Munsifs, whose [limits of pecuniary jurisdiction vary in different Provinces, the lowest (in the Central Provinces and Burma) being a suit value of Rs. 500, and the highest (in Bombay) up to a possible Rs. 5,000]. Subordinate Judges and Munsifs are appointed from the subordinate judicial service, recruitment for which is, in practice, left in the hands of the High Court. The persons selected are, as a rule, natives of India, and are frequently members of the native bar. In the less advanced Provinces, however, [such as Upper Burma and Baluchistan] there is often no such separate service, the local civil courts being presided over by officers of the ordinary administrative staff, from Commissioners down to *tahsildars*. Besides the civil courts described above, there are . . . a number of special courts of small causes with jurisdiction to try, in a summary manner, and subject to a limited right of appeal, simple money suits [of small value, and 'small cause court' powers in regard to similar suits may be conferred upon Subordinate Judges and Munsifs]..... In the Southern Presidency, and also in the United Provinces, the leading residents of villages may be appointed to sit, singly as Munsifs or together on benches, and . . . to dispose of petty claims valued at not more than Rs. 20, or with the consent of parties, Rs. 200." [The headmen of villages in Madras can also try petty criminal cases as village magistrates].

"As regards appeals there is much the same latitude [in civil suits]..... as in connexion with criminal cases."

It should be mentioned that in the Punjab the judicial functions exercised elsewhere by District Judges are entrusted to 'Divisional Judges'; and the 'District Judges' there, though usually members of the Indian Civil Service, occupy a position corresponding more to the Subordinate Judges in other Provinces.

*Codification in other matters. Law of Evidence, Contracts, Registration, Limitation, etc.*

101. Other matters in respect of which a general system of law was enacted in this period are the Indian Succession Act (X of 1865) which regulates succession to the estates of persons other than Hindus, Muhammadans, and Buddhists; the Law of Evidence (I of 1872); the Indian Contract Act (IX of 1872); the Registration Act (VIII of 1871), superseded by Act III of 1877; and, to continue beyond the period, the Limitation Act (XV of 1877) the Negotiable Instruments Act (XXVI of 1881), the Indian Trusts and Companies Acts (II and VI of 1882), and the Inventions and Designs Act (V of 1880). But outside such matters, native law and

custom still regulate most questions relating to family law, succession, and inheritance among Hindus and Muhammadans.

The Registration Act, it may be noted, requires the registration, before duly appointed Registrars or sub-Registrars, of most instruments connected with the transfer or temporary assignment of immovable property, and allows the registration of various other documents. For the services rendered by Registration officers in respect of registry, search for entries of previous registration, grant of copies of registered documents and so forth, the Local Government prescribes scales of fees subject to the approval of the Governor General in Council, and each Province possesses an Inspector General of Registration.

102. "In 1860 a Commission which had been appointed to inquire into the whole subject of police administration recommended the establishment of a well organized and purely civil constabulary, supervised by European officers, and capable of carrying out all ordinary civil duties including the provision of guards and escorts. The village police should, the Commission advised, be retained on their existing footing, being brought, however, into direct relationship with the general constabulary. The proposals of the Commission formed the basis of an Act passed in 1861 [India Act V of 1861] which, with some amendment, still regulates the administration of the police throughout the great part of India, and which permitted a considerable reduction in the native army." Madras and Bombay have Acts of their own, and the Madras Act was passed two years before that of the Government of India.

These measures enabled the organization of the police service in India on its present lines. Each Province is responsible for its own police work, and has its own Police department, with an Inspector General at its head, who is sometimes an Indian civilian and sometimes an officer of the Police department. "Police administration throughout a district is under an officer styled the District Superintendent. He is responsible for the discipline and internal management of the force, and is the subordinate of the District Magistrate in all matters connected with the preservation of peace and the detection and suppression of crime." As regards the discipline and management of his men, he is under the Inspector General, but in the larger Provinces there are intermediary officers, styled Deputy Inspectors General, between

*Organisation of the Police department on its present lines, 1861.*  
Imperial Gazetteer, Volume IV, page 388.

Imperial Gazetteer, Volume IV, page 388.

the Inspector General and the Superintendent. The controlling staff down to Assistant District Superintendents is mainly European. They were formerly nominated in India by the Provincial Governments, but since 1893 they have, in the main, been recruited by examination in England. Since 1905, however, a new grade of controlling officers styled Deputy Superintendents, with duties similar to those of Assistant Superintendents, has been introduced, and these are to be natives of India.

Police work on railways has, since 1867, been gradually transferred to a separate Railway Police branch which is also, however, under the Inspectors General of the various Provinces, though in some cases the railway police jurisdiction does not altogether coincide with Provincial boundaries.

*Military Police.*

In certain Provinces—principally, at present, Burma, Eastern Bengal and Assam, and the North-West Frontier Province—a special military police force, organized in battalions or other military units, and commanded in large part by officers of the Indian Army, is maintained for the preservation of order. It is distinct from the civil police and is, generally speaking, not concerned with the detection and punishment of individual offences, but is under the control of the ordinary Inspectors General.

*Financial reforms. Annual budgets; stricter audit and control; creation of Imperial departments to deal with public works and postal accounts, 1860-61.*

103. The year 1860-1 initiated vigorous financial reform, occasioned largely by financial embarrassment consequent on the Mutiny. A system of annual budgets was introduced, and an income tax enacted; and the control over the financial proceedings of the Local Governments became closer. The Accountant General to the Government of India (styled Comptroller General from 1865, which led to the principal Accounts officers in the Provinces being designated Accountants General) became Auditor General for all India; and Imperial Accounts departments were formed to deal with Public Works and Postal accounts.

*Government of India takes over the paper currency, 1862.*

104. In 1862 the Government of India took over the sole right of note issue, but up to 1866 left it with the Presidency Banks. Since then all matters connected with currency and note issue have been under the direct control of the Supreme Government. Less a certain amount which is fixed by legislation from time to time and is now 12 crores of rupees (8 million pounds), that is invested, the Government of India has to maintain, as a separate currency reserve, the cash equivalent, either in gold or silver coin or in bullion, of all notes issued. In present

circumstances, a large part of this reserve is held in gold, and a portion of it is kept in London where it can be conveniently converted into silver bullion for the purpose of fresh coinage. The remainder of the currency reserve is held in various centres in India; and the composition of this reserve *i.e.*, the respective amounts of gold and silver to be held therein, and its distribution so as to afford ready encashment for notes presented for payment, is, under the control of the Government of India, one of the principal functions of the Comptroller General and his subordinate Accountants General.

105. In 1860 the first general Stamp Act was passed. It related both to duties levied on ordinary legal instruments and to those in connection with proceedings in courts of justice. These matters are now dealt with by separate Stamp and Court Fee Acts, those at present in force being respectively Act II of 1899 and Act VII of 1870.

*General fiscal enactments relating to stamps and customs 1860-63.*

The year 1863 witnessed the passing of the first general Sea Customs Act for India (that at present in force is Act VIII of 1878); but, subject to its provisions, Customs work continued to be in the hands of the Local Governments.

106. In 1864 a Commission was appointed by Lord Lawrence to investigate prison administration, and it was then that the lines of the present system were definitely laid down. In accordance with the views of the Commission of 1838 (see paragraph 60), the experiment of confining long term convicts in large central jails had already been undertaken in Madras and the Punjab; but the systematic introduction of the present method by which prisoners are, according to the length of their sentences, confined in central, district and subsidiary jails was the immediate consequence of legislation for the various Provinces which followed the deliberations of the 1864 Commission. Under this system, "the Jail department in each Province is under the control of an Inspector General, who is [now] generally an officer of the Indian Medical Service with jail experience, and the Superintendents of central jails are usually recruited from the same service. The district jail is under the charge of the Civil Surgeon and is frequently inspected by the District Magistrate [who is directly responsible for the local subsidiary jails which exist for the reception of prisoners sentenced to undergo very short sentences]. The staff under the Superintendent includes, in large central jails, a deputy superint-

*Organization of Jail department on its present footing, 1864.*

Imperial Gazetteer, Volume IV, page 409.

endent to supervise the jail manufactures, and in all central and district jails one or more subordinate medical officers."

Some of the work carried out by the convicts in central jails, as for instance, the manufacture of tents and carpets, is important from an industrial point of view.

*The Andamans.*

107. About 1863, Port Blair in the Andamans, which had been utilized as a receptacle for Mutiny prisoners began to be employed as a large convict settlement for ordinary prisoners sentenced to transportation for life or for a considerable term of years: and the Superintendent of this penal settlement has since 1872 been also Chief Commissioner for the Andamans and Nicobar Islands, whose population, outside the penal settlement, consists of indigenous tribes in a very low state of civilization.

*Organization of Forest department, 1864.*

108. The year 1864 witnessed the beginning of a regularly organized Forest department for India, and the appointment of an Imperial Inspector General of Forests. The initial Forest staff was scanty and largely untrained; but the superior officers of the Forest department are now all men who have received scientific forest training in Europe or in India. The Dehra Dun Forest college, which supplies the requisite training in India, was established in 1878. It is under the direct control of the Supreme Government, exercised through the Inspector General of Forests.

Forest matters are under the control of the Local Governments; but, except in Madras and Bombay, their Conservators, and the Conservators General who exist in Burma and the Central Provinces for the supervision of the Conservators there, are appointed by the Government of India. The Inspector General of Forests carries out large inspections, and advises the Provincial Governments and the Government of India with reference thereto. He can also correspond direct with Local Governments and Conservators on technical matters and with reference to his inspections. In Madras and Bombay, the appointment of Conservators of Forests is in the hands of the Provincial Governments, and the functions of the Inspector General are there more limited, and purely advisory.

In 1865 the first general Forest Act was passed. It applied to all Provinces outside Madras and Bombay, the Governments of which were authorized to extend it to their territories by notification, but did not do so. The present Indian Forest Act (VII of 1878) applies to Bombay, but not to Madras or Burma for which Pro-

vinces separate legislation was passed in 1881-82.

109. In 1864, in connexion with the report of a Royal Commission on the health of the Army, which had laid stress on the insanitary condition of the general population, Sanitary Boards were appointed in the various Presidencies, but these were replaced in 1866-67 by Sanitary Inspectors General, afterwards called Sanitary Commissioners, for each of the principal Provinces, and an Imperial Sanitary Commissioner (who was also an adviser on civil medical affairs) with the Government of India. The functions of these officers were to investigate the sanitary condition of the people and to suggest means for its improvement. "The Civil Surgeons were constituted health officers of the districts, and their functions in this capacity were gradually extended until, except in Bombay [where these functions are exercised by Deputy Sanitary Commissioners], they have become the general advisers of the local authorities on all sanitary matters. Such work as was accomplished was [however] done through the agency of the district and municipal staffs, and later on also through District and other local boards." The Sanitary Commissioners and their local representatives are, in fact, mainly advisers and inspecting officers.

*Sanitary organisation, 1864-67.*

*Imperial Gazetteer, Volume N, page 467.*

110. The year 1867-72 witnessed the first general census of India. The census operations were, however, not synchronous, and did not include many of the Native States. The system of a synchronous decennial census, carried out by the Supreme Government for all India, was inaugurated in 1881.

*First general Census, 1867-72.*

111. In 1868-70 the Government of India initiated the policy of constructing productive irrigation works and railways by means of loans. As regards railways, it was found that the terms given to the companies who constructed the first lines were onerous to the State, and it was decided that Government should itself construct railways from borrowed capital. Since 1880 there has been some reversion to the company system, but on terms more profitable to the State—*e.g.* some of the old guaranteed railways as they fell in, were given back to companies, for a definite period of contract, to work for Government, which took a part of the profits, and other companies have received a greater or less measure of assistance. Taking the position as it now stands, and the railway mileage as existing at the end of the year 1906-7, out of about 29,500 miles of railways in India, some 6,200 are man-

*Adoption of policy of constructing State Railways and Irrigation works from loans, 1868-70.*



aged by direct State Agency, about 15,900 are State lines worked by companies, and about 3,500 belong to companies which are assisted by Government in some form or other. The mileage of railways belonging to Native States is also about 3,500, while minor railway lines owned by District Boards, or subsidized by these or by Local Governments cover about 400 miles.

As has been seen (para. 69), the Consulting Engineers for Railways were originally under the Provincial Governments. With the system of State railways now inaugurated, greater centralization in the hands of the Government of India became necessary, and it was, moreover, clearly undesirable to have lines which traversed more than one Province under the control of various Provincial Governments. The Consulting Engineers therefore became officers of the Government of India except in Madras, Bombay and Burma, where they remained Secretaries for railway purposes to the Local Governments. The Bengal Government, moreover, continued till 1892 to have some control over the Eastern Bengal line.

112. As regards Irrigation, the policy of employing companies had only been tried to a small extent, and with infelicitous results, in Bengal and Madras, and the works thus constructed have been bought in by the State. The policy of utilizing borrowed money for productive irrigation works has led to vigorous promotion of these undertakings, and the present period witnessed the opening of important canals in the Punjab and the United Provinces. The construction and maintenance of irrigation works has been left to the Provincial Governments; but where the capital expenditure required cannot be found out of ordinary revenues, the raising and allocation of funds rests with the Government of India.

*Improvement of the superior agency of the Public Works department; Cooper's Hill Engineering College, 1871.*

113. About the same time steps were taken to obtain an improved agency for the supervision and construction of civil works. In 1870 the engineer establishment of the Public Works department consisted, to the extent of two-fifths of its strength, of Royal Engineers, while the rest was made up of men recruited in India, largely through the local engineering colleges, and of engineers obtained on covenant from England. The services of the Royal Engineers were becoming more largely required for military works, while the demands for a thoroughly trained agency to carry out civil public works were constantly increasing. Accordingly, in 1871, an engineering college was established in England, at Cooper's Hill, to provide trained civil

engineers for India, a function which it successfully carried out till 1906, when it was abolished, as it was held that in present circumstances suitable engineers could be obtained from other sources. The establishment of this college, and the men it sent out, brought about much improvement in the administrative efficiency of the Public Works department.

114. In 1869-70 the Government of India leased the great Sambhar salt lake, in Rajputana, from the States of Jaipur and Jodhpur, and took over the Northern India Inland Customs department, referred to in paragraph 75 (8) from the Government of the North-Western Provinces. As has been seen, this department now dealt mainly with salt.

*The Government of India takes over the Northern India Inland Customs department, 1869-70.*

115. It has been shown in part II of this memorandum that, subsequent to 1833, the financial position was one of absolute and increasing centralization in the hands of the Government of India. Save in respect to local cesses which were then levied in some Provinces—principally for roads, schools, and other items of local expenditure, that now fall mainly under the control of District Boards and municipalities—each Provincial Government was absolutely dependent on the sums annually assigned to it by the Government of India for the upkeep of administrative services which it had to undertake. It could not make the smallest addition to the establishment required for such services without the sanction of the Governor General in Council. "There was hardly any limit to the amount of money that could be usefully spent in every part of India, and the local administrations were naturally impressed more by their own needs than by the financial embarrassment of a central and distant Government. In these circumstances, as Sir Richard Strachey (to whom the credit of the remedial measures undertaken is largely due) wrote, 'the distribution of the public income degenerated into something like a scramble, in which the most violent had the advantage with very little attention to reason; as local economy brought no local advantage, the stimulus to avoid waste was reduced to a minimum, and as no local growth of the income led to local means of improvement, the interest in developing the public revenues was also brought down to the lowest level'."

*Lord Mayo's measures of financial decentralisation, 1870-71.*

*Imperial Gazetteer, Vol. IV, page 154.*

In 1870-71, the Government of Lord Mayo took a very important step towards remedying this defect. It made over to the various major Provinces the financial responsibility for the administration of police, jails, medical services, registration, education, roads and buildings, and printing, and assigned to each a fixed sum from which such expenditure was to be met. Any

increase in outlay was to be provided for by economy as regards existing charges, and where necessary, by the imposition of local taxes. In respect to the services assigned to them, the Provincial Governments were given power, subject to certain general conditions laid down, which will be dealt with in a separate financial memorandum, to create appointments and raise salaries up to an individual limit of Rs. 250 a month. This obviated an enormous amount of petty references which had been previously made to the Government of India.

The scheme was imperfect in that it did not extend to some services in which the Provincial Governments were primarily interested, *e.g.*, general administration and land revenue, and that it gave them no interest in the adequate development of the revenues, since any increase in this respect would be entirely for the benefit of the Government of India. Nevertheless it marked a great step in the direction of financial and administrative devolution, and enabled the extensions which have since taken place.

*Decentralisation in the direction of 'local self-government,' 1871.  
In municipalities.*

116. Lord Mayo's financial scheme was deliberately intended to lead to the development of local self-government by means of municipalities and local boards, and this result actually followed. We have already seen (paragraph 78) that a beginning had been made in the constitution of district municipalities from 1850. Between 1864 and 1868, in connexion with the necessity for sanitary improvement already referred to in paragraph 109, fresh Acts were passed for all Provinces except Bombay (where the Act of 1850, with some amendments, remained sufficiently efficacious) which resulted in the constitution of a large number of fresh municipalities. The municipal committees appointed under these Acts were, however, all nominated, though some of the Acts had provided for election. These Acts were in fact more efficacious in promoting the sanitary improvement of towns than in establishing local self-government.

In consequence of Lord Mayo's pronouncement that his Resolution on financial decentralization was intended "for strengthening municipal institutions, and for the association of natives and Europeans to a greater extent than heretofore in the administration of affairs", new Municipal Acts were passed for the various Provinces between 1871 and 1874, which greatly widened the sphere of municipal activity and extended, though in practice not to a very large extent, the system of appointment of a portion of the municipal commissioners by the rate-payers.

The same principle was also applied to the Presidency towns of Calcutta, Madras and Bombay between 1872 and 1878.

117. As regards rural areas, we have seen (para. 78) that there were already various local funds, some of them of a voluntary character, applied to purposes of local improvement. The system of raising cesses on land for this purpose was systematized by legislation in Sind, in Bombay proper and in Madras between 1865 and 1869. "The year 1871 saw a wide development of legislation for local [administrative] purposes, partly due to growing needs, and partly the result of the financial decentralization scheme of Lord Mayo's Government. In that year Acts were passed for Madras, Bengal, the present United Provinces of Agra and Oudh, and the Punjab, while Bombay [proper] and Sind remained satisfied with the existing law. The new Madras Act divided the country into local fund circles, and constituted for their administration consultative boards nominated by the Government and under the presidency of the Collector. The Bengal Road Cess Act of 1871 provided for the levy of a rate on real property for the improvement of communications, and established local bodies who might be either nominated or elected by the ratepayers. The new scheme of Provincial finance made it essential for the Governments of the United Provinces and the Punjab to supplement their resources by local taxation, and the Acts passed for these Provinces authorized the levy of a rate on land, and the constitution of local committees to administer the funds. In both cases the members of the committees were nominated".

*In rural areas.*

Imperial Gazetteer, Vol. IV, pages 298-9.

118. The general result of these measures in respect to municipalities and rural areas was to promote useful expenditure on local objects such as roads, medical relief, sanitation and education; and the local bodies who administered the funds from which this outlay was defrayed were, subject to the general control of the Local Governments, allowed a large degree of discretion as to their application. The further development of this policy under Lord Ripon will be noticed later on.

*Its general results.*

119. At the same time, the first general legislative recognition of the desirability of State loans to municipalities and local boards for public purposes was given by the passing of Act XXIV of 1871 (India), since replaced by Act XI of 1879, which enables Local Governments, subject to rules framed and conditions laid down by the Government of India, to make loans to such bodies for works of public utility. These loans are met out of what

*First general Local Loans and Agricultural Loans Acts, 1871.*

is called the Local Loans account, the Government of India advancing the money to Provincial Governments at a fixed rate of interest (at present  $3\frac{1}{2}$  per cent.), while the latter lend the money at a somewhat higher rate to cover the risks or losses which they may incur through default or delay in repayment. A subsequent Act (XII of 1897) made further provision in respect to loans for such purposes as famine and plague.

The Presidency municipalities appear to have received loans from Government even in the time of East India Company, and their borrowing powers, and those of Port and Improvement Trusts, are regulated by the special Acts constituting them.

120. The practice of granting *takavi* loans for agricultural purposes has already been referred to in paragraph 39. In 1871 a general Land Improvement Loans Act (XXVI of 1871) was passed for all India, which has now been replaced by Act XIX of 1883. This Act, and the Agriculturists' Loans Act (XII of 1884), which had been preceded by, and replaced, a Northern India *Takavi* Act of 1879, enable loans to be made to land holders and cultivators—under rules laid down by the Local Governments\*—for land improvement and other agricultural purposes, *e.g.*, in connexion with the purchase of seed or cattle in times of distress. The financial procedure is the same as in the case of loans to local bodies. The Government of India makes lump advances for this purpose to the Provincial Governments, whose officers in turn disburse these to the individuals whom it is considered desirable to assist.

*Detachment of Ajmer-Merwara from the North-Western Provinces, Assam becomes a separate Province, 1871-74.*

121. In 1871 the small territory of Ajmer-Merwara was transferred from the North-Western Provinces to the administration of the Agent to the Governor General in Rajputana, who became Chief Commissioner for this minor Province. In 1874 a new major Province was created by the detachment of Assam from Bengal and its conversion into a Chief Commissionership.

*Formation of an Imperial Meteorological department, 1875.*

122. The year 1875 witnessed the establishment of a central Meteorological department for India under a Meteorological Reporter, subsequently designated Director General of Observatories. This Imperial service superseded a local department which had been formed in Bengal in 1864; and, in 1897, took over astronomical and magnetic observatories which had been previously maintained by the Madras and Bombay Governments. It is obviously desirable that meteorological observations which extend over so wide and diversified

\* The Acts as they originally stood required the sanction of the Government of India to all such rules and to their alteration; but an Act passed in 1906 substituted general control for this specific sanction.

an area as that of India should be co-ordinated under one head and subject to uniform methods.

123. In 1876-77 came the occupation of Quetta, which became the nucleus of the subsequent Province of British Baluchistan, a nucleus which was shortly after extended by the cession of territories by the Amir of Afghanistan as a result of the Afghan War of 1878-79. These territories were from the outset under a special Agent to the Governor General.

*Commencement of British administration in Baluchistan, 1876.*

124. Turning now to some other matters which have not been mentioned above—

(1) Increasing attention was paid to Land revenue policy and settlements; and the present period witnessed the establishment of special Settlement Commissioners for Madras, Bombay and the Punjab. Similar officers were appointed for the Central Provinces in 1885 and for Burma in 1899.

*Appointment of Settlement Commissioners.*

(2) The year 1859 marked the first systematic attempt by Government to regulate relations between agricultural landlords and tenants in view to the greater protection of the latter. After the Permanent Settlement of Bengal, efforts were made to protect the tenants from oppression by the zamindars, but these were not generally successful. By Act X of 1859 (India) which applied to Bengal, the North-Western Provinces and the Central Provinces, tenants were divided, according to the custom regulating their holdings and the length of their tenure, into occupancy and non-occupancy holders, and the rights of these classes were laid down.

*Initiation of special legislation for protection of agricultural tenants, 1859.*

(3) In 1862 a Bombay Act was passed which initiated subsequent legislation in that Province, and in Oudh, Bundelkhand, the Punjab, Ajmer, Chota Nagpur and the zamindari areas of Madras, for the preservation of historic estates from partition or sale by enabling the Government to assume temporary management of an embarrassed estate, and to regulate succession by primogeniture instead of by the ordinary Hindu law of partition. This management of embarrassed estates was an extension of the already recognized function of the State (*vide* footnote to paragraph 31 above) to take charge of estates whose proprietor is disqualified by age, sex or natural infirmity.

*And of legislation for the protection of historic estates, 1862.*

(4) In 1871 Lord Mayo instituted a separate Department of the Government of India to deal with Revenue, Agriculture and Commerce. This Department, was however, abolished in 1879: its resuscitation in a different form belongs to the next period.

*Imperial Secretariat Department of Revenue, Agriculture and Commerce, 1871-79.*

*Excise legislation, 1871.*

(5) In 1871 the first general Excise (principally liquors) Act for Northern India was passed, superseding, as regards the North-Western Provinces, an Act of 1856 which applied to them and to Bengal. From this period we get four different Excise laws for India, relating respectively to (a) Madras, (b) Bombay, (c) Bengal and Assam, and (d) the other Provinces. The existing Northern India Excise Act—(d)—is Act XII of 1896.

*Initiation of an Archaeological department, 1868.*

(6) The first beginning of an Archaeological department, for the conservation of ancient monuments was made in 1868.

*Famine relief.*

125. The principal famines during this period occurred in Northern India, 1860-61; in Orissa, 1865-67; in Rajputana and Upper India, 1868-70; in Bihar, 1873-74; and in Southern India, 1876-78; and the Government took a much larger share in the combating and relief of distress than had been done in the previous periods. In the Northern India famine large relief works were opened for the first time, under professional control and poor houses were established. In the Rajputana famine, advances were made to cultivators in addition to direct measures of relief. In the Bihar famine village inspection was carried out for the first time, and gratuitous relief given on a large scale. In the Southern India famine, it was decided by the Government of India that human life should be saved at any cost and effort.

*Relations with Native States consequent on the transfer of the government of India to the Crown. Imperial Gazetteer, Volume IV, page 28.*

126. Lastly "the transfer of the Government of India to the Crown, after the suppression of the Mutiny, left the British Government, in name as well as in reality the suzerain power..... The immediate consequence was to abolish all reserve as to timely interference to prevent misrule.... *Sanads* of adoption and succession were conferred upon the rulers of the larger States. The doctrine of lapse [on failure of recognized heir, or of annexation in the event of scandalous misgovernment] gave place to a public assurance of the desire of the paramount power to perpetuate the houses of the principal ruling families, [and this of necessity involved the obligation to prevent Chiefs whose power was guaranteed by the Crown from oppressing their subjects. Flagrant misgovernment is now met by the deposition or temporary suspension of the individual ruler; not by annexation of his territories.] Treaties were no longer made as if between equals: engagements and *sanads* breathed a new spirit of subordinate co-operation on the part of Native princes . . . Conventions to promote railways, canals, and other common public works; arrangements to protect Imperial revenue and to provide for a common postal and telegraph system; and united efforts to put down

*thagi* and dacoity, and secure the prompt surrender of criminals added largely to the collection of public agreements. The territories under the suzerainty of the Crown became at once as important and integral a part of India as the territories under its direct dominion." And the proclamation of the Queen of England as Empress of India in 1877 materially added to the weight and prestige of the Governor General, as the Imperial representative, in dealing with Native princes.

127. To sum up, this period was, as has been said at the outset, one of great legislative and administrative development. Parliamentary legislation regulated the Government of India under the Crown, and provided a medium of Home control in the shape of the Secretary of State in Council. It established the Indian legislature on a new footing, restored legislative functions to the Provinces of Madras and Bombay, bestowed them for the first time on Bengal, and permitted their subsequent extension to other Provinces. It also established the present Indian High Courts. Three new major Provinces (Burma the Central Provinces, and Assam) were created; and a larger measure of control was established over the Native States. Criminal and civil law and procedure, and the courts to which their working was entrusted, were placed on a satisfactory and generally uniform footing, while there was a large amount of salutary codification as regards other branches of law, and in fiscal subjects such as those relating to stamps and customs. The Presidency armies were re-organized and brought under the closer control of the Government of India, while the abolition of the Company's European forces brought British and Indian military arrangements into intimate connexion. The police and jail services were organized on the lines on which they are still worked, and a Forest department was created. The adoption of the policy of constructing railways and productive irrigation works from borrowed money led to vigorous prosecution of these, and the control of railways necessarily became more centralized. The machinery for executing public works was greatly improved by the establishment of Cooper's Hill, and the development of the Indian engineering colleges. The Government of India took over the control of the paper currency, and rendered the accounts and audit organization effective, while the reforms of Lord Mayo gave the Local Governments a salutary control over various services in which they were specially interested. And, concomitantly with this, came the first important development of local self-government, giving opportunities for local interest in, and larger expenditure on, sanitation, education and roads.

*Summary.*



## Fourth period—1877-1907.

Queen Victoria's assumption of the Imperial title. Oudh united to the North-Western Provinces, 1877.

128. In 1877 Queen Victoria, as already mentioned in paragraph 126, assumed the title of Empress of India; and in the same year Oudh ceased to exist as a separate major Province, the Lieutenant Governor of the North-Western Provinces becoming *ex-officio* Chief Commissioner of Oudh.

The Famine Insurance Grant, 1877-78. Its effect on the construction of railways and irrigation works.

129. In 1877-78 the necessity for providing, in normal years, against large famine expenditure in years of distress, which had been brought home by the Southern India famine of 1876-78, led to the formation of the Famine Insurance Grant, towards which  $1\frac{1}{2}$  crores of rupees were appropriated from current revenues. The first charge on this grant has always been actual expenditure in connection with famine relief. The utilization, year by year, of such balance as is not required for this purpose has varied from time to time; but the principle has been recognized that it should be devoted to railways and irrigation works. The present practice is that, subject to the requisite balance being available from actual famine expenditure, a sum not exceeding 75 lakhs a year may be utilized towards 'protective' works of this nature, *i.e.*, works which, while not sufficiently productive to warrant their construction from loan funds, will yet be of material assistance in mitigating the effects of famine. Such balance as may remain is ultimately devoted to the construction of productive public works, thus avoiding *pro tanto* the incurring of debt for this purpose. These arrangements have materially assisted in the construction of railways and irrigation works, especially of such as could not, by reason of their relatively poor financial prospects, have been constructed out of loan funds.

Development of financial decentralisation. Provincial settlements of 1877-79.

130. In 1877-79 the Government of Lord Lytton, of which Sir John Strachey was then Finance Member, made a material alteration in the terms of the financial settlements with Provincial Governments described in paragraph 115. As there stated, while Lord Mayo's scheme of financial decentralization effected a large reform, it suffered from the defect that the services in which the Provinces were given a financial interest were relatively few, and that the Local Governments had no interest in developing the revenues raised through their agency. The settlements now undertaken gave the Provincial Governments larger scope and larger financial responsibility in matters of expenditure, making over to them for the first time the financial control of services connected with general administration, land revenue, excise, stamps, law and justice; and at the same time gave them, generally speaking, the revenues raised from law and justice, excise,

stamps, and the license (now income) tax. But any increase over the revenues as they stood at the time of the assignment was to be shared with the Government of India, which would also bear a half share of any decrease. These revenues being, however, quite inadequate to meet the cost of the transferred services, were supplemented by large fixed assignments. This was a defect in the arrangement. The Local Governments were still not interested in the development of any revenues other than those referred to, and in place thereof had to look to rigid fixed grants. The settlements with Burma and Assam, which were the last of this service, contained, however, an important new departure, which exchanged a fixed assignment for a share of the land revenue in both Provinces, and of some other receipts in Burma.

It should be noted that Madras alone among the major Provinces did not come within the scope of the Strachey settlements, as the Local Government was dissatisfied with the terms offered and preferred to abide by the settlement of 1870-71.

131. In 1882—Lord Ripon being then Viceroy and Sir E. Baring (now Lord Cromer) Finance Member—fresh settlements were made with all the major Provinces; this time including Madras, on the following lines. As regards the principal heads of receipts, customs, salt, opium, post office and telegraphs revenue were wholly Imperial. Receipts from forests, excise, license (now income) tax, stamps and registration were divided equally between the Government of India and the Provinces; while the local receipts classified under the head, Provincial rates' were made entirely Provincial and local, and the receipts from law and justice, public works and education were also provincialized. In regard to railways and irrigation, the existing situation, under which the bulk of these receipts were Imperial was continued. As regards expenditure, the division of liabilities followed, generally speaking, on the incidence of the corresponding heads of receipts. But as the outlay devolving on the Provincial Governments was larger than the revenues formally assigned to them, the balance was, in the case of each Province, made up by a percentage on the land revenue (which was otherwise an Imperial receipt) and, in Burma, also on the revenue from salt and the export duty on rice.

*Further developments, 1882-97.*

By these settlements the Provincial Governments obtained the same financial powers in regard to expenditure under divided heads as they had enjoyed with reference to heads which were wholly pro-

vincial, *i.e.*, they could, without reference to the Government of India, create new appointments or raise the emoluments of existing ones up to a limit of Rs. 250 a month; but they were not allowed to reduce or abolish appointments carrying a pay of more than Rs. 250, or to create, abolish, or alter the pay conditions of, whole classes or grades of officers. Nor could they impose any new taxation, or change an existing system of revenue management, or undertake any general new service or duty at the cost of the State. These conditions still apply.

132. The 1882 settlements were quinquennial, and accordingly the Provincial settlements were revised in 1887, in 1892, and again in 1897. The sphere of revenue ordinarily divisible between the Government of India and the Provinces was extended by the inclusion of Land-revenue, while Railways became practically Imperial. The specific arrangements for the sharing of revenue and the allocation of expenditure varied from time to time in the different Provinces, and need not be referred to here. It will suffice to observe that as the shares of divided revenue were not ordinarily sufficient for the normal administrative requirements of the Provinces, they received in addition a special fixed assignment adjusted under the Land-revenue head.

*Equalisation of salt duties. Abolition of the great inland customs line. Conversion of the department of Inland Customs into the Northern India Salt department. Northern India Salt Act, 1878-82.*

133. The arrangements in respect to inland customs and salt duties were last mentioned in paragraphs 75(8) and 114. In 1878-79 the export duties on sugar were abolished; and steps were taken to equalize the salt duties throughout the whole of India, except in Burma and in the trans-Indus tracts served by the Kohat mines (where the duty was till recently on a lower scale), by reduction in the duty on salt in Northern India, accompanied by some enhancement in the duties levied in Madras and Bombay. At the same time the remaining salt sources in Rajputana which had been under the control of Native States were acquired by the Government of India. These measures enabled the abolition, except along a part of the Indus where it remained till 1897, of the great inland customs line which had extended "for nearly 2,500 miles, from Torbela, near Attock on the Indus to the Sambalpur district of Bengal. The line was guarded by an army of nearly 13,000 officers and men, and consisted, along a large part of its course, of a huge cactus hedge supplemented by stone walls and ditches."

Imperial Gazetteer, Volume IV, pages 250-1.

This artificial barrier had been a great hindrance to the natural development of

trade, and its abolition was one of the most important administrative reforms of Lord Lytton's Government.

The result of these steps was that the Inland Customs department became the Northern India Salt department, under a Commissioner directly subordinate to the Government of India. The sphere of this Imperial department extends over Northern India, the Central Provinces and the salt sources in Rajputana. Madras and Bombay have their own Salt departments, and a few years ago a preventive Salt department was constituted for Bengal where the authorized production of salt has now ceased. The principal sources of salt production in India are now the Salt range and the Kohat mines, in the Punjab and the Frontier Province; the Sambhar lake and other salt sources, also worked by the Northern India Salt department, in Rajputana; salt-soil brine on the borders of the Lesser Rann of Cutch; and sea-salt factories on the Madras and Bombay coasts. Of these the Kohat mines, and the greater part of the Madras and Bombay factories, are worked by private licensees, subject to Government supervision and to payment of duty on their output, while the other sources are under direct Government management, the salt produced there being sold to the public at prices fixed so as to cover the duty and the cost of production.

At the same time the general Salt Act still in force (XII of 1882) was passed, which applied, broadly speaking, to the whole of India proper outside the present Provinces of (1) Madras, (2) Bombay, (3) Bengal and Eastern Bengal and Assam, which have their own local Acts. But the Bengal Act (VII of 1860), which applies to the Provinces mentioned under (3), is defective and out of date, and it has accordingly been found necessary to apply the provisions of the Northern India Act to the littoral of both these Provinces. It is now proposed (1907), in connexion with some amendments found desirable in the Northern India Salt Act, to make it applicable to the whole of these two Provinces, the separate Bengal Act being repealed.

134. In 1880 civil medical administration was separated from military, the latter being entrusted to military Surgeons-General for the three Presidency armies. Civil medical matters were placed, subject to the control of each Local Government, under a Surgeon-General in Madras and Bombay, and a Deputy Surgeon-General, afterwards denominated Inspector-General of Civil Hospitals, in the other major Provinces, while there was a Surgeon-

*Medical re-organisation, 1880.  
Sanitary Boards, 1888.*

General (who absorbed the functions of the Sanitary Commissioner mentioned in paragraph 109) with the Government of India, mainly as an advisory officer. About the same time vaccination work throughout the Provinces, which had previously been in charge of a separate department, was placed under the Provincial Sanitary Commissioner; but the bulk of the work in connection with vaccination is now performed (under his supervision) through the agency of establishments working under District Boards and municipalities.

In 1888 Sanitary Boards were established for the different provinces; but these did not interfere with the administrative functions of the Sanitary Commissioners, and were mainly to advise Government with reference to the carrying out of sanitary measures in municipalities and elsewhere. The Sanitary Commissioner was always a member, as also the principal civil medical officer of the province, and an engineer officer of standing. It may be mentioned in this connexion that special Sanitary Engineers are now employed in all the large Provinces, to draw up and supervise the execution of important sanitary projects, these being principally undertaken in large towns under municipal management.

*Constitution of a Revenue and Agricultural Department in the Government of India, and of Provincial Agricultural departments.  
Preparation of Famine Codes, 1881-84.  
Codification of Provincial land-revenue laws.*

135. The creation in Lord Mayo's time of a separate Department of the Government of India for Revenue, Agriculture and Commerce, and its abolition in 1879, has already been mentioned (paragraph 124). In 1881 it was found desirable to form a Revenue and Agricultural Department (Commerce being left with the Department of Finance); and one of the first duties of the new Department was to improve administrative arrangements for famine relief in connexion with the report of a Commission appointed after the recent great famine in Southern India of 1876-78. In 1883 a general model famine code was prepared, and became the basis of local codes for the various Provinces. These have been subsequently revised with reference to experience gained in the famines of 1896-97 and 1899-1900, and contain instructions as to the measures to be adopted on the first appearance of agricultural distress and, later on, if such distress develops into famine—especially with reference to providing relief works and regulating the payment of wages thereon. The Provincial codes cannot be altered without the sanction of the Government of India. (For some further details see a separate memorandum on Famine Relief.)

About the same time active steps were taken towards the codification of the land-revenue law in the various Provinces of

Upper India. A similar codification in Bombay had been undertaken in 1879.

Following the establishment of an Imperial Agricultural Department, analogous Provincial departments were created, and by 1884 every major Province was provided with a Director of Agriculture. This appointment was at that time conjoined with other functions, generally in connexion with settlement or land records; but since 1905 almost every major Province has obtained a full time Agricultural Director.

136. "In 1881-82 the Government of Lord Ripon issued orders which had the effect of greatly extending the principle of Local Self-Government. That statesman took a keen interest in the system as a means of political and popular education, and under his influence the inhabitants of both town and country were given a more real and important share in the management of local affairs than they had hitherto possessed. Acts were passed in 1883-84, which greatly altered the constitution, powers, and functions of municipal bodies.

*Extension of local self-government under Lord Ripon.*  
Imperial Gazetteer, Volume IV, pages 287-88.

"A wide extension was now given to the elective system, and independence and responsibility were conferred on the committees of many towns by permitting them to elect a private citizen as chairman in place of the executive officer who had hitherto filled the post. Arrangements were also made in connexion with the periodical revision of the Provincial finances, [*vide* paragraphs 131—132] to increase municipal resources and financial responsibility. A considerable portion of the municipal revenues had hitherto been devoted to the maintenance of the town police, over which the municipal authorities had no control. They were now in most Provinces relieved of this burden [and steps have since been taken to make this ruling general] on the understanding that they would incur an equivalent expenditure on education, medical relief, and local public works. At the same time some items of Provincial revenue, suited to and capable of development under local management, were transferred from the Provincial account, with a proportionate amount of Provincial expenditure, for local objects. The principles laid down by Lord Ripon's Government govern the administration of municipalities to the present day".

*In municipalities,*

Large measures were also taken to extend the sphere of local self-government in rural areas, and legislation for this purpose was enacted for the principal Provinces between 1883 and 1885. There are now District Boards, dealing with local affairs, for every district outside Burma, Assam and Baluchistan. Madras, Bombay, Bengal, Eastern Bengal, the Punjab and the

*In rural area,*

Central Provinces also possess smaller subdivisional or taluk boards subordinate to the central body, while in Assam these subdivisional boards are independent entities. There are also smaller village unions or circles in Madras and the Central Provinces, and, to a less extent, in Bengal.

*Functions and resources of municipalities and rural boards.*

137. Information as to the working of the local self-government system thus developed will be found in a separate memorandum. It will suffice to say here that the principal ordinary functions of the municipalities are the upkeep and lighting of roads and streets, sanitation, drainage and water supply, education, medical relief and vaccination. Their principal sources of revenue in the major Provinces are :—

- (a) Octroi (in Bombay, the United Provinces, the Punjab and the Central Provinces).
- (b) Taxes on houses and lands (in Madras, Bengal, Eastern Bengal and Assam, and Burma).\*
- (c) A profession tax (in Madras and the United Provinces).
- (d) Road tolls (in Madras and Assam).
- (e) Receipts from conservancy, water supply, markets, etc.

The sources and limits of taxation, *e. g.*, the rate at which rates may be levied on houses, etc., are specified in the Municipal Acts, and its application or enhancement within this sphere requires the sanction either of the Local Government, or, in some Provinces, of the Commissioner.

“The primary duty of the rural boards is the maintenance and improvement of the means of local communication. Their obligations do not, in general, extend to the main lines of traffic, but in some instances they have taken over these also, and have even gone so far as to promote light railways. Other important functions are the maintenance of hospitals and dispensaries; the provision of drainage and water supply; general sanitation; vaccination†; education, especially in its elementary stages; the charge of pounds and ferries; the construction and maintenance of markets, rest houses and other public works; and the relief of the population in times of famine.”

The main income of the District Boards is derived from a cess on the rent value of land (taken in ryotwari areas as equal to the land revenue assessment) which is generally levied at one anna in the rupee. Since 1905 the Government has contributed an additional amount equal to a quarter

\* In Bengal and Eastern Bengal a tax on occupants, according to their means, is sometimes substituted.

† In Bengal and Eastern Bengal vaccination in rural areas is not entrusted to the District Boards, but is performed by a Government staff working under the Civil Surgeon.

of this cess. Apart from receipts in connexion with educational and medical institutions, etc., their only other important sources of income accrue from pounds and ferries and, in Madras from road tolls.

138. These measures have resulted in large local expenditure on education, sanitation and medical relief and roads through the agency and normal responsibility of the local bodies in question. Their creation and development has been a measure of local decentralization, analogous and supplementary to the decentralization effected between the Government of India and the Provincial Governments by the financial reforms of Lords Mayo, Lytton and Ripon. In the year 1905-06, District Boards and municipalities were responsible for 35 per cent. of the total public expenditure incurred in British India on roads and buildings; for 43 per cent. of that appertaining to medical relief and sanitation; and for 47 per cent. of that on education. The handing over to them of a large number of schools hitherto under direct Government management was in accordance with the findings of a Commission appointed in 1882 to investigate the working of the educational system. That Commission, while finding that progress since the educational despatch of 1854 (paragraph 73) had been generally satisfactory, held that the time had come for the gradual devolution of the management of educational institutions to local bodies and to private enterprise.

*General results of the above measures of devolution.*

139. In 1882 the execution of military works in connexion with the Bengal army was transferred from the Public Works to the Military Department, a separate Military Works service, consisting of Royal Engineer officers, being constituted for this purpose; and in 1890 the same system was applied to the Madras and Bombay armies. The Military Works service thus constituted was placed on a wholly military basis in 1899, and became a part of the regular army organization. This separation of military and civil public works is, however, subject to some minor exceptions. Thus in Baluchistan, where military needs preponderate and civil works are few, the Military Works officers see to both.

*Constitution of a Military Works Service, 1882-90.*

140. The Bengal Rent legislation of 1859 referred to in paragraph 124 had, in course of time, proved ineffectual owing to the growing competition for land, and it was replaced in 1885 by a new Tenancy Act for Bengal, which materially strengthened the tenant's position by relaxing the conditions necessary to the acquisition of occupancy rights, and providing various safeguards against devices to extinguish these or prevent their accrual

*Bengal Tenancy legislation of 1885 and its effects.*



This Bengal Act has been accepted, in many respects, as the standard of Indian tenancy legislation, and has led to the gradual revision of such legislation in the Provinces in which landlord tenure prevails.

Speaking generally, the position as thus arrived at is this. An occupancy tenant cannot be evicted so long as he pays the rent fixed on his holding, and such rent cannot be enhanced against his will until the lapse of a certain number of years, and then only by application to, and adjudication by, a competent court\* ; while the enhancement must be limited according to certain criteria which the law lays down, such as increase in prices, the rents prevailing in similar adjoining land, or improvements effected at the cost of the landlord. A non-occupancy tenant can also appeal to the courts against the enhancement of rent, and if such be allowed, he is protected from further enhancement for a term of years. The large power of distraint originally possessed by land-owners has likewise been diminished.

In the Central Provinces the Government has gone further, and, on the occasion of a new settlement, the settlement officers fix the rents to be paid to non-occupancy tenants, and adjust the Government demand on land-owners accordingly.

*Establishment of a Legislative Council in the North-Western Provinces. Annexation of Upper Burma, 1886.*

141. In 1886 a Legislative Council was established for the North-Western Provinces and Oudh ; and in the same year Upper Burma was annexed and added to the already existing Lower Province, while in 1887 the status of the Agent to the Governor General in Baluchistan (see paragraph 123) was raised, and he became Chief Commissioner in respect to the areas under British administration.

*Baluchistan becomes a Chief Commissionership—1887.*

*Public Service Commission of 1886-87. 'Imperial' and 'Provincial' services.*

142. As has already been seen in paragraph 89 (3), an Act of Parliament passed in 1870 provided that natives of India might, subject to rules approved by the Secretary of State, be appointed to any of the offices heretofore reserved to the Indian Civil Service. "The principal features of the scheme [prepared by Lord Lytton's Government for giving effect to this provision] were nomination by the Local Governments, subject to the approval of the Government of India and the Secretary of State ; employment of the selected officer within his own Province ; and the ultimate transfer of one-sixth of the total number

*Imperial Gazetteer, Volume IV, pages 43-44.*

\* The courts which deal with these matters are sometimes (as in Bengal) the ordinary civil courts of the country and sometimes a revenue officer sitting as a rent court for this purpose

of Indian Civil Service appointments to the Statutory Civilians [as they were called]. The new system, however, failed to prove a success. The higher classes did not, as a rule, come forward, and many of the candidates chosen were young men who, but for this opportunity, would have been content to enter the subordinate service.....It was then abandoned in favour of the plan proposed by the Public Service Commission which sat in 1886-87.....On the advice of this Commission the Civil Service was divided into three branches: the 'Indian Civil Service', recruited in England; and the Provincial and Subordinate services, recruited in India from among natives of India. The members of the Indian Civil Service are no more numerous than to enable them to fill the majority of the highest offices, with such number of less important posts as provides a course of training for the younger men; the Provincial services, styled the Bengal Civil Service, the Madras Civil Service and so on, enjoy the remainder of the important executive, judicial, and administrative appointments; and the Subordinate services comprise the holders of minor posts.....Admission to the Provincial services is regulated by rules framed by the Local Governments and approved by the Government of India.....The members of the Provincial service are, like the former Statutory Civilians, eligible for offices heretofore reserved for the Covenanted service"; and a considerable number of the higher appointments such as Collectors and judgships have now been 'listed' to be filled normally by selected members of the Provincial service. It should be noted, however, that the words 'Imperial' or 'Indian,' and 'Provincial,' as used above refer to the personal status of the officer and not to his employment, for the bulk of the Indian Civil Service has always been under the orders of the Provincial Governments.

Similar distinctions between 'Imperial' and 'Provincial' officers, the former being those recruited from England, now exist in the Public Works, Telegraphs, Survey, Educational, Police and Forest departments; and a certain number of appointments formerly 'Imperial' have been thrown open to 'Provincial' officers, though, as in the case of posts 'listed' from the Indian Civil Service, 'Provincial' holders of these draw lower rates of pay. Here, too the majority of the 'Imperial' officers are at the disposal of the Provincial Governments.

*Institution of a Civil Veterinary Department, 1892.*

143. In 1892 a Civil Veterinary department, which now deals mainly with the promotion of cattle-breeding and the prevention of cattle disease, was organized under an Imperial Inspector-General, and similar Provincial and local agencies were established shortly afterwards. The superior officers of the Civil Veterinary department, though under the control of the Government of the Province in which they serve, are on Imperial lists for purposes of transfer and promotion, and are paid from Imperial funds. The subordinate agencies are mainly employed under District Boards.

There is also an Army Veterinary service for military purposes.

*Indian Councils Act, 1892. Expansion of Legislative Councils and admission of elected members.*

Ilbert's Government of India, pages 107-8.

144. In 1892 Parliament passed an Indian Councils Act (55 and 56 Vict., c. 14) which "authorized an increase in the number of the members of the Indian Legislative Councils, and empowered the Governor General in Council, with the approval of the Secretary of State in Council, to make rules regulating the conditions under which these members are to be nominated. At the same time the Act relaxed the restrictions imposed by the Act of 1861 on the proceedings of the Legislative Councils, by enabling rules to be made authorizing the discussion of the annual financial statements, and the asking of questions [on matters of public interest] under prescribed conditions and restrictions. The Act also .....enabled local legislatures, with the previous sanction of the Governor General, to repeal or alter Acts of the Governor General's Council affecting their Province."

Under this Act, as applied in practice the non-official members of the Governor General's Legislative Council were to be not less than 10 in number, of whom 5 were to be elected respectively by the Calcutta Chamber of Commerce, and the non-official members of the Legislative Councils of Madras, Bombay, Bengal and the North-Western Provinces. These Provincial Legislative Councils similarly obtained members elected by groups of municipalities and District Boards, Universities, Chambers of Commerce and Trades Associations.

The question of reconstituting the Imperial and Provincial Legislative Councils, and providing Advisory Councils of selected notables with whom the Imperial and Provincial Governments can discuss matters of public importance, but who will only have the right to advise, is now (1907) under consideration.

145. In 1893 the Indian Mints were closed to the free coinage of silver. Prior to this measure coinage had been automatic, any one being entitled to bring bullion to the mints and get it coined into rupees. The object of the new policy, which was intended to obviate the embarrassment caused to the finances and trade of the country by the constantly falling value of silver, was to fix the exchange value of the rupee at 1s-4d. This measure attained full success within a few years, with the result that the rupee became a token coin, with a value largely in excess of what it would have exchanged for with gold as bullion. For the success of this policy it was obviously necessary to restrict the coinage of rupees and to leave fresh issues entirely to Government. Of late years large additions have been made to the rupee coinage, as being necessary for trade purposes, the test applied being the Secretary of State's Council drawings. These are now largely in excess of the amounts required to meet the Government's Home charges for interest on debt, pensions and leave allowances, stores and so forth, the reason being that the prosperous condition of the trade of India, with its large excess of exports over imports, results in a balance of debt due by England. If means for paying this were not afforded by the Secretary of State's Council Bills, which enable the purchaser to obtain orders for rupees on the Indian treasuries, a large amount of gold would have to be shipped to India, for which the Indian Government has at present no use. Accordingly, the Secretary of State gives trade the opportunity of obtaining funds in India by the method above stated; and his drafts, to the extent of their excess over the "Home charges," have largely to be met by the coinage of fresh rupees, which are in the long run procured from the funds the Secretary of State has accumulated by the sale of his Bills. But to calculate the amount of fresh silver coinage which shall, on the one hand, not be in excess of actual requirements and thus tend to disparage the token rupee, and shall, on the other hand, be sufficient to prevent embarrassment from the Secretary of State's large and necessarily sudden drawings, is one of the most difficult tasks which fall to the Government of India in the Finance Department. The large profits which accrue on fresh silver coinage, by reason of the difference between the bullion and token value of the rupee, are, it may be noted, credited not to ordinary revenue, but to a special 'Gold Reserve

*Stoppage of free coinage of silver (1893) and its consequences.*

*The Indian Government has in the main to be its own banker.*  
Imperial Gazetteer, Volume IV, page 197-

Fund' intended to secure the working of the present currency policy against a possible fall in exchange.

It may be added, as a cognate matter bearing on the financial functions of the Government of India, that "while most European Governments can count on meeting temporary treasury requirements by the issue of treasury bills through Government banks, such resources cannot be relied upon in India; and consequently the Indian Treasury is obliged to act as its own banker, estimating its monthly requirements with special foresight and prudence, and watching the situation with the closest attention throughout the year."\* The bulk of the necessarily large cash balances which have to be maintained by the Government of India are kept in Government treasuries scattered all over the country, and only a relatively small portion of such balances can be lodged with the Presidency banks.

*Abolition of the Presidency armies, and unification of the Indian Army under the Commander-in-Chief and the Government of India, 1895.*

146. In the same year (1893) Parliament passed an Act (56 and 57 Vict. c. 62) which abolished the separate Presidency armies of Madras and Bombay and unified the whole army of India, and the arrangements consequent on this legislation were carried out in 1895. The Madras and Bombay Governments thus lost their control over military matters, which had become anachronistic as a large part of their armies served outside the Presidencies to which they were supposed to belong; and all military matters came under the direct control of the Commander-in-Chief and the Government of India. The local Commanders-in-Chief in Madras and Bombay, who had been members of the executive Councils of these Presidencies, naturally ceased to exist also. The army, as thus unified, was distributed into four great Commands, taking their names respectively from Madras, Bombay, Bengal and the Punjab. The two former represented the old Presidency armies of Madras and Bombay; the two latter the former army of Bengal, which had been increased since 1886 by the transfer of the Punjab Frontier Force [see paragraph 64 (2)] from the control of the Local Government to that of the Commander-in-Chief. The new 'Bengal' Command was, however, rather a misnomer, as the bulk of its troops, and the command head quarters, were in the North-Western Provinces. "Each Command was placed under a Lieutenant-General, who was supplied with a complete army and departmental staff, and was given power to

Imperial Gazetteer, Volume IV, page 354.

\* And occasionally, in times of financial stringency in the money market, the Government makes short-term loans to the Presidency banks.

transact a certain amount of business which had formerly been dealt with at Army Head Quarters or by the Military Department ;” and each command contained a certain number of territorial military districts.

147. Following on this army unification, the civil medical services of Bengal, Madras and Bombay were unified in 1896, under the professional headship of the Surgeon General with the Government of India, who now became Director-General of the Indian Medical Service. The Government of India now has to approve (in Madras and Bombay) or to nominate (in other Provinces) the chief Medical Officer of the Province, and in this as in other matters the Director-General acts as its adviser ; but the actual control over local medical administration remains with the Provincial Governments. Army medical administration became entirely centralized under the Government of India, with a Principal Medical Officer for Her Majesty's Forces, who was also staff officer of the Commander-in-Chief, as professional advisor.

*Unification of the Indian Medical Service, 1896.*

148. The various Acts regulating jail management in the different Provinces referred to in paragraph 106 had been found to give rise to considerable and undesirable divergencies in prison management. Accordingly, in 1894, a general Prisons Act (IX of 1894) was passed for all India, in supersession of those enactments, which laid down the general lines of prison management and discipline as now existing. Under section 59 of that Act subsidiary rules as regards important matters, such as the definition and classification of prison offences, the punishments therefor, and the award of good conduct marks towards the shortening of sentences, are to be framed by the Governor-General in Council, or by the Local Governments with his previous sanction ; while, under section 60, a Provincial Government can, subject to the control of the Governor General in Council, lay down rules in regard to minor matters, and as regards the discipline of jail officials. This control has been exercised by the Government of India's circulating standard rules to form the basis of those to be enacted by the Local Governments.

*Passing of a uniform Prisons Act, 1894.*

149. In 1897-98 Burma was made a Lieutenant-Governorship, and Legislative Councils were established there and in the Punjab. These Councils are, however, of smaller size than those in the older Provinces ; and though they contain a proportion of non-official members, none of these are elected, nor have the Councils the right of interpellation or of discussing the Provincial budget.

*Burma made a Lieutenant-Governorship. Constitution of Legislative Councils for Burma and the Punjab, 1897-98.*

150. The Viceroyalty of Lord Curzon (1899-1905) was marked by the creation of new Provinces and by large administrative activity. Taking first the Provincial re-arrangements—

*Creation of the North-West Frontier Province, 1901.*

(1) In 1901 some of the outlying districts of the Punjab, situated mainly to the west of the Indus, were detached from that Province and constituted, along with adjoining border tracts over which British influence had been extended since 1892, into a minor, North-West Frontier Province, administered by a Chief Commissioner under the control of the Foreign Department. The change was intended to give the Government of India more direct supervision over frontier questions which had hitherto been dealt with through the Punjab Government.

*The North-Western Provinces and Oudh become the United Provinces of Agra and Oudh, 1902.*

(2) This measure rendered it necessary to change the designation of the old 'North-Western Provinces,' which had been anachronistic since the annexation of the Punjab more than half a century back. The North-Western Provinces and Oudh accordingly became the United Provinces of Agra and Oudh, under a single Lieutenant-Governor.

*Berar joined for administrative purposes to the Central Provinces, 1903.*

(3) In 1903 Berar was permanently leased from the Nizam, and its administration was transferred from the Resident at Hyderabad to the Chief Commissioner of the Central Provinces of which it is now administratively a part, although technically not in British India. The separate 'Hyderabad Contingent' referred to in paragraph 64(4) was at the same time merged in the ordinary Indian Army.

*Creation of the Lieutenant-Governorship of Eastern Bengal and Assam, 1905.*

(4) In 1905 the Province of Bengal, which contained 75 million inhabitants, and had been found too heavy a charge for a single Lieutenant-Governor was subdivided, the Eastern Bengal districts being separated from it and joined to Assam. The new Province, entitled Eastern Bengal and Assam, was administered by a Lieutenant-Governor, and received a Board of Revenue and a Legislative Council similar in character and functions to those of Bengal. At the same time some minor re-adjustments of territory took place between Bengal and the Central Provinces.

*Curtailment of Administration reports and other returns, 1901.*

151. In 1901 steps were taken to reduce the length and number of the periodical administration reports and returns submitted to the Government of India by Local Governments; and the latter were at the same time desired to take steps, as had already been done in Madras, towards similar reduction in the local reports and returns of the Provinces, with the intention of saving the time of district officers

and relieving them from some restrictions which the existing reports involved.

152. In 1901 Lord Curzon convened a conference of the Provincial Directors of Public Instruction and other persons specially interested in education, over which he himself presided, and the upshot of their deliberations was—

*Educational reforms. Creation of a Director-General of Education. A new Universities Act. Improvement of school teaching, 1902-1904.*

(1) The appointment, in 1902, of an Imperial Director-General of Education whose function it is to advise the Government of India on all educational matters that come before it. He makes periodical tours in the Provinces for the purpose of conference with Local Governments and their educational officers, and inspects educational institutions; but he has no power to give any executive instructions to Provincial authorities.

(2) The appointment of a Commission, in 1902, to examine the working of the Indian Universities, which were now five in number—those of Calcutta, Madras and Bombay, established in 1857, having been supplemented by the Punjab University and that of Allahabad, created in 1882 and 1887. The result of the Commission's labours was the present Universities Act (VIII of 1904, India), which remodelled the governing bodies of the Universities, gave them teaching functions, and enabled them to exercise larger control over their affiliated colleges.

(3) The issue, in 1904, of instructions by the Government of India in regard to the future development of education generally. The number of public school examinations was reduced; and steps were taken to render school teaching more practical and to have it more largely given in the vernaculars, to encourage technical and industrial education, to improve educational facilities for the children of domiciled Europeans and Eurasians, to provide better training for school teachers, and to strengthen the Government inspecting staff.

The Provinces received considerable special grants towards the carrying out of these reforms.

The appointment of the Director-General of Education, who would be more correctly termed an Inspector-General since he has no direct executive functions, was the first of several other similar appointments of Imperial Inspectors-General which will be noticed singly below.



*Legislation regarding mines, and appointment of an Imperial inspecting staff, 1901.*

153. In 1901 an Act (VIII of 1901) was passed regulating the working of mines throughout British India, and, in order to carry out its purposes, a Chief Inspector of mines, directly subordinate to the Government of India, has been appointed, with Inspectors under him. The duties of this staff are to inspect mines, to ascertain whether the provisions of the Act and the rules made thereunder are being observed, and to initiate any matters which may seem to be required for the protection of the mining *personnel* or of the general public. The Act contemplated the appointment of Inspectors of mines by Provincial Governments, but matters are not yet sufficiently advanced to admit of this decentralization, and the present Inspectors (three in number for all India) are appointed by, and are subordinate to, the Supreme Government.

*Appointment of an Inspector General of Agriculture, 1901. Measures taken towards agricultural development.*

154. In 1901, an Imperial Inspector General of Agriculture was appointed. He too is primarily an advisory and inspecting officer in regard to agricultural work in the Provinces; but he has also direct control over an Imperial agricultural college and research institute which has recently been established at Pusa in Bengal, and over a certain number of agricultural experts directly employed by the Government of India. Since 1901, the Provincial Agricultural departments have also been largely developed; and their scope now includes local agricultural colleges, research stations and experimental farms, and investigation into the yield and diseases of crops. Progress in these directions has been facilitated by special grants which the Government of India have made for the purpose to the Provincial Governments.

*Irrigation Commission of 1901-03. Appointment of an Inspector General of Irrigation, 1906.*

155. In 1901, a Commission was appointed to investigate the progress and results of State irrigation works, and the scope which existed for further extension of these. Their report, which was submitted in 1903, afforded abundant evidence of the usefulness and profit of the irrigation works already constructed, and made valuable suggestions as regards future programmes both for protective and productive works of this character. In 1906 an Imperial Inspector General of Irrigation was appointed, for three years at the outset, to advise the Government of India and the Local Governments in respect to large important Irrigation projects.\*

*Land revenue policy. Provision for more liberal suspensions and remissions of revenue in times of distress; and of larger facilities for loans by Government to agriculturists and for assistance to co-operative credit societies, 1902-06.*

156. In 1902, after two great famines (in 1896-97 and 1899-1901) which had collectively affected the greater part of

\* The Secretary to the Government of India for Irrigation, Buildings and Roads (Public Works Department), had previously been also Inspector-General of Irrigation, but his Secretariat functions prevented him from doing much in this direction.

India, the Governor General in Council issued a Resolution (of 16th January 1902) reviewing the general land revenue policy of Government. It was found that successive settlements in the various Provinces had been, generally speaking, characterized by progressive moderation in the share of the landholders receipts taken by Government. Thus in the case of landlords holding considerable quantities of waste land which might still come under cultivation, the original application of the half net-assets principle referred to in paragraph 75 (3), had taken into account the probable receipts from such land during the settlement which was being made. But this had now been superseded by calculation of the landlord's actual resources at the time of the settlement, thus giving him the full benefit of fresh cultivation during its currency. Further, in most Provinces, the amount actually taken by Government had fallen considerably below the half asset standard. It was also found that the policy of making settlements for a period of thirty years was being gradually extended, the shorter period exceptions being in areas which were undergoing rapid economic change.

At the same time it was thought desirable to make more liberal provisions for suspensions and remissions of land revenue in times of agricultural distress, and general instructions to this effect were issued in a subsequent Resolution of March 1905, which also enjoined that it should be a general condition of the grant of such concession to landlords that they should give a similar measure of relief to their tenants.

A further Resolution, of November 1905, provided for more prompt and liberal *takavi* advances to agriculturists, and for the simplification of the procedure in respect thereto, as also for grants-in-aid towards the construction of wells and other useful works in time of famine. And in 1906, the amendment of the Agricultural Loans Acts referred to in the footnote to paragraph 120 was undertaken, giving larger latitude to the Local Governments in respect of the rules under which these advances are made. Facilities have also been given, by an India Act of 1904, for the formation of co-operative credit societies, principally for the benefit of agriculturists, based on the Raffeisen plan which has proved so successful in Central Europe, and encouragement has been afforded by the State in several ways, as for instance, by the grant of advances towards the formation of such societies.

*Restrictions on land alienation in the Punjab, Bundelkhand and Bombay, 1900-03.*

157. On the other hand, it was held that in some tracts the full freedom of transfer and alienation of land, subject to payment of the Government dues thereon, which had hitherto been permitted throughout India, was tending towards an undesirable increase in the proprietary tenure of land by non-agriculturist absentee holders; and in 1900 a Land Alienation Act was passed for the Punjab, which restricted the right of transfer to money-lenders and other non-agriculturists in the Province. Similar legislation was passed for the Bundelkhand districts of the United Provinces in 1903, and, in 1901, with respect to new occupants of certain vacant holdings in Bombay.

*Police Commission, 1902. Improvement of Provincial Police departments, and creation of an Imperial Director of Criminal Intelligence, 1904-05.*

158. In 1902 a Commission was appointed to enquire into the working of the Provincial Police departments. The action taken on their report has resulted in a considerable improvement in respect to the recruitment, training, organization and remuneration of police officers of various classes, and in the creation of the new class of Indian Deputy Superintendents of Police, who exercise functions similar to those of Assistant Superintendents, and some of whom may rise to District Superintendentships, referred to in paragraph 102.

The expenditure required for these reforms has been provided by special grants made to the Provinces by the Government of India.

It was also found desirable to obtain greater co-ordination in respect of inter-provincial Police work, by the creation, in 1904, of an Imperial department of Criminal Intelligence, working under the Home Department of the Government of India. "The object of this new Department is to collect and communicate information regarding such forms of organized crime as are committed by offenders operating along the railway system, and by criminal tribes, wandering gangs, organized dacoits, professional poisoners, forgers, coiners and the like, whose operations extend beyond the limits of a single Province. Railways, posts and telegraphs have enabled astute criminals to disperse or concentrate in a manner that baffles purely local authorities: this central agency has become necessary to procure the knowledge and co-operation requisite for dealing with them, and it will work in connexion with the police of Native States as well as with those of British Provinces." The Director of Criminal Intelligence is in immediate correspondence with, though not in control of, similar branches of

criminal investigation which have been formed in the various Provinces. He undertakes frequent tours throughout India, and is consulted as regards important police matters referred to the Government of India by the Local Governments.

The Director of Criminal Intelligence, it may be noted, has taken the place of a former Superintendent of Thagi and Dakaiti who was under the Foreign Department of the Government of India, and was the lineal successor of an officer entrusted by Lord William Bentinck, in 1830, with the charge of systematic operations for the suppression of *thags* (professional assassins who strangled their victims in honour of the goddess Kali). Later this officer was also concerned with measures for the suppression of *dakaiti* (gang robbery).

159. The institution of an Archæological department in 1868 has been noticed in paragraph 124. Between 1871 and 1889 there was an Imperial Director General of Archæology; but the appointment then fell into abeyance, and such work as was done was carried on independently under the control of the Provincial Governments. In 1902 the Director Generalship was revived, and the distribution and strength of the Provincial Archæological Survey branches revised and improved. Archæological work in the Provinces is under the control of the Local Governments; but they receive financial assistance for this purpose from the Government of India, and the Director General acts as a professional inspector and adviser.

*Appointment of a Director General of Archæology, 1902.*

160. The system of quinquennial financial settlements with the Provincial Governments as applied between 1877 and 1897—*vide* paragraphs 130-132—had the drawback of provoking periodical controversies between these and the Government of India, and of tempting a Local Government to hurry into large expenditure towards the end of one settlement period in order to make out a case for better terms in the next. Accordingly, in 1904, the present system of *quasi*-permanent settlements was initiated, under which the revenues assigned to a Provincial Government are definitely fixed, and are not subject to alteration by the Government of India save in the case of grave Imperial necessity, or in the event of experience proving the assignment made to have been materially in deficiency or excess of normal Provincial requirements. Between that date and the present, settlements of this character have been made with all the major Provinces,

*Initiation of a system of quasi-permanent financial settlements with the major Provinces, 1904. Its character and effects.*

and their character will be seen from the following extracts from the separate memorandum on the financial powers of the Indian Governments.

“Generally speaking, the effect of these settlements is as follows. As regards receipts, the Government of India receive the whole of the revenue accruing from Opium, Salt, Customs, Mint, Railways, Posts and Telegraphs, and tributes from Native States, while the Provincial Governments get the whole of the Provincial rates (which are generally, however, at the disposal of District Boards) and the receipts from Registration; as also receipts accruing from the spending departments they manage, such as Police, Education, Law and Justice, and Medical. The receipts from Land-revenue, Stamps, Income Tax, and Forests are divided between the Imperial and Provincial, generally in equal proportions. The receipts from the larger Irrigation works are also generally shared: those from minor Irrigation works are wholly Provincial, as also Civil Works receipts other than those appertaining to buildings belonging to Imperial Departments.

“Expenditure in connexion with sources of revenue which are wholly Imperial is Imperial also, while, subject to minor exceptions which need not be noticed here, Provincial revenues are responsible for the whole of the expenditure incurred within the Province in connexion with Land-revenue, which includes district administration, Provincial rates, Registration, Law and Justice, Police, Jails, Education, Medical, Stationery and Printing, and Civil Works other than Imperial buildings. Charges relating to Stamps, Excise, Income Tax and Forests are equally divided, while the incidence in connexion with Irrigation works follows that of receipts. The Provincial Governments are also responsible for charges in connexion with the scientific and minor departments which they administer, and for political charges in connexion with the Native States under their control; but the bulk of the expenditure in connexion with the Political department falls on the Government of India, as do all the ecclesiastical charges.

“The charges thrown on Provincial Governments by these settlements being generally somewhat in excess of the assigned revenue, the difference is made up, as formerly, by a fixed assignment under the Land-revenue head; but the present policy is to make such fixed assignments as small as possible, and to enable each Province

to derive the bulk of its resources from growing revenues.

" Moreover, with these *quasi*-permanent settlements, the Provincial Governments concerned have all received considerable initial lump-grants, principally with the object of enabling them to undertake works of public utility at an earlier date than would have been possible from their ordinary revenues. Further, the ordinary resources of the Provinces have been largely supplemented of late years by special grants made by the Government of India, principally for the development of police reform, agriculture and education.

" Lastly, while till recently liability for expenditure on famine relief was Provincial, unless and until the resources of the Province became so reduced that the Government of India had to step in and finance it, arrangements recently made (which are specified in paragraphs 48-57 of the Financial Statement for 1907-8) have largely relieved them of this burden. Hereafter, the Government of India will, year by year up to a fixed maximum, place to the credit of each Province exposed to famine a specific amount calculated roughly with reference to its estimated famine liabilities; and when famine actually accrues, the Provincial Government will be able to draw in full on this credit without trenching on its normal resources. When this credit is exhausted, the famine charges will be divided equally between Imperial and Provincial, instead of being wholly debited to the latter; and if, even under these conditions, the Provincial balances should be depleted below half the ordinarily prescribed minimum, further assistance will be given from Imperial revenues.

" It should be added that the policy of the latest settlements has been to steady the Land-revenue receipts of Provinces specially liable to famine by guaranteeing to the Provincial Governments that their share of Land-revenue under settlement conditions shall in any case not fall below a fixed minimum.

" Taking the budget figures for the current year, the Imperial revenues for India, as a whole, amounted to about £50½ million, and the Provincial and local revenues to about £24½ million.\* It will thus be seen that the Government of India has assigned

\* Of which about £2·6 million belong to District Boards and other similar bodies whose transactions figure in the Imperial and Provincial budgets.

about one-third of the fiscal resources of the country, outside those belonging to municipalities and Port Trusts which do not figure in the Imperial and Provincial budget accounts, to Governments and local bodies which now possess a large amount of financial autonomy."

161. By thus increasing the resources of the Local Governments, and by giving them permanent growing revenues to draw upon, the Supreme Government has in effect given these authorities larger powers and opportunities for expenditure on useful local objects. Further, the resources of district and sub-divisional boards which had hitherto been mainly drawn from the 'Provincial rates' head (land cesses) were as already stated in paragraph 137, increased, in 1905, by a permanent grant-in-aid from the Government of India equivalent to one-fourth of their income from such cesses.

*Restricted powers of Local Governments outside the scope of the Provincial Settlements.*

162. When the whole cost of a department is Imperial, but the immediate management of it is under a major Provincial Government, as is the case with Customs, Opium, and (generally) Salt, the financial powers of the Local Government are naturally very limited, since they are not accompanied by pecuniary responsibility; and the same applies to the minor Provinces which have no financial settlement, and the whole of whose revenues are consequently Imperial, *viz.*, the North-West Frontier Province, Coorg, Ajmer-Merwara and the Andamans. (More detailed information will be found in the separate financial memorandum.) In the case of Baluchistan the Chief Commissioner has a *quasi*-provincial settlement, though not of a permanent character, in respect of most of the receipts, and of a portion of the much larger expenditure, accruing in his Province; and, as regards outlay covered by this, he has the same financial powers as the Governments of the major Provinces exercise over expenditure which is wholly or partially Provincial. But outside the scope of this settlement, he has no larger powers than the other minor Administrations.

*Appointment of a separate Imperial Sanitary Commissioner 1904.*

163. It has been seen (paragraphs 109 and 134) that from 1866 there was an Imperial Sanitary Commissioner with the Government of India; but that in 1880 his functions were merged in those of the present Director-General of the Indian Medical Service. In 1904, a separate Sanitary Commissioner was created. He is an advisory and inspecting officer in respect of the work of Provincial Sanitary

departments, but has also charge of an Imperial bacteriological laboratory at Kasauli.

164. In the same year the Government of India took over the control of the Calcutta Stationery and Stamps department, which supplied all Provinces outside Madras and Bombay, from the Government of Bengal, and appointed an Imperial Controller of Stationery, Stamps and Printing, who, in this last capacity, acts as an inspecting and advisory officer in respect to the official printing presses maintained by the Provincial Governments.

*Appointment of a Controller of Printing, Stationery and Stamps, 1904.*

165. In 1878, the three branches of the Survey department—trigonometrical, topographical and revenue—which had hitherto been under separate Superintendents were unified as the 'Survey of India.' In 1904 a Committee was appointed to report on the state of survey maps in each Province and the measures required to bring them up to date. Among other proposals, some of which bear on the constitution of the department, and which are still under consideration, the Committee suggested that cadastral and other like surveys should be left entirely under the control of Local Governments, who should provide for the expense of the work and for the production of the maps. In other words, it is proposed to decentralize the Imperial Survey department to the extent of having small Provincial departments for the purpose of local map making, as had always been the case in Madras and Bombay.

*Proposed decentralization of part of the work of the Imperial Survey department, 1904-05.*

166. We have seen (paragraph 105) that there has been a uniform Sea Customs Act for India since 1863; and the Government of India deal with all changes in the customs tariff, and with any general questions as regards its application. The actual conduct of customs work remained, however, with the maritime Local Governments, some of the principal customs appointments being filled, on their selection, by Indian Civilians who, holding as they did isolated Provincial appointments, relinquished these as soon as they could obtain better prospects in the ordinary line of administration. This resulted in legitimate complaints from the mercantile community as to the divergencies in custom practice at the various ports, and the short tenure of their offices by the most important customs officials. It was accordingly determined in 1905 (the arrangements being carried out in the following year) to form the controlling customs staff at the various ports into an Imperial Customs service, directly controlled as

*Establishment of an Imperial Customs Service, 1905-06.*



regards recruitment, promotions, and postings by the Government of India. The higher ranks of the new service were to be officered by men specially recruited from England, or by members of the Indian Civil Service, and the appointments open to the latter were so graded as to enable civilians to spend a certain number of years in the department. But the supervision of actual customs work still remains with the Local Governments.

*Excise reforms. Appointment of an Imperial Inspector General for Excise and Salt, 1905-07.*

167. Matters relating to Excise (principally liquors) administration have always been under the Provincial Governments, subject to the general control of the Government of India, and the systems of administration which grew up in the various Provinces differed materially from one another. Thus, taking the most important item, that of 'country' (locally manufactured) spirit, in some of the Provinces large areas were under a primitive outstill system, under which the right of manufacture and vending liquor, distilled by native methods, at licensed stills, was sold by auction, and there was little other Government control. Elsewhere such stills were concentrated in central distilleries under the supervision of Government officials, and the outturn was subject to quantitative rates of duty, imposed by the Local Government, which varied in different places and times according to local circumstances. A further revenue was realized by the separate disposal of the right of vend in licensed shops, these being generally auctioned once a year. In Madras, Bombay and the Punjab, there were highly organized distilleries, worked by private firms with European appliances, and subject to strict Government control. Here, again, the outturn was excised at gallonage rates fixed by the Local Governments, while, except in Bombay where a special system which combined the right of manufacture with that of vend prevailed, a further revenue was raised from shops, as under the central distillery system. In 1905 a Committee, consisting of expert Excise officers from the principal Provinces, was appointed to consider the working of these various systems, and how far they were in accord with the declared policy of Government that, in order to restrict the consumption of liquor, the Excise revenue should be as high as it was possible to raise it without driving the people into illicit practices. The recommendations of the Committee, on which orders have recently been passed, and

which have been for the most part accepted, are in the direction of—

- (a) Large reduction of outstill areas.
- (b) Distillery systems modelled, except in the Punjab where that now existing is to continue, on the 'contract distillery' system of Madras, which has been found to be best suited to present Indian conditions.
- (c) Improvement of the quality of the spirit produced.
- (d) Enhancement of existing rates of duty as far as possible.
- (e) The improvement and better training of the preventive and distillery staff.
- (f) The desirability of adopting a tree-tax system, somewhat similar to that already in force in Madras and Bombay, in respect of *tari* or toddy, the beer of India, has been left to the discretion of Local Governments. Under this system, besides the usual fees for the right of vend, there is a tax on each tree tapped for the production of toddy, thus providing a rough analogue to the still-head duties levied in respect of country spirit.
- (g) The provisions of the Northern India Excise Act [see paragraph 124 (5)] were found unsuitable to present conditions, and it has been determined to replace it by general legislation. It is proposed, however, in order to provide for such local divergencies as remain necessary, that each Province possessing a local legislature should undertake a fresh Excise Act on its own account, but framed on a general model proposed, by the Committee and approved subject to some modifications, by the Government of India. The same course has been suggested to the Governments of Bengal and Eastern Bengal and Assam, where the existing Bengal Act has been found unsatisfactory, and was already under revision by the Bengal Government. Considerable amendment will also be required in the Excise Act of Bombay.

168. The Committee found that there was unnecessary and undesirable divergence in the Excise policy of different Provinces, which would have become still more inopportune with the extension of inter-provincial communications. The reforms indicated above, and others of less importance, are remedial to this; but it has been further decided to appoint an Inspector General of Excise, whose functions it will be to advise the Local Governments and the Government of India in respect to the carrying out of the above reforms and of future Excise development. He is also to be Inspector General in regard to the various Salt departments, which have been already combined with Excise establishments in Madras and Sind, and are likely to be similarly combined in Bombay proper and in Bengal.

*Addition of a sixth ordinary member to the Viceroy's Council, and redistribution of portfolios. Creation of a Department of Commerce and Industry and of a Railway Board, 1905.*

169. The organization of the Viceroy's Council, and the distribution of work among its members between 1885 and 1905 has been described in paragraph 91. It was now evident that the Home Member was over-burdened by having the double portfolio of Home affairs proper and Revenue and Agriculture; that the Finance Department could not adequately deal with Commerce; and that the increasing burden of details in connexion with railways could not be properly handled by the Public Works Department, which was also concerned with irrigation, buildings and roads. Accordingly, under the provisions of an Act of Parliament of 1904 (4 Edward VII. c. 26), the number of the ordinary members of the Governor General's Council was raised to six; the Home and Revenue Departments each received a separate Member; the old Public Works Department was abolished and replaced by a Department of Commerce and Industry, work in connexion with irrigation, buildings and roads becoming a separate Public Works branch under the Revenue Member; and a Railway Board of three members was constituted, outside of, but subordinate to, the Government of India (in the Department of Commerce and Industry).

A previously existing Director-Generalship of Statistics was, at the same time, replaced by a Director Generalship of Commercial Intelligence, also under the new Commerce and Industry Department.

*Imperial Gazetteer, Volume III, pages 378-9.*

“The duties assigned to the Railway Board are of two kinds. Its deliberative

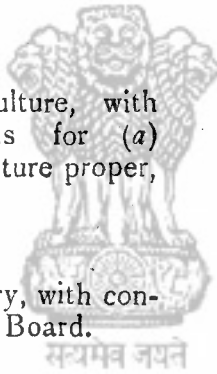
functions include the preparation of the [annual] railway programme of expenditure, and the discussion of the greater questions of railway policy and economy affecting all lines, the final authority for decisions in regard to which is still retained by the Government of India. Its administrative duties include the construction of new lines by State agency, the carrying out of new works on open lines the improvement of railway management with regard to both economy and public convenience, the arrangements for through traffic, the settlements of disputes between lines, the control and promotion of the staff on State lines, and the general supervision over the working and expenditure of Companies lines. The final authority in regard to these administrative duties has been delegated, subject to restrictions, to the Railway Board."

Accordingly, the distribution of portfolios between the ordinary members of the Governor-General's Council was now as follows:—

- (1) Home
- (2) Revenue and Agriculture, with separate Secretariats for (a) Revenue and Agriculture proper, (b) Public Works
- (3) Finance.
- (4) Commerce and Industry, with control over the Railway Board.
- (5) Military.
- (6) Legislative.

The Foreign portfolio, as always, remained with the Viceroy.

170. As a further development of railway policy, the Consulting Engineers referred to in paragraphs 69 and 111, whose main function was the exercise of Government control over the transactions of railway companies, have now (1907) been done away with (the Companies having been given larger financial powers), and have been replaced by Government Inspectors working directly under the Railway Board. Such control over railway matters as had still remained with the Governments of Madras, Bombay and Burma (see paragraph 111), has now also been done away with, though in the case of Madras the Local Government Inspector will remain Secretary to the Presidency Government for two years more. Local Governments are, however, to be kept fully cognizant of proposed railway development, and to have full opportunity for giving their views thereon.



*Abolition of Consulting Engineers and Railway Secretaries to certain Local Governments, 1907.*

*Abolition of the Military Department. Its replacement by an Army Department (under the Commander-in-Chief), a Military Supply Department, and a Military Finance Branch of the Finance Department, 1906.*

171. In 1906, under the Viceroyalty of Lord Minto, a further change was made in the constitution of the Government of India, consequent on the desire to give the Commander-in-Chief a larger share in direct military administration. The Military Department was abolished, and its place was taken by two Departments dealing respectively with matters relating to 'Army' and 'Military Supply' the Commander-in-Chief holding charge of the Army portfolio, and the Army Head Quarters staff being brought into direct personal relations with the Army Secretariat. The Military Supply Department, which is under a separate member of Council, deals mainly with matters relating to ordnance, military works, remounts, army clothing, medical stores, and the Royal Indian Marine. Other matters connected with the administration of the Army are, generally speaking, under the Army Department. Further, in view to the better control of military expenditure, a Military Finance Branch of the Finance Department has been established, under a separate Secretary, which is in direct executive control of the Military Accounts department, and deals with all questions relating to expenditure and financial rules which appertain to the Army Department or have to be referred to it by the Department of Military Supply.

*Army reorganisation of 1907. Abolition of Commands.*

172. The organization of the Army, in 1895, into Commands, subdivided into territorial military districts, has already been noticed (paragraph 146). The distribution of troops in these districts had no relation to field-service requirements, and in 1904 they were replaced by a fresh organization by which regiments were grouped in brigades, and brigades in divisions, according to actual requirements on a general mobilization. The Madras Command was at the same time abolished, and the Secunderabad and Burma divisions were brought under the direct control of the Commander-in-Chief. In 1907 a further step was taken. The divisional organization had been found so satisfactory that it was determined to abolish the remaining Commands, and to bring all the 10 divisions of the army (nine in India proper and one in Burma) under the direct control of Army Head Quarters, the divisional commanders receiving powers similar to those formerly given to the Lieutenant-Generals of Commands. For war purposes, the divisions were grouped into two "armies", and each of these was provided with an Inspecting General whose main functions are to inspect and report on the discipline

and organization of the troops contained in his divisions.

173. It remains to notice the large development of the functions of the Indian Post Office which took place during this period. The Post Office undertook—

*Extension of the functions of the Post Office.*

- (1) From 1877, the 'value-payable system', under which it delivers certain articles supplied by traders and shopkeepers, and collects their money value from the addressees, remitting the same to the sender. In 1905-06, the value of articles carried under this system amounted to more than £4 million.
- (2) In 1880, the transmission of inland money-orders, which had previously been undertaken to a limited extent by district treasuries. The value of the Post Office inland money-order transactions for 1905-06 amounted to £22 million. The Post Office also undertakes the issue and honouring of foreign money orders drawn upon, or received from, the United Kingdom, and most British Colonies and foreign countries.
- (3) Savings-banks. As has been noted in paragraph 71, Government savings banks had been established in the Presidency towns in 1833-34, and their management was transferred in 1863-64 to the Presidency banks. In 1870 savings banks were started in connexion with certain selected district treasuries. In 1882-83, the Post Office started a general savings bank system, which absorbed the district savings banks in 1886, and the Presidency savings banks ten years later. The total deposits in the Post Office savings banks at the close of 1905-06 amounted to about £9 million. The Post Office also undertakes the obtaining of small investments in Government securities for the public, free of commission charge.
- (4) A scheme of life assurance and annuities, within certain amounts, for Government servants. The scheme was started for the benefit of Postal servants in 1884, and was extended to the Telegraph establishments in 1888, and to other Civil departments ten years subsequently.

- (5) The sale of small packets of quinine produced at the Government cinchona factories, for use by the public as a febrifuge.
- (6) Further, since 1883, the Post Office has undertaken the receipt and transmission of telegrams at places where there is not sufficient traffic to justify an independent telegraph office, and the majority of the telegraph offices in India are thus combined with post-offices.

Summary.

174. To sum up, the principal changes effected in this period have been—

- (1) New Provincial arrangements, *viz.*,
  - (a) the creation of two minor Provinces—the North-West Frontier Province and Baluchistan; (b) the unification of the old North-Western Provinces and Outh as the United Provinces; (c) the detachment from Bengal of its eastern districts, and their conjunction with Assam as the Lieutenant Governorship of Assam and Eastern Bengal; (d) the annexation of Upper Burma, and the conversion of the Province as thus enlarged into a Lieutenant-Governorship; (e) the permanent leasing of Berar from the Nizam, and its conjunction with the Central Provinces.
- (2) The formation of Legislative Councils in the Punjab and Burma; and the expansion of the constitution and scope of those existing in the older Provinces (including Eastern Bengal and Assam), and of the Legislative Council of India, by the inclusion of a proportion of elected members, and the grant of the right of budget discussion and of interpellation on matters of public interest.
- (3) The disappearance of the separate Presidency armies, and of the Commands which for a time replaced them, and the organization of the unified army into divisions and brigades.
- (4) Reorganization of the Governor General's Council which provided separate members for (a) Revenue and Agriculture and (b) Commerce and Industry, and gave the Commander-in-Chief, as member of Council, the headship



- of an Army Department which deals with matters coming up to Government in respect of the recruitment, training, organization, and equipment of the Indian army.
- (5) The complete imperialization of Railways ; but, on the other hand, the devolution to a Railway Board of many administrative matters which formerly had to be considered by the Government of India.
  - (6) Successive stages of financial devolution which have provided the major Local Governments with large permanent and growing sources of revenue, and have also given them wide discretion in the application of these resources.
  - (7) An analogous devolution which has extended the powers, functions and resources of municipalities and rural local boards.
  - (8) The closure of the mints to free coinage of silver, and the consequent throwing of the responsibility for fresh coinage upon the Government of India.
  - (9) The measures detailed in paragraph 142 with reference to the report of the Public Service Commission, which had, as a consequence, a considerable extension of native agency in the higher appointments under Government.
  - (10) Large development of the function of the Post Office outside those connected with the carriage of postal articles.
  - (11) The carrying out of important reforms, in many cases as the result of Commissions of enquiry appointed by the Government of India, in regard to (a) famine administration ; (b) provision for railways and irrigation works which, though not financially remunerative, are valuable as protectives against famine ; (c) education ; (d) police ; and (e) excise and salt administration.
  - (12) The appointment of Imperial Inspectors General for important branches of the civil administration which are controlled locally by the various Provincial Governments.



### Concluding Remarks.

*The constitution and powers of the Indian Governments are largely derived from Parliamentary legislation.*

175. As will have been gathered from this memorandum, the constitution and powers of the Indian Governments have been largely determined by Acts of Parliament or measures taken in consequence of such Acts. Thus Parliamentary legislation created the Government of India, and established the large Provinces ruled by Lieutenant-Governors, while it brought the previously existing Presidency Governments of Madras and Bombay into subordination to the Central Government. From it, too, are derived the constitution and functions of the Indian and Provincial legislatures, the Indian High Courts, and the method of recruitment of the Indian Civil Service.

*Large scope of the present functions of Government in India.*

176. In India the functions of the Government are in many respects much wider than in the United Kingdom, or indeed in most Western countries. The Government claims a share in the produce of the land; and save where (as in Bengal) it has commuted this into a fixed land tax, it exercises the right of periodical re-assessment of the cash value of its share, as also discretion in regard to remitting or suspending its ordinary demand when the crops fail. In connexion with its revenue assessments, it has instituted a detailed cadastral survey, and a record of rights in the land. Where its assessments are made upon large landholders, it intervenes to prevent their levying excessive rents from their tenants; and in the Central Provinces it has gone further and takes an active share in the original assessment of rents. In the Punjab and some other tracts it has restricted the alienation of land to non-agriculturists. It has taken active steps towards the improvement of agriculture. It undertakes the management of landed estates when the proprietor is disqualified from attending to them by age, sex, or infirmity, or, occasionally, by pecuniary embarrassment. In times of famine it starts relief works and other palliative measures upon a large scale. It manages a vast forest property, and is a large manufacturer of salt and opium. It owns the bulk of the railways of the country, and directly manages a large portion of these; and it has constructed and maintains most of the important irrigation works. It is the owner and manager of the telegraph system, and its postal department has taken over a variety of ancillary functions described in paragraph 173. It has the monopoly of note issue, and it alone can set the mints in motion. As regards the bulk of its cash balances, it acts as its own banker, and it occasionally makes temporary loans

to Presidency banks in times of financial stringency in the money markets. It regulates the discharge of the balance of trade as between India and the outside world through the action of the Secretary of State's Council drawings. It lends money to municipalities, local boards, and agriculturists for useful purposes. It exercises a rigid control over the sale of liquor and intoxicating drugs, not merely by the prevention of licensed sale, but by granting licenses only for very short periods, and subject to large fees which are usually determined by auction. Lastly, the scope of the general functions of Government has been enormously extended by the reforms of the last fifty years, notably in regard to police, jails, courts of justice, education, medical and sanitary operations and ordinary public works.

177. In the discharge of its functions, the government of India is, as has been seen, largely subject to the control of His Majesty's Government as exercised through the Secretary of State for India. Practically no fresh legislation can be undertaken without the Secretary of State's assent, which is also required to any new important departure in policy whether financial or administrative, and specifically in regard to a number of matters, principally connected with expenditure.

178. The authorities exercising the functions of government in India may be divided into three grades, *viz.*, (1) the Government of India itself; (2) the Local Governments; (3) Statutory bodies such as District Boards, municipalities, and Port Trusts which have been created for the more efficient discharge of local duties.

"The Government of India.....retains in its own hands all matters relating to foreign relations, the defences of the country, general taxation, currency, debt, tariffs, posts, telegraphs, and railways. Ordinary internal administration; the assessment and collection of the revenues; education; medical and sanitary arrangements; and irrigation, buildings and roads fall to the share of the Provincial Governments. But in all these matters the Government of India exercises a general and constant control. It lays down lines of general policy and tests their application from the administration reports, which are, as a rule, annually submitted to it, of the main departments under the Local Governments.\* Besides the controlling officers for

*Limitations of the Government of India's powers.*

*Division of functions between the Government of India and the Provincial Governments, and character of control exercised over the latter.*

Imperial Gazetteer, Volume IV, pages 16-17.

\* The Local Governments also submit copies of all their printed proceedings to the Government of India, and the Secretary of State receives similar copies from the Government of India itself and from Local Governments.

departments which it directly administers, such as Railways, Post Office, Telegraphs, the Survey of India, and Geology [who have, in certain respects, been given powers, in respect to their establishments, analogous to those of Local Governments which deal with Imperial expenditure], it employs a number of inspecting or advisory officers for those departments which are primarily left to the Local Governments, including Agriculture, Irrigation, Forests, Medical, [Sanitation], Education, [Police, Excise, Printing] and Archæology. Not only does it receive, and when necessary modify, the annual budgets of the Local Governments ; but every [newly created] appointment of importance, every large addition even to minor establishments, has to receive its specific sanction, with the practical result that no new departure in administration can be undertaken without its preliminary approval, [or in important matters without that of the Secretary of State also]. There is, moreover, a wide field of appeal to the Government of India, [as also to the Secretary of State] from officials or private persons who may deem themselves aggrieved by the action of a Local Government ; and outside Madras and Bombay, the approval of the Governor General is necessary to the appointment of some of the most important officers of the Provincial administration.

“ The major Provinces have their own budgets ; and shares of certain items of revenues raised in the Province, the chief of which are land revenue and cesses, excise, stamps, forests and income tax, are definitely assigned to the Local Government.....

The more important Provinces possess legislative councils ; but the scope of these is strictly limited to local matters relating to the Province, and their Acts require the [preliminary concurrence of the Government of India and the final] approval of the Governor General.

“ The supervision over most of the important Native States in India rests directly with the Governor General in Council. In some cases, however, historical associations have left relations with important States, such as Travancore, Kolhapur, and Patiala under the Local Governments, which also deal with minor States whose territories are enclosed in or contiguous to, their Provinces.”

179. The local bodies coming under class (3) above are entrusted with functions relating mainly to the development, within their jurisdiction, of ports, education,

medical relief, sanitation, vaccination, roads, the control of markets, and so forth, and are provided for this purpose with separate local sources of revenue. The control exercised over them by Local Governments is, generally speaking, analogous to that which the Government of India imposes upon these latter.

180. The following statement shows the extent, population and financial resources of the eight major Provinces which possess semi-independent financial powers :—

*Some statistics in regard to the major Provinces.*

Province.	Thousands of square miles.	Millions of inhabitants	Provincial revenue in 1907-08* (budget figures) in thousands of £ sterling.
Madras ... ..	142	38	3,236
Bombay ... ..	123	19	3,842
Bengal ... ..	116	51	3,451
Eastern Bengal and Assam	99	30	1,597
United Provinces ...	107	48	3,109
Punjab ... ..	97	20	2,099
Burma ... ..	170	9	3,023
Central Provinces (with Berar).	100	12	1,516

\* Excluding the local receipts credited to District Boards and other similar bodies.

181. As regards their administrative systems, these are sufficiently described, for present purposes, in the following extracts from Chapter II, Vol. IV of the Imperial Gazetteer—fresh matter being as usual indicated by square brackets.

*Administrative system in Regulation Provinces.*

In the Regulation Provinces, *i.e.*, Madras, Bombay, Bengal, Eastern Bengal and Agra, "the Secretariats of the Provincial Governments are divided into Departments, each under a Secretary with subordinate officers, as in the case of the Supreme Government. Each of the principal departments of the civil service is under the charge of an officer who is attached to and advises the Local Government. Frequent tours of inspection keep him in touch with local work. The principal executive departmental heads, outside the revenue and general administrative departments, are much the same in all the large Provinces. In Bengal they are the Inspectors General of Police, Jails, and Registration, the Director of Public Instruction, the Inspector General of Civil Hospitals, the Sanitary Commissioner, and the Superintendent of the Civil Veterinary

*Secretariats and administrative departments.*

Imperial Gazetteer, Vol. IV, pages 47-48.

department. There are also Chief Engineers for Irrigation ..... and for Buildings and Roads, who are likewise Secretaries to Government." [The Judicial organization in all the major Provinces has been sufficiently described in paragraphs 98-100.]

*Boards of Revenue.*  
*Ibid.*

"In nearly all the Regulation Provinces the revenue departments are administered, under the Government, by a Board of Revenue. In Bengal, [Eastern Bengal, including Assam] and.....the United Provinces, the Board consists of two members who are the highest officers in the administrative branch of the service. In Bengal, one of these is at the head of the great department of land revenue, and the other at the head of the departments of excise, opium, incometax, etc.; and they meet together as a board only for the hearing of certain classes of appeals. [There is a somewhat similar division of functions in the Eastern Bengal and Assam Board.] The United Provinces Board acts more as a collective body, all important questions being considered by the whole Board. Immediately subordinate to the Board in [these] Provinces are the Directors of Land Records and Agriculture, and the Commissioner of Excise; and, in Bengal, the Collector of Customs [at Calcutta] and the Opium Agents [in Bihar and Benares]. In Madras the Board of Revenue has four members, two of whom are Land Revenue Commissioners, one is Settlement Commissioner, and the fourth is Commissioner for Salt, Excise, Income tax, and Customs. There is no Board of Revenue in Bombay; and [the Commissioners of divisions], the Directors of Land Records and Agriculture, and the Commissioner of Customs, Salt, Opium and Excise are there immediately subordinate to the Local Government. Law officers are employed by each Local Government to advise it on legal questions and to conduct cases in which it is interested."

*District organization.*

*Ibid.*, pages 48-49.

182. "The system of administration, in both Regulation and non-Regulation Provinces is based on the repeated subdivision of territory, each administrative area being in the responsible charge of an officer who is subordinate to the officer next in rank above him. The most important of these administrative units is the 'district,' and the most accurate impression of the system may be gained by regarding a Province as consisting of a collection of districts, which are usually split up into subdivisions and these again into smaller circles.

"British India contains more than 250 districts. The average area of a district is

4,430 square miles, and the average population 931,000. The average district is thus about three-fourths of the size of Yorkshire, and its inhabitants number considerably more than half the population of that county. The actual districts vary greatly in size and density of population..... Among the major Provinces the districts are largest in Burma and Madras, and smallest in the United Provinces."

"In Madras there is no local officer above the head of the district. Elsewhere a Commissioner of division is intermediate between the Collector and the Government or the Board of Revenue. A division is a group of several districts, usually from four to six, of which the Commissioner has the general superintendence and in which he also acts as a court of appeal in revenue cases."

*Commissioners of divisions.*  
*Ibid, page 49.*

183. "The head of the District is styled in the Regulation-Provinces Collector and Magistrate. He is the representative of the Government in the large area under his charge; in the eyes of the people he embodies the power of the State or 'Sarkar' and it is to him that they primarily look to redress their grievances and to promote their welfare."

*Collector-Magistrates. Their functions.*  
*Ibid.*

"The Collector is concerned in the first place with the land and the land revenue. The nature of his duties in this connexion varies with the character of the tenure under which land is held. They are specially onerous in Madras and Bombay, where the *ryotwari* (cottier) tenure prevails and the revenue is paid by many thousands of cultivators; they are comparatively light in Bengal, where landlords pay a revenue fixed by Lord Cornwallis's permanent settlement. But even in Bengal there are large Government estates which are managed by the Collector, and he also has charge of the private estates held by the Court of Wards in trust for minors and other persons. Apart from the duties immediately connected with the assessment and collection of land revenue and with the village establishments, the Collector is concerned with all matters affecting the condition of the peasantry; he supervises the compilation of the periodical returns of produce and prices; he adjudicates in several Provinces on rent and other disputes between landlord and tenant; and he makes loans on behalf of the Government for agricultural purposes. The Collector has also charge of the local administration of excise, income tax, stamp duty, and other sources of revenue, and he is responsible for the management of the district treasury, into

*(a) Revenue.*  
*Ibid, pages 49-50.*

which the revenue and other public receipts are paid, and from which all local disbursements are made."

(b) *Magisterial.*  
*Ibid*, page 50.

"As a magistrate of the first class, the Collector, in his capacity of District Magistrate, can imprison for two years and fine up to Rs. 1,000; but in practice he does not try many criminal cases, though he supervises the work of all the other magistrates of the district. But his magisterial functions extend far beyond the domain of the criminal courts. He is responsible for the peace of the district and the suppression of crime, and has general control over the working of the police. He also supervises the management of the district jail [and of subsidiary local jails] in which short-term prisoners are confined."

(c) *Other duties.*  
*Ibid*, pages 50-51.

"In addition to these two main departments of work, the Collector has to interest himself in all matters affecting the well-being of the people. In some branches of the administration his functions are, in consequence of the formation of special departments, such as those of Public Works, Forests, Jails, Sanitation, and Education, less direct than was formerly the case. But even in the matters dealt with by separate departments his active co-operation and counsel are still needed."

"It is the duty of the Collector to guide and control the working of..... municipal institutions. He is also, usually, the Chairman of the District Board which, with the aid [as a rule] of subsidiary local boards, maintains roads, schools and dispensaries, and carries out sanitary improvement in rural areas, with funds derived from local rates. The ordinary day's work of the Collector-Magistrate entails many other miscellaneous duties, which vary in accordance with circumstances and of which it would be difficult to give a complete list. The Government looks to him for information on all important occurrences which take place in his district; he is called on to advise on general schemes which may be under consideration; and he is expected to explain to the people any new orders of the Government which they may not readily understand. In times of stress and difficulty his duties and responsibilities are increased ten-fold. If a collision is apprehended between Hindus and Muhammadans, or if an agrarian difficulty is likely to result in outrage, it is to his tact and firmness that the Government looks to prevent violence, and, if necessary, to quell disorder. Should the district be attacked by famine, he is responsible for the lives of the people; he must watch minutely and

keep the Government informed of the progress of events ; and must organize and carry out measures of relief. For the proper discharge of his many duties he must be accessible to, and intimately acquainted with, the inhabitants. This acquaintance cannot be gained at the desk or on the bench, and accordingly the Collector-Magistrate spends several months of the year in camp. During his tours he inspects the working of the various departments with which he is concerned, satisfies himself as to the manner in which his subordinate officers are carrying out their duties, and advises and encourages them in their work. At the same time he gets to know the people of all parts of the district, and they have a ready opportunity of discussing their affairs with him."

184. "Two of the most important executive officers of the district are the Superintendent of Police and the Civil Surgeon. The former, who is almost always a European, is responsible for the discipline and working of the police force. In matters relating to the detection and suppression of crime and the peace of the district he is under the control of the District Magistrate, but he is directly subordinate to his departmental head in so far as the internal management of the force is concerned. The Civil Surgeon is (except in Bombay) the head of the medical and sanitary administration of the district as well as of that of the head quarters towns. He supervises hospitals and dispensaries, has charge of the vaccination establishment, and is the adviser of the Collector in all matters connected with the health of the people. He is also, as a rule, in direct charge of the district jail. Another important official is (in Madras and Bengal) the District or Local Fund Engineer, who is a servant of the District Board and looks after its roads and other engineering works. The local organization of Government Public Works, Forests, Education, and other special departments varies in different parts of the country, and the jurisdiction of their principal local officers—Superintending and Executive Engineers, Conservators and Deputy Conservators of Forests, Inspectors of Schools, etc., does not always correspond with the limits of revenue districts. Each district has its law officer, styled the Government Pleader, who conducts the prosecution in session trials and sometimes appears for the Government in other cases."

185. "The Collector-Magistrate is aided in his multifarious duties by a large staff of subordinate officers, some of whom are his

*Departmental district officials.*  
*Ibid, page 52.*

*District subdivisions.*  
*Ibid, pages 52-54.*



assistants at the head quarters and others hold charge of portions of the District. In general the districts are split up into subdivisions, under junior officers of the Indian Civil Service, or members of the 'Provincial' service styled Deputy Collectors, and these again into minor charges bearing different names and held by officers of the Subordinate service. The large Madras districts contain as a rule four or five subdivisions; in other Provinces the number is usually smaller. In Madras and Bengal the Subdivisional officers reside within their jurisdiction, and have court houses, offices, a sub-treasury and a sub-jail at their head quarters; but as a rule the largest subdivision of a Bengal district is directly administered by the Collector. In Bombay and the United Provinces, where the component areas of the subdivisions are subject to alteration, the Subdivisional officers, when not touring through their charges, live at the head quarters of the District. The Sub-divisional officer has, under the control of the Collector, general charge of the executive and magisterial administration of his sub-division.

"In Madras, Bombay, and the United Provinces there are smaller sub-district units styled *taluks* or *tahsils*, and administered by *tahsildars* (in Bombay *mamlatdars*) who belong to the subordinate service and are assisted, in large *taluks*, by deputy or *naiib tahsildars*. In Madras and Bombay these officers are under the immediate control of the Subdivisional officer. In Bengal the lowest unit is the sub-division, and the Sub-Deputy Collectors [corresponding, in a measure, to the *tahsildars* of other Provinces] assist the Collector and Subdivisional officer, but have no separate charge of their own. The area of an ordinary *tahsil* or *taluk* is from 400 to 600 square miles: in the United Provinces it is smaller than in Madras or Bombay. In Madras the *tahsildar* is generally confined to revenue and general work, magisterial duties being performed by a separate officer styled the 'stationary sub-magistrate'; elsewhere the *tahsildars* (or officials who occupy a corresponding position) have magisterial as well as revenue functions.

"The *tahsildar* is assisted by subordinate officers styled revenue inspectors or *kanungos*, and the village officials, who are largely hereditary, complete the list. The most important of these are the headman, who collects the revenue, and in Madras is also a petty magistrate and civil judge; the *karnam*, *karkun*, or *patwari* who keeps the village accounts, registers of holdings, and in general all records

connected with the land revenue ; and the *chowkidar* or village watchman, who is the rural policeman.....The Indian village organization still finds [an essential] place, with the modifications necessitated by the greater control and complexity of our governmental system, in the fabric of British rule."

186. The non-Regulation areas of the major Provinces fall into two categories— (1) those which are separate Provinces and which possess Secretariats and administrative departments generally similar to those of the Regulation Provinces ; *viz.*, the Punjab, Burma and the Central Provinces ; and (2) those which are administratively conjoined with Regulation Provinces, *viz.*, Oudh with Agra (as the United Provinces), Assam with Eastern Bengal, and Sind with Bombay. In all, "the superior officers of the general branch of the [executive] service form the 'Commission' of the Province." In former times members of the Commission were drawn from a variety of sources, but recruitment is now in general confined to the Indian Civil Service and officers of the Indian Army, [and, since 1906, the latter are being recruited only for Burma].....The executive head of the district is styled "Deputy Commissioner" and not Collector : those of his subordinates who belong to the Commission are called 'Assistant Commissioners', and members of the 'Provincial' service, 'Extra Assistant Commissioners'.

"In the Punjab and Burma the functions of the Board [of Revenue in Regulation Provinces] are exercised by a single officer called the Financial Commissioner. In the Central Provinces [where, however, the appointment of a Financial Commissioner is now under consideration] the Commissioners of divisions and the head-quarters revenue officers are immediately subordinate to the Local Government ; [and the Commissioner in Sind, who exercises much larger powers than an ordinary Commissioner of division, is also directly subordinate to the Government of Bombay]. The district administration—revenue, general and magisterial—runs on the same lines as in the Regulation Provinces ; but the District Magistrates and some of their first-class subordinates exercise more extensive criminal jurisdiction" [*vide* paragraph 99].

187. "It remains to give a brief description of the character of the administration in the minor Provinces which have not been

*Arrangements in the non-Regulation major Provinces.*

Imperial Gazetteer, Vol. IV, page 55.

*The minor Administrations*  
Imperial Gazetteer, Vol. IV, pages 56-57.

included in the above account. The following is a list of these:—

	Thousands of square miles.	Thousands of inhabitants.
North-West Frontier Province ...	16	2,125
British Baluchistan (British and Administered territory).	46	308
Coorg ... ..	1'6	181
Ajmer-Merwara ... ..	27	477
The Andaman and Nicobar Islands...	3	25

“ The first two Provinces are divided into districts, administered by Deputy Commissioners as in the larger non-Regulation Provinces.....

“ The North-West Frontier Province is administered on the lines of the parent Province of the Punjab. The Chief Commissioner is also Agent to the Governor General for political relations with the frontier tribes, and is assisted by a small Secretariat. His principal officers are a Revenue and a Judicial Commissioner, who correspond, in a measure, with the Financial Commissioner and Chief Court of the Punjab. The various departments under the control of separate officials, such as the Inspector General of Police and the Administrative Medical Officer, are less in number than in a more considerable Province. Public Instruction in this Province and in Baluchistan is supervised by a single Inspector-General. For judicial purposes the Province is divided into two civil and sessions divisions.

“ The Province of Baluchistan is made up of (1) British Baluchistan, comprising three Districts; (2) the Agency territories, which consist of districts held on lease; and (3) the Native States of Kalat and Las Bela. Under the Chief Commissioner [who is also Agent to the Governor General for political matters] is an officer who is both Revenue and Judicial Commissioner.

“ For the district of Coorg the Resident in Mysore is both Chief and Judicial Commissioner. The highest local authority is the Commissioner, whose duties extend practically to every part of the administration. The internal organization is similar to that of an ordinary British District.

“ Ajmer and Merwara are administered by a Commissioner under the Agent to the Governor General in Rajputana. Each of the small component districts is managed by an Assistant Commissioner.

“ The Andaman and Nicobar Islands derive their administrative importance from

the circumstance that the penal settlement of Port Blair is situated in the former. The Superintendent of the settlement is also entrusted [as Chief Commissioner] with the general administration of the islands, and maintains relations with their wild aboriginal inhabitants. He is assisted by a Deputy Superintendent and several Assistants, who form the 'Port Blair Commission'."

188. In conclusion I desire to express my obligation to the members of my present Committee (Messrs. Hill and Tucker), and to our Secretary (Mr. Rainy), for willing and useful assistance in respect of some of the information which I required for the purposes of this memorandum.

W. S. MEYER.

17th October 1907.

