IN SIX VOLUMES

VOLUME VI

The Indian Empire

1858–1918

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THE CAMBRIDGE HISTORY OF INDIA

VOLUME VI

The Indian Empire

1858–1918

With chapters on the development
of Administration 1818–1858

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INTRODUCTION

THE previous volume narrated the expansion of British power down to the conquest of the Panjab and the Second Burmese War, and the development of the administrative system down to 1818 under the guidance of Cornwallis in Bengal and of Munro in Madras. It thus displayed the expansion of British India almost to its modern limits, but dealt only with the earliest British attempts to build up a workable method of government. The present volume, in the first place, carries this latter development from 1818 down to the outbreak of the Indian Mutiny. This period, in which the supremacy of the East India Company was virtually uncontested, displayed great activity and produced notable reforms. The belief that the Company's government was obscurantist or reactionary lacks foundation. Without exception the governors-general took high views of their obligations, while many of the Company's servants regarded themselves as pre-eminently the servants of India. Under them the administrative system took its final shape, with many local variations necessitated by variations in the land tenures of the British provinces; and this new system, in strong contrast with the system originally introduced by Cornwallis, was based upon the plan of securing the fullest and most detailed knowledge of social and economic conditions. In almost every province district administration embraced large elements of personal government; and many collectors of the period were till recent times remembered with reverence in the districts which they had ruled. As has been well said, had the Company's government perished in the Mutiny, the later period of its rule would have been long remembered as a golden age. But the development of good district government was by no means the sole achievement of that generation. Sati and thagi were suppressed, and female infanticide greatly lessened, while the introduction of the railway and the telegraph, the extension of irrigation, the conservation of forests, the spread of missionary activity and the growth of western education brought India into contact of a new and fruitful kind with the external world.

India's first answer to these beneficent changes was the Mutiny. In ultimate analysis that movement was a Brahman reaction against

influences which, given free play, would revolutionise the mental, moral, and social condition of the country. It acted through the sepoy army because that was the only organised body through which Brahman sentiment could express itself; it acted through the Bengal section of the sepoy troops because that alone included numerous Brahmans and because its discipline was far more relaxed than that of either the Madras or the Bombay sepoys. But this weapon was broken by the very use to which it was put. The sepoys lost coherence with the loss of their English officers. With the exception of Tantia Topi no Indian leader of note emerged. Except in Oudh the sepoys found no popular support. India indeed still had no common consciousness. It was disunited, cloven into numberless mutually indifferent or even hostile sections by caste, creed and distance, just as it had always been. Therefore the force of the Mutiny was broken before help arrived from England; and when help at last came, the Mutiny was quickly crushed. If on the one hand it bequeathed to the survivors heart-breaking memories of slaughtered women, of broken trust, of wholesale executions, on the other the fact of its suppression exposed India to the more intense application of those westernising forces which had provoked its occurrence. The Company vanished, but the queen's government took its place and rapidly tightened the control exercised from London. Foreign policy, almost completely limited to the protection of India from the Russian menace, was more closely than ever knit up with European politics. And the centre of interest tended to shift from external policy to internal development. India reached a higher degree of union than it had ever before known. Under the pressure of political fact the Indian states ceased to be the dependent but external allies of 1858 and became integral parts of a new empire of India. At the same time a new social phenomenon emerged. The spread of western education in the cities of India and the growing demand for administrative and professional services created a new class of society—educated in western knowledge and possessed of professional qualifications. This new class was essentially urban and almost exclusively Brahman. In English it possessed a common vehicle of thought. Railways and telegraphs brought the cities of India into new and intimate relations. The rise of an Indian press gave voice to common interests and aspirations. Hence emerged a new sense of unity, limited to a single class and not as yet touching

[illegible] India, but diffused throughout every city of the land. The British government had in fact created the conditions under which nationalist sentiment could arise. The purposes contemplated from afar by Company's servants like Thomas Munro were being realised by the servants of the crown.

This political was accompanied by a great economic development. Indian finance was handled by a succession of remarkably able men with prudence and foresight. Debt was incurred mainly for productive works which increased the wealth of the country in a degree incomparably greater than their cost. Irrigation, railways, agricultural improvements, co-operative credit, all helped to create an India in which wealth was more widely diffused than it had been for many centuries, and permitted the development of a famine policy which gradually ended that great scourge of humanity.

Such were two of the three main developments which mark out the two generations which followed the Indian Mutiny. The third consisted of a series of efforts, still actively continuing, to transform into an organic state the inorganic despotism which the crown had inherited from the Company, and the Company from the former Indian governments. It was the greatest political experiment ever attempted. It had no precedent. The peoples of Asia had created great civilisations, and formed themselves into strong, well-knit and durable social groups, but their political organisation had seldom risen above the primitive community of the village. In this respect the history of the Aryan invaders of India is most instructive. They seem to have carried with them the same political gifts as their brethren displayed in classical Greece and Rome. They belonged to the stock which created the science and the art of politics. At the dawn of history they dimly appear in India organised in modes which might well have developed into an active political life. But their tribal institutions and self-governing townships withered and decayed under the Indian sun. The kings and emperors who arose after them were ever limited in their action by social and religious influences but never shared their power with political institutions. Therefore when the rising middle class of Indians began to demand political reform, and when the British government began to consider how best to give effect to this demand, neither side could turn for guidance to oriental political experience and were compelled to base their plans on the alien ideas of the west. Hence the purely British form taken

alike by the demands of the Indian National Congress and the provisions of the various statutes designed to change the nature of political power in India.

Such is the subject-matter of the following pages. It presses closely on the events of to-day.

Incedis per ignes
Suppositos cineri doloso.

Perhaps the more accurate and sober the statement, the less likely it is to win general approval. But the present work may at least claim to gather together in a single volume not only a wealth of personal knowledge and experience but also the information scattered through a multitude of blue-books, of statutes, of acts of the Indian legislatures; to present the views of policy uttered both by governors-general and secretaries of state and by Indian political leaders; above all at the present moment it aspires to show clearly and firmly the historical background, without some knowledge of which political decisions become matters of mere sentiment and chance.

H. H. D.

September 1932

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CHAPTER I

IMPERIAL LEGISLATION AND THE SUPERIOR GOVERNMENTS, 1818–1857

THE imperial legislation relating to India in the first half of the nineteenth century is above all remarkable for the consistency of its course and the steady development of the policy which it was designed to promote. From the great India act of 1784 down to the statute which at last in 1858 abolished the administrative functions of the East India Company, there was a gradual, persistent evolution, inspired by a common group of ideas, directed to a common object, and founded on principles in origin free alike from heady enthusiasm and obstinate fear of reformation. The principles were derived from Burke, but greatly modified by Whig traditions. Burke, of course, though long a follower of the party, had never been a real Whig. He lacked the background—the orderly conduct of a great estate—which was essential to the formation of the true Whig character. His zeal and sympathy were not balanced by the practical experience of directing men and managing great affairs. He was a poor judge of character, unable to detect the shallowness of Francis, and a poor judge of events, unable to gauge the nature of Indian developments. Neither his mistaken enthusiasm, nor Fox's party spirit, nor Sheridan's venal rhetoric, was in fact capable of forming a system on which the nation's Indian affairs might well and wisely be controlled. That was left to men who, no longer of the party, had carried with them much more of its spirit than remained behind. The ideas and purposes of the legislation carried through by Pitt and Dundas and Buckinghamshire have already been described.[1] But it will be convenient here to begin with the ideas of 1813, for these appear and reappear not only in legislative principles but also in the actual administration of the period, so that they form the most appropriate introduction to the present volume.

The most notable expression given to the ideas current in 1813 was assuredly the great speech delivered by Lord Grenville,[2] to which even forty years later men turned back for inspiration and guidance. Like his successors, he was struck by the strangeness of the task. "On precedents we can here have no reliance. The situation is new; the subject on which we are to legislate knows no example. Our former measures would be deceitful guides." Nor had the time come for any final regulation of this most perplexing matter. Three points, he

[1] *Vide* v, 313 *sqq.*, *supra*.
[2] Hansard, xxv, 710 *sqq.*

said, required special attention. The first was the need of declaring the sovereignty of the British crown in India, as

> the only solid basis on which we can either discharge our duties or maintain our rights.... The British crown is *de facto* sovereign in India. How it became so it is needless to enquire. This sovereignty cannot now be renounced without still greater evils, both to that country and to this, than even the acquisition of power has ever yet produced. It must be maintained... That sovereignty which we hesitate to assert, necessity compels us to exercise.

But it should be exercised first to provide for the welfare of the Indian population, next, but ranking far below the first, to promote the interests of Great Britain. In Grenville's eyes there was no conflict between the two. "Pursued with sincerity and on the principles of a just and liberal policy, there exists between them a close connection, a necessary and mutual dependence." Oppression must be prevented, light and knowledge must be diffused. The government must be separated "from all intermixture with mercantile interests". But it would be fatal to the constitution of Great Britain if the Company's patronage were ever vested in the crown or exercised by any political party. Perhaps, he suggested, writers might be chosen "by free competition and public examination from our great schools and universities".

The act then passed was far less comprehensive than the speaker desired. The Company was again entrusted for a further period of twenty years with the administration of the Indian territories. Its trade was continued. But it lost the monopoly of the Indian trade; British-born subjects were to be admitted under less arbitrary restrictions; the sovereignty of the British crown was asserted; and provision was made for the development of an educational policy. Then with an easier conscience the legislature abandoned for twenty years the difficult and unfamiliar study of Indian problems. One might suppose that the words of Grenville had been forgotten. But it was not so. The general ideas which he expressed continued to dominate the minds of legislators not only in 1833, but in 1853 as well. The sovereignty of the crown was not only asserted but was reinforced. The Company was maintained in its functions, but its structure was transformed, and its mercantile interests eliminated. Great efforts were made to improve the administration in India; and at last the method of selecting the administrative service first advocated by Grenville was adopted.

But this consistency of effort exhibited also the defects of its qualities. Admirable as were the ideas of Grenville in their time and place, they were liable to exhaustion by the development of affairs. The time was to come when they would be inadequate guides, when they would need to be replaced by a new set of ideas, when the changes introduced by this consistent policy would require recognition. But unluckily the act of 1853 exhibits no inclination to set off on a new

departure. Its changes were few, stereotyped, imperfect. The motive powers of the ideas underlying it were in fact exhausted, and no new ideas were as yet powerful enough to take their place.

Neither of the acts of 1833 and 1853 was in any way intended to be definitive. The need of caution was still deeply felt. As Macaulay said in the debates on the bill of 1833, "We are trying...to give a good government to a people to whom we cannot give a free government". Even James Mill, that zealot of representative institutions, had declared them to be utterly out of the question. Therefore

> we have to engraft on despotism the natural fruits of liberty. In these circumstances, Sir, it behoves us to be cautious even to the verge of timidity....We are walking in darkness—we do not distinctly see whither we are going. It is the wisdom of a man so situated to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.[1]

Twenty years later he was still the advocate of reform with caution. "Such a bill", he declared, "ought to make alterations, and yet it ought not to be final. The bill...ought to be a large yet cautious step in the path of progress."[2] He seems not to have noticed that the steps were becoming shorter, or that the rate of progress was slowing down.

The ideas underlying the bill of 1833 were most clearly expressed in the speech of Charles Grant, afterwards Lord Glenelg, and at that time president of the Board of Control. The first point which he emphasised was the need of abolishing the Company's trading activities and reducing it to a purely administrative body. The union of the characters of sovereign and trader, he observed, was "calculated to give a false impression of the character of the government".[3] In the second place he put the need of improvement in the governmental machinery in India. The presidency of Fort William was overgrown and should be divided into two. Perhaps the governor-general should not be required to supervise the whole conduct of affairs and at the same time to administer a particular government; certainly he ought to be invested with higher powers of control over the subordinate presidencies. In the third place the laws should be amended, the legislatures improved, the anomalous and conflicting judicatures reformed. Slavery should be abolished, and Europeans admitted freely into the country.[4]

To a large extent these projects were carried into law. "This political monster of two natures—subject in one hemisphere, sovereign in another",[5] was made much less anomalous by being required with all convenient speed after 12 April, 1834, to close down its commercial business, and to pension or otherwise provide for its commercial servants, under the superintendence of the Board of Control.[6] Its capital became a charge on the territorial revenues and provision was

[1] Hansard, 3rd Ser. XIX, 512–13.
[2] *Idem*, CXXVIII, 741.
[3] *Idem*, XVIII, 705.
[4] *Idem*, XVIII, 727 *sqq.*
[5] Macaulay, *idem*, XIX, 509.
[6] 3 & 4 Will. IV, c. 85, ss. 4, 6.

made for its repayment in forty years, or earlier should the government of the Indian territories be taken away from it.[1] This was in fact making leisurely provision for the time when the Company might at last be abolished. But at the moment abolition was regarded as premature, for the old jealousy of the executive was still strong. Macaulay expressed the general attitude with customary point and vigour. Authority ought not to be vested in the crown alone, for in such matters parliament could not provide the necessary criticism and control.

> That this house is, or is ever likely to be, an efficient check on abuses practised in India, I altogether deny.... What we want is a body independent of the government, and no more than independent—not a tool of the Treasury, not a tool of the opposition.... The Company... is such a body.[2]

The problems connected with the Indian governments were less easy of solution. The original bill declared that "the whole civil and military government of all the said territories and revenues in India shall be... vested in a governor-general and counsellors...".[3] But this proposal met with criticism in both the Commons and the Lords. It was felt that it would overwhelm the Supreme Government with unnecessary detail and strip the subordinate governments of all authority and credit.[4] It was therefore decided to moderate the section, so as to give the governor-general and council, not the whole government, but "the superintendence direction and control".[5] Another proposal directed to the same end had also to be materially modified. The bill proposed that in future the subordinate presidencies should be administered by governors only, though permitting the Company to appoint councillors where necessary. At the same time an additional Company's servant was to be added to the governor-general's council, making four in all, designed (it seems) to permit the appointment of a representative from each of the four contemplated presidencies.[6] This last change would have been a great improvement, for the governor-general's council possessed no personal knowledge of the subordinate presidencies. But it was thought that the change would lead to too much interference on the part of the central government. The connected proposal to abolish the subordinate councils was eminently distasteful to the Company, for it would have diminished the value of its patronage. The additional Company's servant on the supreme council was therefore dropped, while the existing form of presidency government was continued, though the Company was empowered to suspend the councils or diminish the number of councillors.[7]

[1] 3 & 4 Will. IV, c. 85, ss. 11–17.
[2] Hansard, 3rd Ser. XIX, 513, 516.
[3] Bill, s. 30.
[4] Hansard, 3rd Ser. XIX, 543; cf. XX, 322.
[5] 3 & 4 Will. IV, c. 85, s. 39; cf. s. 65.
[6] Hansard, 3rd Ser. XVIII, 750; Bill, ss. 37, 39, 55, 56.
[7] 3 & 4 Will. IV, c. 85, ss. 40, 56, 57.

The draft provisions regarding legislation were more successful in procuring parliamentary adoption. At this time each of the three presidencies enjoyed equal legislative powers; though the governor-general possessed a legal right of veto over the legislation of the subordinate governments, it had in fact been little exercised.[1] Thus had come into existence three series of regulations, as these enactments were called, frequently ill-drawn, for they had been drafted by inexperienced persons with little skilled advice; frequently conflicting, in some cases as a result of varying conditions, but in others merely by accident; and in all cases enforceable only in the Company's courts because they had never been submitted to and registered by the king's courts. Besides these were the uncertain bodies of Muslim and Hindu law, uncertain because of a variety of texts and interpretations, and still more uncertain because of the varying application which they received in the courts themselves. Lastly came English statute and common law and equity, applied by the king's courts. These conflicting series of laws were enforceable by two different and generally hostile judicatures, with ill-defined jurisdictions. In general the king's courts exercised jurisdiction within the limits of the presidency towns of Calcutta, Bombay and Madras, while the Company's courts exercised jurisdiction over the dependent territories. But apart from this territorial jurisdiction, the king's courts possessed a personal jurisdiction over British-born subjects, in some cases involving jurisdiction over Indian-born subjects. This particular aspect of the matter was clearly destined to be of growing importance. The doors of India, as the directors said, were to be "unsealed for the first time to British subjects of European birth". Englishmen, who had till then resided in India on sufferance, were to acquire a right to reside and even to acquire land there. Since the Company's trade was to cease, a large number of merchants and traders were expected to settle in India to take advantage of the change.[2] It was evidently inexpedient that the two classes of subjects, Indian and English, should continue to live under separate laws administered by separate courts or that the latter when accused of wronging the former, or accusing the former of wrong, should be able to insist on the issue being tried by a strange, unsuitable and probably very distant court.

For these various and cogent reasons it was resolved to modify the legislative authority in India, to extend its legislative competence, and to prepare for a general reform of the judicial system. The subordinate governments, it was felt, should lose their legislative authority altogether—a measure which appears the more natural when it is remembered that it was also intended at first to abolish their councils. The existence of three legislatures had added much to the complexity of the legal system, the simplification of which would

[1] Hansard, 3rd Ser. XVIII, 727.
[2] Dispatch to the Government of India, 10 December, 1834 (Ilbert, 1st ed. Appendix).

be aided by concentrating all legislative authority in a single body. This change was also supported by the proposed extension of power, which parliament would concede least unreadily to the governor-general and his council. It was therefore decided to transfer all power of making laws to them; and it was thought that the need of special laws to suit local peculiarities would be sufficiently met by empowering the presidency governments to submit to the governor-general and council draft laws to be enacted or not as might seem best.[1]

The powers granted to the governor-general and council were much wider than any till then entrusted to an Indian legislature. They could make laws to repeal, amend or alter

> any laws or regulations whatever now in force or hereafter to be in force in the said territories . . . , and to make laws and regulations for all persons, whether British or native, foreigners or others, and for all courts of justice, whether established by His Majesty's charters or otherwise, and the jurisdiction thereof,

except that they could not modify the new act, the mutiny act, any future act of parliament relating to India, or the sovereignty of the crown. But apart from this limitation all their acts should possess "the same force and effect" as any act of parliament, and "shall be taken notice of by all courts of justice whatsoever within the said territories".[2]

These were full powers for a dependent legislature. Their particular importance lay, however, in one main point. Till 1833 no Indian legislation had the least effect in the Supreme Courts. It is true that provision had been made by which an Indian regulation would become binding on those courts once it had been registered by them. But such registration had lain wholly within the pleasure of the courts themselves; and the Indian governments had steadily refused to recognise the veto in effect entrusted to the courts by refusing to submit their acts for registration. Their legislation had thus been binding on Indian residents outside the presidency towns and on the Company's courts established in the Mufassal, but not binding on either Indian or European residents at government headquarters or the king's courts established there. Now it became equally binding on all classes of inhabitants, whatever their place of residence, and on all courts of law, whatever the authority by which they were constituted. In order to complete its powers the new legislature was authorised to modify or define the jurisdiction even of courts established by royal charter, though the latter might not be abolished without the previous sanction of the home authorities.[3]

One object of the earlier statutes requiring regulations to be registered in the Supreme Courts before becoming enforceable in the presidency towns had been to secure the criticism of the respective benches before the laws adopted by the Company's governments

[1] 3 & 4 Will. IV, c. 85, ss. 59, 65. [2] *Idem*, ss. 43, 45.
[3] *Idem*, s. 46.

became universally valid. Experience had indeed shown that the presidency governments needed more expert advice on legislative drafts than could be provided by law officers chosen from the local bar. The new act for the first time made provision for this. An additional member of council was to be appointed by the Company with the approval of the crown. The definition of his qualifications was purely negative. He was not to be a member of the Company's civil or military service. The only formal indication of the part he was to play consisted in the declaration that he was to have rights of speech and vote only at meetings of the council for the consideration of legislative business.[1] The office thus obscurely defined was that of law member. The appointment was important in two ways. It constituted the first step taken in India towards the establishment of a legislature separate from the executive; and it provided the council with a legal expert to criticise, amend or draft legislative proposals.

"The concurrence of the fourth member of council may be wanting to a law", wrote the directors, "and the law may be good still; even his absence at the time of enactment will not vitiate the law; but parliament manifestly intended that the whole of his time and attention, and all the resources of knowledge or ability which he may possess, should be employed in promoting the due discharge of the legislative functions of the council. He has indeed no pre-eminent control over the duties of this department, but he is peculiarly charged with them in all their ramifications."[2]

And although he was entitled to sit and vote only when laws were under consideration, the Company advised that he should be permitted to sit at the executive meetings of the council.

"An intimate knowledge", it wrote, "of what passes in council will be of essential service to him in the discharge of his legislative functions. Unless he is in the habit of constant communication and entire confidence with his colleagues; unless he is familiar with the details of internal administration, with the grounds on which the government acts and with the information by which it is guided, he cannot possibly sustain his part in the legislative conferences or measures, with the knowledge, readiness and independence essential to a due performance of his duty."[3]

The advice was followed. Macaulay (the first law member) and his successors were summoned to the ordinary as well as to the legislative meetings.

The third measure taken in this connection was the creation of an entirely new body. The governor-general in council was directed to appoint "Indian law commissioners", who were to enquire into the jurisdiction, powers and rules of all courts and police-establishments, all forms of judicial procedure, and the nature and operation of all laws, civil and criminal, written or customary, and to propose any necessary alterations, due regard being had to the rules of caste, and the religions and manners of the people. They were to follow such instructions as they should receive from the governor-general in council, and to draw the pay that the latter should appoint in the

[1] 3 & 4 Will. IV, c. 85, s. 40. [2] Dispatch, 10 December, 1834, *ut supra*. [3] *Idem*.

scale next below that enjoyed by members of council.[1] Thus came into existence the first Indian Law Commission. It was designed to fulfil a double object—to unravel the tangle of existing laws and to advise on new projects of legislation. In both points the new body (over which Macaulay and his successors presided without additional pay) achieved much. It was employed by the new legislature to consider and report on projected laws submitted by the subordinate governments, and its reports form an interesting and very valuable part of the legislative proceedings of the period. But its other and indeed its principal object proved more difficult than had been expected. Macaulay in 1833, with his usual lucid and specious gift of statement, persuaded himself and the House of Commons that the ideal moment had come in which to codify the Indian laws, and that codification would be a relatively easy, rapid process, which should be undertaken without delay. When he became law member, and presided over the commission, he laboured hard to fulfil his promises. He produced the first draft of the Penal Code. But that remained a project until, having been reconsidered, amended, and much improved, it was at last enacted in 1861. The first Indian Law Commission thus only laid foundations on which other legislators were to build.

The act of 1833 dealt with two other matters of great importance —the mode of administering the presidency of Fort William and the position and recruitment of the Company's civil service. Reform of the government of Bengal was long overdue. The conquests and policy of Wellesley had greatly expanded the territories of a province already over-large. The Agra districts not only lay at a great distance from the centre of government but also included the imperial city of Delhi adjacent to the powerful state of Ranjit Singh in the Panjab. Need therefore existed of a strong and vigilant local authority. Nor was this all. The governor-general in council was responsible for the general administration and policy of all British India as well as for the particular administration of Bengal. This burden was in fact more than he could bear. The detail of Bengal administration tended therefore to be relegated to subordinate authorities. The Bengal Board of Revenue acted largely as the government of the province. A great part of the administration was thus entrusted to revenue servants bred up in a revenue system which more than any other discouraged familiarity with the customs and life of the people.

To this unfortunate system, the evils of which were at the time but partially recognised, the act applied two palliatives. It declared that the territories under the presidency of Fort William were to be divided into two governments.[2] This involved the appointment of a separate governor, but did not necessitate the appointment of a council.[3]

[1] 3 & 4 Will. IV, c. 85, ss. 53–5. [2] *Idem*, s. 38.
[3] *Idem*, ss. 56, 57.

In regard to the dual position of the governor-general in council, though Charles Grant had half-admitted the evils of the existing system,[1] nothing useful was done. The governor-general was declared the governor of the Bengal Presidency. This involved a ridiculous complication of functions. Till the passing of the act of 1833 the governor-general of Bengal in council had also been the superintending government of all British India. But now, in order to mark the new powers and status of the superintending government, it received a new designation—the governor-general of India in council[2]—so that while the governor-general and council had become the central government, the governor-general alone constituted the government of Bengal. The governor-general in council thus had powers of superintendence, direction and control over the governor-general, while the governor of Bengal could overrule the council of India. "A state of things may perhaps occur", the Company observed, "which may in some cases occasion embarrassment."[3] However, another section of the act permitted the governor-general in council to appoint an ordinary member of council deputy-governor of Bengal; and in actual practice the senior ordinary member was generally so appointed. This avoided the absurdity of the legal position; but did nothing to improve the administration of the province, which remained under a minimum of supervision for another twenty years. In these matters the provisions of the act were far from adequate to the needs of the country.

In regard to the recruitment of the Company's civil service the act contained provisions of far-reaching but not immediate importance. As has already been noted, Lord Grenville twenty years earlier had suggested competition as providing the best means of recruitment. This project was now introduced in a carefully limited form. The act directed that estimates of probable vacancies in the civil service should be sent to England annually; the estimates were to be considered by the board, which was to certify to the court of directors what number of nominations—not less than four times the number of expected vacancies—might be made. The nominees were then to be examined under rules to be made by the board and a quarter selected for admission to the Company's college at Haileybury. After three years' studies there, they were to be re-examined and the appointments made accordingly.[4] This system, had it been carried into operation, would have preserved the advantages of nomination while it introduced those of competition. It would have excluded the bad bargains who have always been the misfortune of every system of patronage; it would also have excluded the very clever men, with no interest in India but as a field for their talents, who have been the bane of the system of open competition. Unfortunately the directors of the day

[1] Hansard, 3rd Ser. XVIII, 727.
[2] 3 & 4 Will. IV, c. 85, s. 39.
[3] Dispatch, 10 December, 1834, *ut supra*.
[4] 3 & 4 Will. IV, c. 85, ss. 103–8.

felt more acutely the diminution in the value of their patronage than the advantage of being obliged to exercise their patronage wisely. They hated this infringement of their former privilege. They were quite incapable of rebutting the eloquent arguments with which in the House of Commons Macaulay developed, amplified and defended the plan which he had borrowed and adapted from Grenville's original proposal. But though they might be reduced to silence, their hearts were obstinately unconvinced. In the following year they succeeded in persuading the easy-going president of the board to move an amending bill permitting them to defer the execution of these directions. Macaulay, the one convinced and influential advocate of the competitive principle, had then left England to take up his new office of law member. The proposal was thus smuggled through with little consideration, and the first serious attempt to trench upon the directors' privilege ended ignominiously and without trial. This was a great misfortune. Unrestricted competition, as afterwards adopted, has not lacked its disadvantages. But the plan of 1833 might have worked greatly to the welfare of India.

Beside this fruitless provision should be set another, equally benevolent and even less operative. No Indian subject of the crown "by reason only of his religion, place of birth, descent, colour, or any of them", should "be disabled from holding any place, office, or employment under the said Company".[1] Clearly this did not mean, and was not designed to mean, that all offices were in future to be thrown open indiscriminately to Indians. The clause of the act of 1793 declaring that none but covenanted servants of the Company could hold any civil office carrying over £800 a year salary still remained law;[2] so that except for the new councillorship, which was evidently intended to effect a very different object,[3] none of the higher civil offices were in law open to Indians until Indians were included in the covenanted civil service. The object of the section, as the directors rightly observed, was

> not to ascertain qualification, but to remove disqualification. It does not break down or derange the scheme of our government as conducted principally through the instrumentality of our regular servants.... But the meaning of the enactment we take to be that there shall be no governing caste in British India; that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number.... You well know, and indeed have in some important respects carried into effect, our desire that natives should be admitted to places of trust as freely and extensively as a regard for the due discharge of the functions attached to such places will permit.... Fitness is henceforth to be the criterion of eligibility.... There is one practical lesson which... the present subject suggests to us once more to enforce. While on the one hand it may be anticipated that the range of public situations accessible to the natives and mixed races will gradually be enlarged, it is, on the other hand, to be recollected that, as settlers from Europe find their way into the country, this class of persons will probably furnish candidates for those very situations to which the natives and mixed races will have admittance.

[1] 3 & 4 Will. IV, c. 85, s. 87. [2] 33 Geo. III, c. 52, s. 57.
[3] Cf. Hansard, 3rd Ser. xix, 664.

[illegible] of European enterprise and education will appear in the field; and it is by the prospect of this event that we are led particularly to impress the lesson already alluded to on your attention. In every view it is important that the indigenous people of India, or those among them who by their habits, character or position may be induced to aspire to office, should as far as possible be qualified to meet their European competitors.[1]

The clause therefore became the basis of that educational policy which took shape, in the years immediately following, under the influence of Macaulay more than any other individual.

At a time when the slave question was so prominently in the minds of all men, it was inevitable that the act should attempt to deal with slavery in India. The act as originally introduced directed that slavery in the Company's territories should be brought to an end by 12 April, 1837, or earlier if possible.[2] A little consideration, however, soon made it evident that the question of slavery in India was a different matter from slavery in the West Indies. In India it was complicated by caste, by Hindu custom, by Muslim law. A greater latitude of action was therefore accorded to the government of India. Instead of requiring abolition by a fixed date, the act only directed the governor-general in council to take the matter into consideration, to mitigate the position of slaves in India as soon as possible, and to abolish slave status at the earliest practicable moment.[3] The Company's instructions under this head were shrewd and cautious. It pointed out that remedial measures should be so framed as to leave untouched the authority recognised by both Hindu and Muslim law in the heads of families. Of real slavery in India, predial slavery occurred only in certain limited areas, while domestic slavery was mild. The first reform which it recommended was to make the punishment of injuries inflicted on slaves as heavy as if they had been inflicted on free persons; while it was suggested that emancipation should only be effected where it was desired by the slave, and should always be "a judicial proceeding, investigated and decided by the judge".[4] In social as in political affairs, India was not to be made the subject of wholesale experiments.

As a whole the act, while very imperfect, was permeated by the liberal ideas of the age, and some contemporary comment fell far short of justice. Shore, for example, who should have known better, observed, "Provided each party could gain its own selfish and short-sighted objects, the government of India was thrown into the bargain with as much indifference as if the people in question had been a herd of cattle".[5] The act which approached the slavery question with wise caution, which sought to introduce competition into the recruitment of the civil service, which abolished the Company's trading rights, and envisaged though in an over-sanguine spirit the increased employ-

[1] Dispatch, 10 December, 1834, *ut supra*.
[2] Bill, s. 88.
[3] 3 & 4 Will. IV, c. 85, s. 88.
[4] Dispatch, 4 December, 1834, *ut supra*.
[5] *Notes on Indian Affairs*, 1, 390.

ment of Indians and the reform of the Indian law, was a good deal more than a corrupt bargain between two parties in the British parliament. Its defects were of a very different nature. It did not sufficiently reorganise the Indian government. The governor-general should, as had been at first proposed, have been given the assistance of a councillor from each presidency, and should have been wholly freed from the duties of local administration in Bengal. Legislation and administration were both over-centralised. In short the act imposed on the government of India duties too extensive and detailed to be carried out by a single group of men. It was probable, therefore, that the coming years would be marked by an excessive uniformity of policy and a decline in the efficient working of the administrative machine, due to the development of centralisation in advance of communications.

The Home Government under the act remained almost as it had been before, though it was in fact little understood. Indeed the debates of 1853, when the constitution came up once more for reconsideration, revealed the most singular differences of opinion. Some declared that India had been governed by the board, others that it had been governed by the Company. In one way at all events the provisions of the statutes had been considerably modified by usage. The offices of governor-general, of governor, and of fourth member of the governor-general's council, were to be filled by the Company's appointment, subject to the approval of the crown. Further provision had been made in 1833 that vacant governorships or seats in council must be filled by the Company within two months after the receipt of the notification, otherwise its right of appointment would pass to the crown, and persons so appointed would not be liable to recall by the Company.[1] It was therefore expected that normally names would be proposed by the directors for the approval of the minister, who would exercise a veto over their proposals. But the time limit of two months, within which the directors had to propose an acceptable name unless they were to forfeit that exercise of their patronage, greatly though perhaps undesignedly increased the minister's influence in this matter; with the result that in practice names came to be proposed by the minister, and the Company's power of appointment came to be in effect a right of veto.[2]

This became evident almost as soon as the act came into force. Bentinck announced his intention of coming home, and the directors were eager to secure the succession as governor-general to their very distinguished servant, Sir Charles Metcalfe. Charles Grant, still president of the board, objected, and a long correspondence ensued, in the course of which the limited two months almost passed away, and finally the chairman of the court was reduced to writing to the president of the board that he could not accede to any further delay

[1] 3 & 4 Will. IV, c. 85, s. 60. [2] Cf. Hansard, 3rd Ser. cxxix, 48.

in proposing the name of a possible successor.[1] The power of nomination had already passed out of the Company's hands.

While this question was still at issue, a change of ministry took place, Lord Heytesbury was proposed by the new president and accepted by the court of directors. But before Heytesbury had sailed for India, Melbourne came back into office and resolved that a ministerial supporter should be rewarded with the governor-generalship of India. This was described as a marked breach of precedents. But while it was agreed that a governor-general exercising his office in India should not be recalled by a mere change of ministry at home, it was much less clear that a governor-general who had not yet sailed from England should as a thing of course be permitted to take up his office under a government other than that which had nominated him. The earlier cases—Minto's and Bentinck's—did not illustrate this position at all. The court of directors did their utmost to prevent Melbourne from acting on his resolve. They declared their fear and alarm at any measure which would render "the high and responsible station of governor-general of India subservient to political purposes in this country".[2] But in such cases they were really helpless and were obliged to acquiesce in a change. The discussions ended in the selection of the unfortunate Auckland as the new governor-general.

The reader must not, however, hastily conclude that the Board of Control could impose the man of its choice on the court of directors. The latter possessed and retained down to the end of its political existence the power of recalling any office-holder in India, including all governors and the governor-general himself. Even the most aggressive of presidents was therefore obliged to refrain from proposing persons who would be really unwelcome to the court of directors. On at least two occasions within the period covered by the present chapter was the recall of the governor-general seriously considered, and on one of these it was actually effected. The first case was that of Lord Amherst. In 1825, when the news of the Burma War was followed by that of the Sepoy mutiny at Barrackpore, the directors were so seriously disturbed at the course events were taking that they debated the propriety of recalling the governor-general immediately. The president of the board, Wynn, being unable to dissuade them from this course, Canning was employed to take the matter up with them, in Lord Liverpool's absence; and he succeeded in smoothing matters over with a promise that the papers should be laid before the Duke of Wellington for his opinion.[3] The second case was that of Lord Ellenborough in 1844. Despite his great talents Lord Ellenborough notably lacked the art of managing others. On arriving in India he speedily quarrelled with the whole civil service, preferring to employ soldiers wherever he had any choice, conducting his

[1] Kaye, *Life of Tucker*, p. 480.
[2] Kaye, *op. cit.* p. 460.
[3] Canning to Liverpool, 3 October, 1825. Brit. Mus. Add. MSS, 38193, f. 283.

political correspondence through his private, instead of through the political, secretary, and quitting Calcutta in order that he might avoid having to communicate his plans to the members of his council. This not only increased the difficulties of his work in India, but also indisposed the directors who resented the slight thus cast upon their relations and protégés. Incidentally the same cause inspired the peculiar acrimony with which Kaye, usually a fair-minded man, approached every aspect of Ellenborough's conduct. Then too, the governor-general's impulsive character could not submit to be bound even by the rules which he himself had laid down. When president of the board in 1830 he had ordered that no public works costing over 10,000 rupees should be undertaken without the previous sanction of the East India Company; but now he established new and expensive cantonments on his own authority.[1] His Sind policy provoked strong criticism. Above all he regarded both the Board of Control and the court of directors with a scorn far too great to be concealed.[2] In 1843 his close friend, Wellington, had urged him earnestly to display greater prudence.[3] But this was in vain. Early in the following year the directors resolved that he should be recalled. Though there was much truth in the queen's view that this was unwise and ungrateful,[4] the governor-general's conduct had exhibited too many irregularities for the ministry to be able to make any effective defence. Peel therefore acquiesced in his recall, but at the same time gave him a step in the peerage and the Grand Cross of the Bath. With these solatia Ellenborough came home.

In its way this episode was as significant as Auckland's appointment had been. If the latter showed that the ministry possessed the real power of nomination, the former proved that the Company's veto was no empty form, for no ministry would venture to insist on the appointment of a governor-general or governor who might be recalled before he had even landed in India.

In fact the Company retained and continued to exercise a considerable share in the authority exercised by the Home Government. It is true that matters of foreign policy, of war, peace, and alliances, had slipped altogether from its control; and the only way in which it could mark its disapproval was the extreme course of recalling a peccant governor-general. As Wood observed in the debates of 1853, the responsibility for Indian foreign policy lay exclusively with the president of the board and through him with the cabinet.[5] But in fact this was the branch of policy in which an effective home control was least practicable. Macaulay's words—"India is and must be governed in India. This is a fundamental law which we did not make, which we cannot alter, and to which we

[1] Cf. Colchester, *Ellenborough's Indian Administration*, p. 369.
[2] Law, *India under Lord Ellenborough*, pp. 104, 165.
[3] Colchester, *ut supra*.
[4] *Queen Victoria's Letters*, II, 9.
[5] Hansard, 3rd Ser. CXXIX, 764.

should do our best to conform our legislation"—while generally true, were peculiarly true of foreign affairs. The war in Sind, the war with Sindhia, the war with Burma, the wars with the Sikhs, were begun, conducted, and concluded on the responsibility of the governor-general of the day. So that the province in which at London the authority of the board was uncontested was also that in which its authority could be least exercised.

In all other matters the policy of the court of directors had to be taken into serious consideration. The actual relations between the court and the board in this period cannot be determined with precision, for the original and vital conferences, in which their respective views were stated and discussed between the president and the chairs, have left no record other than an occasional private letter. Regular documentary evidence (in the "previous communications") only appears as a rule when the principal points of difference have been cleared away. The best account (so far as the present writer is aware) of these relations is contained in a letter of St George Tucker, who had enjoyed prolonged experience in his repeated tenure of the chairmanship of the Company.

"The Board", he writes, "have . . . a general and absolute *restraining* power; but they cannot *propel* us *forwards* if we choose to resist. Our *vis inertiae* alone is sometimes sufficient to arrest their proceedings. The present government have on more than one occasion resorted to a high judicial tribunal for the purpose of coercing us by a *mandamus*; but they signally failed. On a late occasion they ordered us to dismiss all the judges of our court of Sudder Diwanny Adawlut (the head court of appeal in Bengal)—we refused—they threatened to dismiss them by their own authority—they were told that this could only be done by a mandate of recall under the sign manual; but they were not prepared to undertake such a responsibility, and the case was closed by a peevish censure.

"The court of directors still by law retain the initiative; and although by the connivance of their organs this privilege may be rendered of no avail, it has heretofore been asserted with very salutary effect. We are also at liberty to protest, and to expose to public view instances of maladministration; so that, as long as the court shall be filled by independent and honourable men, they may, not only by their knowledge and experience, assist in giving a proper direction to the machine of government, but they can also exert a wholesome influence in checking the career of an unscrupulous government."[1]

Tucker's letter ends on a melancholy note. "I feel most painfully", he adds, "that we are gradually sinking." There was, no doubt, a steady growth during the twenty years following 1833 of the idea that direct crown government was the inevitable and desirable end. In 1833 that idea had been cherished by extremists on the one side like Ellenborough and on the other like J. S. Buckingham. In 1853 the idea was much more widely held. That fact of itself would no doubt have tended to make the president of the board more assertive of his powers and more disposed to push them to their extreme length. But the position of the Company seems to have remained strong

[1] Kaye, *op. cit.* p. 483.

enough to permit an obstinate resistance. At all events the legislators of 1853 clearly felt that the Company would not decline into a mere consultative council without a material change in the existing law. The new act provided for the reduction of the directors from twenty-four to eighteen, and for the immediate appointment of three (rising gradually to six) by the crown. Since at the same time the quorum of directors was lowered from thirteen to ten, it would be possible for the crown nominees to constitute the majority in a thinly attended court.[1] The intention evidently was to prepare for the time when the Company should lapse and its functions be entrusted to a consultative council. This was frankly recognised in debate. Sir James Graham, for example, "believed that the introduction into the direction of a small proportion of directors nominated by the crown would form the nucleus of a consultative body hereafter which should be the council of the sole minister of India named by the crown".[2] It is clear therefore that the plan which was adopted in 1858 was no newly found expedient, but rather a solution towards which men had been consciously working.

Affairs in another direction also had moved so far as to abrogate the chief reason which had demanded the maintenance of the Company. Ever since 1781 the main obstacle to the Company's abolition had been the exercise of the Indian patronage, which no one save Fox had dared seek to appropriate. Grenville in 1813 had indicated an avenue of escape from the dilemma. Macaulay in 1833 had attempted to open up the avenue. Now in 1853 it was decreed that the directors' patronage should cease, that the Board of Control should prepare rules for the examination of candidates for the civil service, that all natural-born subjects of Her Majesty should be eligible to compete, subject to the rules that the board should prepare, and that all appointments should be made on the results of the examination.[3] Given the success of this experiment, men naturally began to look for the disappearance of the Company according to plan in 1873. The Mutiny merely accelerated the foregone and carefully anticipated course of events.

Two other small points show how definitely opinion had developed. When the presidency of the Board of Control had been first instituted, it had been held in conjunction with other important offices, and carried a salary of £2000 a year. When in 1810 it had come to be held alone, the pay had been raised to £5000, but in 1831 "in a hot fit of economy"[4] had been reduced to £3500. It was pointed out that the post had become either a mere stepping-stone to something better or a refuge for the politically needy, that the president "did not fill that office in the cabinet which he ought to do", that there would be constitutional objections to making him a secretary of state, but that

[1] 16 & 17 Vic. c. 95, ss. 2–6.
[2] Hansard, 3rd Ser. CXXIX, 70.
[3] 16 & 17 Vic. c. 95, ss. 36–42.
[4] Hansard, 3rd Ser. CXXIX, 38.

at all events his salary should be raised to the same level.[1] It was therefore resolved that his salary should not be less than that of a secretary of state[2]—another preparatory step for the change of 1858. At the same time the approval of the crown became in future necessary for all appointments of councillors, whether to the governor-general's council or to those of the subordinate governments.

The act of 1853 thus strengthened the position of the crown half of the Home Government and reflected the growing anticipation of the time when it would be the sole organ of government. Other provisions dealt with the government in India. Some of the most important modified the governor-general's council. The law member became an ordinary member, entitled to speak and vote at all meetings, legislative or executive, of the council,[3] thus removing a disability against which Macaulay had strongly protested. The legislative authority of the governor-general was materially enlarged. Under the act of 1833, while the governor-general at executive meetings could act with one member only and could overrule the decisions taken by a majority, at legislative meetings his presence was not necessary, these three ordinary members could act without him, and he had merely a casting vote. Under the new act no law was to have force until it had received his assent, so that he was given a power of veto which till then had been lodged only in the home authorities. A long step was also made towards further differentiating the legislature from the executive. Under the act of 1833 the distinction between the two had consisted only in the right of the law member to speak and vote. Now a large relative increase in the council was made for legislative purposes. Certain additional persons were to be added under the statutory title of "legislative councillors". These were to consist of a member nominated by each governor or lieutenant-governor, from among the civil servants of at least ten years' standing, the chief justice of the Supreme Court of Calcutta, one of the puisne judges of the court, and, if the Company authorised the step, two more civil servants of at least ten years' standing nominated by the governor-general.[4] Thus the legal element was greatly strengthened, and new provincial elements appeared. An attempt was made in committee in the House of Commons to amend the section so as to introduce on to the council European and Indian non-officials. But this proposal was defeated by the opposition of the president of the board, Sir Charles Wood, who, while favouring the extension of the administrative employment of Indians, declared truly enough that no two Indians could be found to represent adequately the diversity of Hindu and Muslim society.[5] It was afterwards averred that the absence of Indians on the legislative council had facilitated legislation,

[1] Hansard, 3rd Ser. CXXIX, 822, 854.
[2] 16 & 17 Vic. c. 95, s. 33.
[3] *Idem*, s. 21.
[4] *Idem*, s. 22.
[5] Hansard, 3rd Ser. CXXIX, 418 *sqq.*

which by alarming Hindu sentiment had assisted to provoke the Mutiny. But that criticism, while just in itself, probably misses the principal defect of the new arrangement. The natural English desire to create an Indian legislature visibly separate from the executive led inevitably to the formation of a body free in theory but shackled in practice. There was in fact no immediate need to separate executive and legislature. A method, preferable because more elastic and more easily capable of development, would have been to leave the actual legislative organ untouched, but to have attached to it a consultative committee, on which many classes and interests could have been represented and on which there would have been no need of that irritating official *bloc*, the sole purpose of which was to preserve the executive control over legislation in bodies which had been technically invested with legislative power.

Another change of some interest in the legislative sphere was also made. The former act had authorised the establishment of law commissioners in India mainly in order to accomplish the codification of Indian law. This body, though far from inactive, had achieved little beyond drafts that still awaited final revision. Owing to complaints from the government of India that it cost far more than it was worth, it had not been maintained at its full strength, and had been reduced to one member and a secretary in addition to the law member of council who acted as its president.[1] The new act therefore recited the fact that, although numerous reports had been sent to England, no final decision on them had been taken, and authorised the crown to appoint persons in England to examine these recommendations and such other matters as might be referred to them with the approval of the board, and to report what legislation might be expedient.[2]

The Law Commission was thus reconstituted and transferred from Calcutta to London. This change led to mixed good and evil. As will be seen from a later chapter,[3] it at last led to the enactment of codes —the Penal Code, the Criminal Procedure Code, the Civil Procedure Code—which form landmarks in the history of Indian legislation. But its establishment carried with it a hint of a changing attitude towards the legislative authority. The Home Government now had to its hand an instrument by which at more than one period they hoped to control not merely the general policy but also the detail of legislative enactments. From the first Wood seems to have regarded the new legislative council as a tool for the shaping of his projects, and speedily fell out with Dalhousie over the degree of authority and independence which the legislative council should enjoy,[4] and though in 1861 the authority of the council was materially reduced, like disputes broke out between the Duke of Argyll and Lord Mayo.[5]

[1] Hansard, 3rd Ser. CXXIX, 562.
[2] 16 & 17 Vic. c. 95, s. 28.
[3] *Vide* pp. 379 *sqq.*, *infra*.
[4] Lee-Warner, *Life of Dalhousie*, II, 236.
[5] *Parl. Papers*, 1876, LVI, 22 *sqq.*

The changes introduced into the administrative structure in India were similarly mixed. The great province of Bengal was at last provided with a separate government. The act permitted the appointment of a special governor or lieutenant-governor.[1] The latter, as the cheaper appointment, was of course preferred. Provision was also made for the creation of a new province if necessary.[2] But against these improvements must be set the change made in the relative pay of lieutenant-governors and of ordinary members of the governor-general's council. Till 1853 membership of the latter had been the highest point within reach of the civil service. But now the annual salary of the councillor was reduced to 80,000 rupees, while that of the lieutenant-governor was raised to 100,000. The ill-effects of this alteration still continue to be felt. The governor-general was deprived, or relieved, of that independent, disinterested advice which might be expected so long as his council did not look to him for further promotion and dignity. But now the councillors were by law provided with a motive for acquiescing wherever possible with the governor-general's views, and the council of the Supreme Government lost the supreme position commensurate with its dignity and duties.

In another respect also the act led up to an unfortunate situation. Macaulay declared he was disposed to judge the bill by the effect which he anticipated from the introduction of open competition on the civil service. He seized the occasion to deliver a most eloquent defence of that system of selecting public servants.[3] Lord Stanley in committee drew pointed attention to one weak side of the plan. Unlimited competition which, in fact, would exclude all Indians from participating he regarded as a step back, not a step forward, for, he said, "while the old system could not have been permanent, the present plan would not be felt as an abuse in this country, whatever it might be in India, and it would therefore be allowed to continue without improvement".[4] But this forecast, which subsequent events confirmed in every letter, fell unregarded.

It has been said that this act of 1853 was mainly based on a memorandum prepared by Dalhousie in 1852.[5] That does not seem to have been the view of Dalhousie himself. "The India bill is a wretched thing", he exclaims; "no wonder Lord John wished to have nothing to do with it."[6] Its great fault lay in its clinging too closely to the ideas which forty years earlier had been wise, far-sighted, liberal, which even twenty years before had been sound and progressive, but which had come to need a revision, expansion, reorientation, which they were not destined to find, either in 1853 or in 1858.

[1] 16 & 17 Vic. c. 95, s. 16.
[2] *Idem*, s. 17.
[3] Hansard, 3rd Ser. CXXVIII, 745 *sqq.*
[4] *Idem*, CXXIX, 784.
[5] Lee-Warner, *op. cit.* II, 219.
[6] *Private Letters of Dalhousie*, p. 260.

CHAPTER II

DISTRICT ADMINISTRATION IN BENGAL 1818–1858

In 1818 the governor-general was also *ex officio* governor of Bengal. His title was governor-general of the presidency of Fort William in Bengal. In 1833 he became "Governor-General of India".

In 1818 the presidency of Fort William in Bengal included Bengal, Bihar, Orissa, Benares and "the ceded and the conquered provinces" which, including Benares, were styled in 1834 the province of Agra and in 1836 the North-Western Provinces. Between 1818 and 1858 the presidency received the following accretions:

(*a*) the Sagar and Narbada territories, first placed under an agent to the governor-general and then added to the North-Western Provinces;

(*b*) Assam, Arakan and Tenasserim, ceded in 1826 by the king of Burma after the Treaty of Yandabo;

(*c*) pieces of Dutch territory at Fulta, Chinsura, Calcapur and Dacca, ceded in 1824 under a treaty signed in London between Great Britain and the Netherlands;

(*d*) the town of Serampur, sold to the East India Company by the king of Denmark in 1845;

(*e*) an enclave in Sikkim, which was presented to the East India Company by the raja of Sikkim in 1835 and became the site of Darjeeling;

(*f*) a belt of land between the north boundary of Bengal and Darjeeling, ceded after the Sikkim expedition of 1850.

In 1836, however, the North-Western Provinces, while remaining part of the Bengal Presidency and styled the Upper Provinces of Bengal, ceased to be administered from Calcutta and were placed under a lieutenant-governor, without a council, who was given the powers of a governor with certain reservations. And in 1854 Bengal, Bihar, Orissa and Assam, styled the Lower Provinces of Bengal, were entrusted to the charge of a lieutenant-governor without a council. Tenasserim remained directly under the governor-general in council, and Arakan was at first made over to the lieutenant-governor of Bengal but was soon retransferred to the Supreme Government. At the close of our period the lieutenant-governor of "the Lower Provinces" of the Bengal Presidency held charge of the following territories:

	Area in square miles
Bengal	85,000[1]
Bihar	42,000
Orissa	7,000
Orissa (tributary *mahals*)	15,500
Chota Nagpur and tributary states on south-west frontier	62,000
Assam	27,500

It is difficult to realise that these wide territories were long administered by over-burdened governors-general in council who further held charge of the opium manufacture, whether carried on in Bengal or in the North-Western Provinces; of the Bengal salt manufacture; of the marine and pilot establishments; of educational and other institutions in Calcutta with its large European population. Eastern Bengal moreover, for reasons which will be apparent later on, has always presented peculiarly difficult problems to governments, whether Moghul or British. Altogether we can understand that the necessity of placing the Bengal Lower Provinces under a local government was realised long before it was officially recognised. But for many years governors-general were so fully occupied with expanding or consolidating empire, with financial and other anxieties, with prolonged and sometimes irritating dispatches from the directors and the Board of Control, that they found little time for careful attention to the needs of provinces inhabited by a population traditionally unwarlike and apathetic. That Bengal was under-administered, that its conditions demanded continuous and thoughtful care, if abuses were not to grow and multiply, was doubtless true. But what of this, when the responsible government was preoccupied with French intrigue in the peninsula, or a Maratha war, or trouble with Sikhs and Afghans; when the directors were insisting on strict economy, or parliament was interested in some spectacular phase of Indian affairs? Now and then, indeed, as we shall see, a governor-general would suddenly awake to the existence of unsatisfactory conditions in the capital province and would resolve on drastic reform. But soon his attention was perforce directed elsewhere, and in any case his span of office was brief. His successor arrived preoccupied with large general interests. And so Bengal remained generally neglected until her crying needs compelled particular remedies. In 1826 Sir John Malcolm had urged the advisability of separating the duties of the governor-general altogether from those of "the local government of Bengal", and so "withdrawing his high name from those minor acts which must always agitate a community composed like that of Calcutta". Seven years later, by the Govern-

[1] Figures taken from Bengal, Bihar and Orissa. Administration Report (1855–6).

ment of India Act of 1833, the governor-general was empowered to appoint a member of his council to be deputy-governor of Bengal when absent from Calcutta himself, and to invest the deputy with the whole or part of a governor's powers. As British India expanded and governors-general were necessarily often absent from Bengal, the capital province passed more and more into the charge of deputy-governors selected, as a rule, only because they happened to be senior members of council. Writing in 1852 George Campbell observed that the existing deputy-governor of Bengal had served with credit in the army for fifty-two years, but had never enjoyed experience of civil affairs. He was the latest of nine successive governors (i.e. governors-general or deputies) who had administered the province for the past twelve years.[1] "It is no wonder", Campbell added, "that such a government is inefficient, that nothing has generally been done beyond mere routine, and that Bengal has suffered in consequence."[2] What was apparent to Campbell was equally apparent to Lord Dalhousie.

> "Parliament", said that indefatigable proconsul, "has lately supplied a remedy for that great deficiency which pervaded the entire system and was felt in every department of the administration. I mean the want of a lieutenant-governor who should be able to devote the whole of his time and capacity to the Lower Provinces alone."[3]

On Dalhousie's recommendation, when the Company's charter was renewed in 1853, Bengal, Bihar, Orissa and Assam became the charge of a lieutenant-governor. On 28 April, 1854, F. J. Halliday took over the new office.

By far the greater part of the province of Bengal, Bihar and Orissa was governed on a system laid down by elaborate regulations which since the days of Hastings and Cornwallis had gradually been evolved at Calcutta. But much territory had been added to the British dominions in Northern India since those early days; and it was plainly impossible to govern all the new peoples in accordance with the letter of the law in the older provinces. Within those provinces, too, were primitive races, distinct from the ordinary population, who, without protection, fell easy victims to grasping money-lenders, tyrannical police, rapacious landlords and pleaders. For simple peoples, as simple a system of administration as possible must be devised which would bring them closely into touch with British officers, and would conform with the spirit but not with the letter of the Bengal regulations. Arrangements were made accordingly whereby the peoples of newly annexed territories or of tracts inhabited by aboriginal tribes were governed under a "non-regulation" system. Sometimes, too,

[1] Lord Curzon, however, says: "Eight such appointments with the title of President of the Council of India and Deputy Governor of Fort William and the Town of Calcutta were made between the years 1837 and 1855". (*British Government in India*, II, 74.)

[2] *Modern India and its Government*, p. 228.

[3] Minute dated 24 April, 1854.

was found necessary to withdraw particular districts in the older provinces from the operation of the general regulations and to govern them on less elaborate principles. In Bengal, for instance, on the north-eastern frontier of Rangpur this plan was necessarily followed.[1] Assam, Arakan and Tenasserim were made non-regulation territories; and so were the south-west frontier tracts of Orissa and the tributary *mahals*. So were later the Jalpaiguri and Darjeeling districts and the hill tracts of Chittagong. The British executive in non-regulation territories was composed of military as well as of civil officers. But our main concern is with the more complex regulation system, which prevailed over the greater part of the Lower Provinces of the Bengal Presidency.

Cornwallis had left Bengal proper, which then included some areas now in the province of Bihar and Orissa, divided into sixteen very large districts. These districts were gradually brought under systematic management. At first they were suffering badly from the effects of years of chaotic administration combined with the devastation wrought by the famine of 1769–70. From a modern point of view, they had so far hardly been administered at all. For long centuries there had been vague confusion varied by the consolidation of some central power strong enough to enforce payment of revenue and raise military levies when required. In later years there had been Maratha raids, wars, Clive's dual system of governing, later experiments, and the appalling ravages of a severe famine unmitigated by remedial measures. The consequences of so dismal a past were grievous; and systematic administration could only make way by degrees. When it began, tracts of culturable land were overgrown with jungle and infested with wild beasts. Banditti were swarming, and freebooters from over the border made frequent incursions into Bengal and Bihar. As years rolled on, it became plain that districts, territorial units of administration, must be increased. Commerce, business, reference of quarrels to the law courts, grew rapidly; cultivation extended far and wide; the ownership of land passed largely from the hands of the big zamindars into those of new families and proprietary communities; it became necessary to subdivide all districts into police-circles and not into large estates of individual zamindars. Here and there non-regulation charges were created because a simpler form of government was required for aboriginal tribes. Two districts, Darjeeling and Jalpaiguri, were formed from new territory. Elsewhere grave defects in existing boundaries, revealed by survey operations, necessitated transfers of villages from one district to another. Arrangements were made whereby in every district civil and criminal and revenue jurisdictions might become coterminous.

Examining the history of the Lower Provinces from Cornwallis's

[1] Bengal Administration Report (1911–12), *Historical Review*, p. 98.

days to these, we find the number of districts increasing before, during, and after our period.[1] Bengal alone now contains twenty-eight districts.

In 1818 the magisterial and police control of a district in the Lower Provinces vested in a judge-magistrate[2] or in one of those district magistrates whose appointment had been sanctioned by a permissive regulation passed in 1810. Police administration in all districts was supervised by four superintendents of police posted since 1808–10 at Calcutta, Dacca, Patna and Murshidabad. The collectors of districts presided over fiscal arrangements only, under the supervision of the Board of Revenue at Calcutta. In 1829 the government of Lord William Bentinck decided to appoint "commissioners of revenue and circuit". Each commissioner was placed in charge of a division embracing several districts. In subordination to the Board of Revenue, he supervised the work of his collectors; and in subordination to the government he superintended the administration of the judge-magistrates and district magistrates. He possessed wide executive discretion, was also sessions judge and held assizes in each district of his division. The duties of the judges of the provincial courts of appeal and of the four superintendents of police were made over to him; and these officials were abolished. In 1831 further changes were ordained. Sessions work was transferred from the commissioners to the district civil judges, who made over their magisterial duties to the collectors. For a brief period the magistrate and collector reappeared in Bengal. But in 1837 it was decided once more to divide his functions; and separate district magistrates were revived. Almost every district had its civil and sessions judge, its collector and its magistrate; but one judge sometimes presided over the civil and criminal judicial work of two districts. The rank of the judge was superior to that of the collector and the rank of collector was superior to that of the district magistrate. In 1845 officers holding simultaneously the posts of collector and magistrate survived in three Orissa districts only.

The leading officers of a district were supported by assistants belonging to the covenanted civil service, and by deputy-collectors and deputy-magistrates, principally natives of the country but often Europeans or Eurasians, belonging to the uncovenanted services recruited by the Government of India. At every district headquarters there were a magistrate's office and a collector's office, which included a treasury, both with ministerial establishments. There were the courts of assistant and deputy-magistrates and collectors and the court of the judge. If instalments of land revenue were not paid into the treasury by appointed dates, estates of defaulters were sold at the collector's office under "the sunset law".

[1] Rai Manohan Chakrabatti Bahadur, *Summary of the changes in the jurisdiction of districts in Bengal* (1757–1916).

[2] Mill and Wilson, *History of India*, VII, 285.

The post of deputy-collector was legally established by Regulation IX of 1833,[1] and that of deputy-magistrate, with or without police powers, by a regulation of 1843.[2] To these posts persons of any religion, colour, descent or place of birth might be appointed. Desiring to give collectors and magistrates special assistance from senior subordinates who would be entrusted with powers wider than those which could be conceded to ordinary assistants, covenanted or uncovenanted, the government of Lord William Bentinck created a rank of "joint magistrate" to which senior covenanted assistants might be appointed. Later on, with the double object of increasing magisterial control over the police and of bringing justice nearer to the doors of the people, joint magistrates were posted to the charge of subdivisions of districts with the title of "subdivisional officer". These officers resided in their subdivisions. Afterwards assistant and deputy-magistrates also were posted to subdivisions which were originally created in a somewhat haphazard fashion. Located with regard to the position of important villages or markets, or in the centre of some outlying part of an extensive district, or in a tract where some big zamindar was playing the tyrant, they developed piecemeal under pressure of varying circumstances. Even in 1856 there were in the whole province only thirty-three subdivisional magistracies.[3]

We have seen that in 1845 only three magistrates-and-collectors remained. But the union of magisterial and fiscal functions also survived in eight "independent" joint magistrates who presided over eight minor districts, offshoots from older districts, and subdivisions still in regard to revenue business, but separate charges in other respects. Taxes were paid in at the parent headquarters treasury; but the "independent joint magistrate", although merely a sub-collector, possessed all the powers of a district magistrate. These arrangements were designed to secure more vigilant and effective magisterial supervision for remote tracts where crime was rampant.[4] Seven of these semi-districts were converted into ordinary district charges in 1861.

From 1837 to 1854 the experiment was tried of transferring the supervision of the police from the commissioners to a provincial superintendent whose headquarters were at Calcutta. Assam, however, and the non-regulation portion of Orissa were excluded from his jurisdiction. In 1850 Chittagong was also excluded; and in 1854 the office of superintendent was abolished, and the duties were re-transferred to the commissioners.

Thus at the close of our period we have district administration in Bengal superintended by commissioners and conducted generally by collectors and district magistrates assisted by joint magistrates, deputy-magistrates and deputy-collectors. The judicial decisions of

[1] *Historical Summary, Bengal Administration Report* (1911–12), pp. 45–6.
[2] *Idem.*
[3] Buckland, *Bengal under the Lieutenant-Governors*, I, 26, 219.
[4] *Historical Summary, Bengal Administration Report* (1911–12), p. 47.

all magistrates were, except in petty cases, appealable to the district judges, who combined the functions of sessions judge with those of a civil judge. As civil judges they heard appeals from the decisions of subordinate Indian judges. Anxious to give the natives of India a more honourable share in the administration, Lord William Bentinck had very largely increased the jurisdiction of Indian judicial officers appointed to try civil suits. He created a new rank of "principal *sadr amin*" with power to try original suits up to a value of Rs. 5000, and decided that in respect of suits for property above a certain value appeals from the decisions of the principal *sadr amins* should lie not to the civil and sessions judge but to the *sadr* court, the chief (Company's) tribunal of the province. The lowest grade of judicial officer in civil cases was that of the *munsiff*, who had succeeded the "native commissioner" of Cornwallis's days. His decisions were appealable to the district judge.

The districts, averaging toward the end of our period about 3000 square miles in area, were each divided into from fifteen to twenty *thanas* (police-circles). At each *thana* headquarters was an officer styled *daroga*, supported by a clerk, a sergeant and from twenty to fifty armed men, all badly paid. In any considerable outlying town was a small resident force of police under a petty officer. In all villages were *chaukidars* (watchmen) supposed to keep guard at night, to notice the movements of bad characters, to apprehend felons caught *flagrante delicto*, and to report all important matters at the *thana* headquarters. *Chaukidars* generally were appointed by the zamindars of their villages, and any appointment might be vetoed by the district magistrate. But Regulation XIII of 1813, which was the first municipal enactment in Bengal, provided for the appointment in large towns of *chaukidars* who were to be paid by the residents, the preamble laying down the principle that the people for whose benefit and protection such an establishment might be entertained should defray the charge of their maintenance.[1] Ordinary village *chaukidars* were remunerated by the state for watch-and-ward, but in many respects were the private servants of the zamindars from whom they held *chakran* (service) lands upon which the government possessed a limited lien. This arrangement worked badly. The *chaukidars* were useless and corrupt, the supple tools of the zamindars. Although by regulations passed in 1808 and 1812[2] the latter were liable to heavy penalties and even to forfeiture of their lands if they failed to give early information of the commission of offences or afforded countenance to robbers, they had only to establish friendly relations with the police *darogas* to reign as they pleased over weaker neighbours and reap ample profits from the villainies of banditti. The British officers, who alone could prevent such malpractices, were scanty in number, hampered by a

[1] *Bengal District Administration Committee Report* (1913–14), p. 97.
[2] Mill and Wilson, *op. cit.* VII, 288.

faulty and unstable administrative system and served by corrupt and ill-trained subordinates. Moving about was often difficult and generally slow. Lawlessness and violence were frequent and easy.[1] In 1855 the first lieutenant-governor, Sir Frederick Halliday, submitted to the Supreme Government specific proposals for improvement in the pay of the regular district police, admitting that "the outlay though considerable could not be regarded as final, as the police establishment was numerically weaker than it should be for the protection of property and the preservation of good order". In 1856 he further pressed the question, urging the importance of raising the tone of the whole administration of criminal justice in Bengal. The police were bad and the tribunals were inefficient. These two circumstances acted and reacted upon each other. The thirty-three subdivisional magistrates were too few to exercise adequate control. The village *chaukidars* were extremely corrupt.

"Whether right or wrong", he wrote, "the general native opinion is that the administration of criminal justice is little below that of a lottery, in which, however, the best chances are with the criminals; the corruption and extortion of the police cause it to be popularly said that dacoity is bad enough, but the subsequent enquiry very much worse."

Halliday recommended five indispensable measures: (*a*) the improvement of the character and position of the village *chaukidars*; (*b*) adequate salaries and fair prospects of advancement for the regular stipendiary police; (*c*) the appointment of more experienced officers as district magistrates who should be of a standing not inferior to that of the collectors; (*d*) the appointment of one hundred more deputy-magistrates, and the investment of all magistrates with judicial and executive powers; (*e*) improvement in the criminal courts of justice. He dwelt on the necessity of good roads and of a popular system of vernacular education. In communicating with the court of directors on the whole subject the Government of India recommended a movable corps of military police for each division in the Lower Provinces. After the Santal insurrection, which will be noticed later, the lieutenant-governor, in reply to a reference from the Supreme Government, advised the formation of a body of well-organised and officered military police for the internal defence of Bengal. The corps was raised and was afterwards expanded during the Mutiny, drawing recruits largely from the hardier races of Upper India. The proposals of the lieutenant-governor did not bear general fruit until after 1858; but in 1856 he succeeded in procuring the passing of a Chaukidari (or village police) Act which provided for the watch-and-ward of those larger towns and villages to which it was applied. In them *chaukidars* were appointed by the district magistrates on such salaries as they thought fit. The cost was recovered from the

[1] Buckland, *op. cit.* p. 23.

inhabitants, in proportions assessed by *panchayats*, committees of five leading men. Any surplus available from tax-funds was spent on sanitary and other improvements.

Halliday desired the union of judicial and executive power in all magistrates. He considered, too, that each district should have one head only. The office of magistrate-and-collector should be revived. The case for this reform had been trenchantly stated by Dalhousie. When in 1854, enumerating the defects which called for removal in Bengal, that great governor-general gave the first place to "the separation of the offices of collector and magistrate contrary to the system which had long prevailed in the lieutenant-governorship of the North-Western Provinces".[1]

These views were warmly advocated by Halliday; and Dalhousie's successor, Canning, recorded, in a minute dated 18 February, 1857, that as regarded the people, the patriarchal form of government was most congenial to them and best understood by them; and as regarded the governing power,

> the concentration of all responsibility upon one officer cannot fail to keep his attention alive, and to stimulate his energy in every department to the utmost whilst it will preclude the growth of those obstructions to good government which are apt to spring up where two co-ordinate officers divide the authority.[2]

This decision was endorsed by Lord Stanley, secretary of state for India, in a dispatch dated 14 April, 1859. The change was rapidly carried out, and at the same time seven of the eight "independent" joint magistracies were converted into districts.

The reform was one of great importance. The magistrate-and-collector, or district officer of our period in Bombay, Madras and the North-Western Provinces, was practically a local governor, exercising a wide-ranging superintendence over his district and regarded by its people as their helper and ruler. In discharging his responsibilities he derived great advantage from the combination of his powers. During the hot season he remained at his headquarters unless called to some outlying place by an emergency. But at the beginning of the cold weather he "went into camp", i.e. toured over his district with tents and a small office establishment. Halting here and there, he visited and inspected police-stations, superintended police arrangements generally, visited schools, examined all matters connected with the expenditure of local funds and the welfare of the people. As collector he presided over a large revenue and land-records establishment distributed throughout his district, and devoted careful attention to the doings of officials responsible for the collection of revenue and the proper maintenance of village accounts and registers. In the North-

[1] Dalhousie's minute is quoted in full in Chakrabatti's *Summary of the changes in the jurisdiction of districts in Bengal.*

[2] Buckland, *op. cit.* pp. 24–5.

Western Provinces his district was divided into *tahsils* (revenue sub-divisions which were distinct from police-circles), each with a head-quarters office and treasury, presided over by a *tahsildar* or sub-collector of revenue who was invested with petty magisterial powers and in education and status was decidedly superior to the average *thanadar* (police-station officer). The revenue was paid into the *tahsil* treasuries; and through the *tahsildars* the district officer was kept in constant touch with rural affairs. Subordinate to the *tahsildars* were *kanungos*, travelling inspectors of the registers kept up by *patwaris* (village accountants). The energy and practical ability which were necessary qualities for a good district officer were essential also for a good *tahsildar*.

"The magistrate", says Campbell, "may be considered the delegate of the ruling powers of the government, the collector its agent in everything that concerns its own interests and the interests of those connected with it in the land; but the two duties are intimately connected, and the functions materially assist and affect one another."

A magistrate-and-collector was kept in check by a liberal, widely understood, and freely exercised power of appeal from his decisions. He was in all executive and revenue matters subordinate to his commissioner and was liable to see his judicial decisions in criminal cases upset by the sessions judge. Yet in fact he possessed great influence and powers of initiative, and to the people he represented the one embodied authority whom they could easily and frequently approach.

In most Bengal districts, however, during the twenty years which preceded the Mutiny there was no such representative of the government possessed, by virtue of his office, of pre-eminent power and responsibility. It was the duty, the inspiring duty, of no one servant of the Company to watch over and promote the general welfare, from every point of view, of the people committed to his charge. And as one legacy of the Permanent Settlement was the payment of all revenue into the district headquarters treasury, and another was a complete absence of any attempt to register either the tenures and the holdings of cultivators or any changes in the ownership of land, no Bengal collector enjoyed the assistance of *tahsildars*[1] or of any subordinate revenue staff. All orders from headquarters to outlying parts of the district travelled through the corrupt and oppressive police. These administrative shortcomings, and the long years which elapsed before Bengal became the sole charge of a whole-time governor, combined with other consequences of the Permanent Settlement and a wide lack of communications to bear hardly on rural populations.

The government of Cornwallis had recognised its duty "to protect all classes of people and more particularly those who from their

[1] *Tahsildars* were abolished in Bengal, Bihar and Orissa in 1802.

situation are most helpless".[1] It had reserved power to enact such regulations as might be thought "necessary for the protection and welfare of the dependent 'talukdars' (sub-proprietors), ryots (tenants) and other cultivators of the soil". It had ordered that zamindars should give their tenants written leases and that village accountants should keep the accounts of the ryots in registers. But these orders were never carried out. Subsequent governments contented themselves with facilitating collection of land revenue by enabling zamindars to employ, instead of civil suits for the recovery of arrears of rent, such summary processes as arrest, imprisonment or distraint of property. These concessions to the landlords were unaccompanied by any attempt on the part of the government to secure the rights of the tenants by registering their holdings, rents or customary privileges. At first, indeed, tenants were protected by the existence of a large culturable and uncultivated area. They were in demand. But as the country settled and population increased, competition for holdings intensified, and opportunities for rack-renting arose. Summary ejectments became frequent. If the victims appealed to the collectors they were referred to the civil courts, where they were unable to produce written leases in support of their assertions and could not refer the presiding officers to any government record of their rights and holdings. Being in every suit the weaker and the poorer party, they obtained little or no assistance from the *vakils* (pleaders), who were ready to appear for the zamindars. From the latter they received little or no generosity. Many of the big landlords had given place to new men or to proprietary communities, or had leased or mortgaged their villages to money-lending families. Expanding cultivation, rising rents, the fixed and unalterable government demand, the powerlessness of tenants in the civil courts, and the tendency of estates to split into numbers of shares, enhanced the market-value of landed property. Zamindars, lessees, sub-lessees, mortgagees, sub-mortgagees increased and multiplied. In village after village layers of middlemen interposed between the cultivators and the zamindars, who were responsible to the government for payment of revenue. All these interlopers, and the persons from whom they derived their titles, endeavoured to screw as much profit as possible from the tenants, who were squeezed, rack-rented, and driven more and more to the money-lenders. The scramble among those over him for profits from his labours tended to drive the Bengal cultivator nearer and nearer to the wall. But he was sustained by long practice in self-protection; he was favoured by the copious rainfall, the fertilising rivers and the rich soil of his province. Thus it was that in 1852 an observer noted:

> What strikes me most in any village or set of villages in a Bengal district, is the exuberant fertility of the soil, the sluttish plenty surrounding the cultivator's abode, the fruit and timber trees, and the palpable evidence against anything like famine.

[1] Regulation 1 of 1793.

Did any man ever go through a Bengali village and find himself assailed by the cry of want or famine? Was he ever told that the ryot and his family did not know where to turn for a meal; that they had no shade to shelter them, no tank to bathe in, no employment for their active limbs? That villages are not neatly laid out like a model village in an English county, that things seem to go on, year by year, in the same slovenly fashion, that there are no local improvements, and no advances in cultivation, is all very true. But considering the wretched condition of some of the Irish peasantry, or even the Scotch, and the misery experienced by hundreds in the purlieus of our great cities at home, compared with the condition of the ryots, who know neither cold nor hunger, it is high time that the outcry about the extreme unhappiness of the Bengal ryot should cease.[1]

There is often, however, in Indian villages much which does not catch the eye of a superficial observer but nevertheless gravely affects the happiness of the cultivators. It is not good for simple and illiterate peasants to be driven to distant law courts to plead for ordinary consideration, and when they have arrived at their destination, to find themselves at a serious disadvantage through the absence of registers which should record their status, their rents, the particulars of their holdings. It is not good for them to be placed at the mercy of rapacious landlords, pleaders and court underlings. It is not good for them to be expelled from their ancestral fields for no fault whatever, to see their rights ignored because a paternal government has not troubled itself to ascertain and record those rights. As long ago as 1822 Lord Hastings, in the midst of a thousand cares, found time to ponder over these things. On 1 August, 1822, his government proposed to the court of directors that a survey should be undertaken and a record of rights prepared in the permanently settled districts of Bengal "as being the only real means of defining and maintaining the rights of the ryot". But for the next thirty-seven years all that was ever done was to refer aggrieved tenants to the civil courts, where their chances of success or fair play were obviously indifferent. Surveys of districts indeed began in 1834–5, but these were not cadastral, from field to field, as were surveys in the neighbouring North-Western Provinces. In the Lower Provinces village boundaries were demarcated, and useful statistics were prepared; but nothing was done to secure the position of the cultivators. In short, the revenue system bequeathed to Bengal by Cornwallis did not conduce to the happiness or content of the people, and its defects and omissions tended to obstruct free and beneficial intercourse between district officers and the rural population of the province.

Roads were a matter of peculiar difficulty even in western Bengal, where in seasons of heavy rainfall and high floods wide tracts became sheets of water. But eastern Bengal was at all times largely a water country. Its features were thus described by the District Administration Committee of 1913–14:

Those members who have previously been unacquainted with Eastern Bengal are convinced that no one who has not travelled over its rural areas is likely to grasp

[1] Kaye's *Administration of the East India Company*, p. 194.

its difficulties. Communications are more scanty and more inefficient than in any part of India known to us. Traversed by mighty rivers, and tributary streams, visited by abundant rains, these eastern districts are mainly a water-country which yields rich harvests of rice and jute to a teeming population, partly concentrated in a few towns, but mainly scattered over a number of villages. The villages, often close to marshes or winding along the banks of some tortuous stream, generally consist of scattered homesteads, built on whatever rising ground may be available. Often the houses are hidden in thickets of bamboos, fruit-trees and undergrowth. In the rains vast tracts of the country are completely submerged; the houses, each on its own section of naturally or artificially raised land, stand up like islands in the flood; and only a few of the more important roads are out of water. Boats are the ordinary means of transit, and markets spring up on the banks of waterways. Even in the drier weather the country is intersected by streams and creeks. It is easy for wary dacoits to choose their time and prey, to effect their purpose and to disappear, leaving no tracks behind.[1]

It was long held to be doubtful whether the terms of the Permanent Settlement precluded the imposition of cesses or rates on the zamindars in order to provide means of extending elementary education and of making and maintaining roads. The zamindars themselves stoutly maintained that the levy of any such impost would be unjust and contrary to the pledges given them by the government of Cornwallis. This plea was long debated and not rejected till 1870. For years, too, the governor-general in council, hard pressed by war expenditure, failed to appreciate the importance of good roads in Bengal. Some idea of the backward state of communications may be formed from the facts that even in 1855–6 four streams on the Grand Trunk Road (from Calcutta to North-Western India) remained to be bridged, and that only then was a project for bridging the Hughli at or near Calcutta considered.[2] Sir John Strachey describes conditions existent in Bengal about 1854.

There were almost no roads, or bridges or schools, and there was no proper protection to life or property. The police was worthless, and robberies and violent crimes by gangs of armed men, which were unheard of in other provinces, were common not far from Calcutta.[3]

But a better era was dawning. Dalhousie fully appreciated the need of improved communications. He transferred the charge of public works from inefficient military boards to provincial government departments. His engineers metalled a longer mileage of roads than had been constructed by the four preceding governors-general.[4] Before he resigned office a system of trunk lines had been sketched, and the first section of the East India Railway had been opened; the modern postal system had been inaugurated; a telegraph line ran from Calcutta to Agra. Modern India had begun to take shape. Before observing the violent storm which attended its birth, we must notice certain kinds of epidemic crime which, encouraged by adminis-

[1] *Bengal District Administration Committee Report* (1913–14), p. 12.
[2] Buckland, *op. cit.* p. 29.
[3] Strachey, *India*, p. 420.
[4] Hunter, "India of the Queen". Cf. *Imperial Gazetteer*, III, 366.