CHAPTER FOUR

The Council—its constitution and office-organisation.

In this chapter we shall deal with the constitution of the Governor-General and Council and their office-organisation for transacting business.

Constitution:

During the 18th century Locke exercised a great influence in England. He regarded the separation of the executive from the legislature as a great safeguard against tyranny. In the constitution of the Governor-General and Council the British Parliament, however, did not follow this principle. Like the President and Council of the earlier regimes, the Governor-General and Council were also constituted an executive-cum-legislative body.

Earlier position:

As we have already observed, the Company's Government, even after it had become a territorial power, was mostly pragmatic in character and commercial in spirit. Thus, before the passing of the Regulating Act the number of the members of the Council was not fixed, it ordinarily varying from nine to sixteen "according to the presumed importance or extent of the business to be performed." Many of these members again accepted agencies and resided at the Company's trading centres in the districts and were not in a position to attend the meetings of the Council regularly. Further, they used to control as Councillors the very actions which they performed as agents. The results were "great laxity, much wrong-doing complete failure of justice." Then, the views of the Court of
Directors on the question as to whether the commanding officer of the army in Bengal should have a constant seat on the Council also varied from time to time. The members of the Council used to be ordinarily appointed by the Court of Directors, but in case of vacancies the President and Council could fill them generally from among the superior servants of the Company. Seniority alone, however, was not always the basis for promotion. No fixed remuneration was attached even to the office of the Governor and President, it varying from person to person. He was also often granted a Commission on the net annual revenues of the Company and also a share in the coinage duty.

The Governor and Council being thus an ineffective body, a Select Committee, much smaller in size, was instituted in 1756 to expedite matters, to cope with emergency situations and to deal with secret affairs. Though not meant to be a standing organ of the Government, in practice, however, it continued to be so. Its membership varied from three to six, and the Governor was ordinarily appointed its President. The Committee had also its own Secretariat.

The jurisdictions of the Council and the Select Committee were not properly demarcated. Over some subjects they had clearly concurrent jurisdiction. Consequently these two bodies often clashed, and the Select Committee too could not function very effectively.

In spite of the pragmatic character and lack of regularity of the Company’s administration during this period, there emerged a basic administrative principle that the civil authority was to be generally predominant over its military counterpart. This principle owed its origin to commercial character of the Company’s Government. Peace was essential for the Company to carry on its trade. So ordinarily it discouraged
military aggrandisement, and this purpose was likely to be served better if the civil Government had the last say in military matters also.

During the period under review:

Under the Regulating Act the Bengal Council was to be divested of some of its pragmatic and commercial characteristics. It was thus no longer an unwieldy body, the number of members being only five including the Governor-General. Unlike the earlier practice, this number would also not vary according to the exigencies of the situation. As we have already noted, its effectiveness as an administrative body would be greater than before.

Unlike the previous practice the Governor-General and Council were also now to receive adequate and "certain and established salaries". The Governor-General would receive £25,000 a year, and each of the members of the Council £10,000. 1 All these salaries were to be in lieu of all fees, etc. This was meant to forestall any malpractices on the part of the Governor-General and Council.

Under the Act Hastings was appointed Governor-General, and Clavering, Monson, Francis and Barwell the other four members of the Council. 2 Of these five persons Hastings and Barwell were the old servants of the Company, and the remaining three were newly appointed to the Bengal Government. Clavering was appointed second member of the Council. That means he was to succeed Hastings to the post of Governor-General, if, owing to any reason, it should fall vacant. Some balance had thus been sought to be achieved between the interests of the Company and of the Parliament in the choice of these members. The Council would get the

1. Sec. XXII.
2. Sec. X.
benefit of experience from the old servants of the Company, and the new members would bring a new outlook to bear upon the administrative affairs of the Company.

What an improvement this constitution of the Council from that of previous position was would be evident from the fact that the former Councils were all composed of merchants whose ranks were generally determined in the following way—the Governor was its first member, next to him was the Bookkeeper; the third in rank was the Warehouse-keeper; and the Customer (i.e. Collector of Customs) was the fourth.

In case of any difference of opinion, “the opinion and decision of the major part of these present” was to prevail. Only in the case of a tie, however, the Governor-General, or, in his absence, the “eldest” Councillor present would have a casting vote. The Governor-General was thus granted no discretionary authority, and when confronted with a hostile majority, he would be reduced to “a splendid cipher”. This was but the continuation of an old practice. Checking corruption and abuse of power being the main purpose of the parliamentary enactment, it was perhaps thought better that reliance should be placed more upon a collective body than upon a single individual.

The Governor-General and Council were to be appointed for a period of five years, in course of which they could be removed only by the King “upon representation made by the Court of Directors”. The term of office of the Governor-General and Council were thus made as extensive as possible, it being made co-extensive with the duration of the Act itself. Their removal would also be rendered comparatively difficult.

3. Ghosal’s Civil Service, p. 18,
4. That is why the body was called the Governor-General and Council and not the Governor-General in Council.
owing to the provision for the concurrence of two authorities. Thus the Governor-General and Council would be more or less in a secure position to execute extensive reforms contemplated by the Act. After the expiration of this period of five years the house was expected to be set in order, and the power of nominating and removing the succeeding Governor-General and Council would again devolve upon the Court of Directors. 5

In the event of a vacancy in the Council, the Court of Directors might appoint a successor subject to the King's approbation. On a vacancy occurring in the office of Governor-General it was, however, stipulated that the Councillor next in rank was to succeed "during the remainder of the term aforesaid". In such an eventuality this would reduce the chance of manoeuvering to the minimum for this important post.

Office-organisation:

The functions that the Company's Government was required to perform during the period under review must be said to be the bare minimum from the modern standard of a welfare state. Its duties might be grouped under two heads: commerce and general. The general head principally included the administration of revenue and justice including the police and the foreign relations. Education, health, constructions of roads, irrigation works, etc., which were among the essential functions of any modern state were still outside the purview of the Company's Government at that time. In this respect its nature was similar to that of the Mughal Government.

But there was a significant difference in the arrangement made by the two Governments for discharging the minimum

5. Sec. X.
functions. The Mughal Government used to appoint for the purpose a number of individual officers. But the way in which the Company’s Government would generally discharge them was by appointing Committees. These Committees not always constituted the parts of one larger whole but were used to mean a group of persons to whom some functions were ‘committed’ or entrusted. A government by committees was a distinct contribution of the British genius to the art of government, and the system was introduced into India through the instrumentality of the Company. This arrangement for transacting business had, however, family resemblance with the municipal system rather than with the portfolio system of administration.

Before we proceed to deal with the method of transacting business by the Governor-General and Council, we shall perhaps do well to point out that the both Regulating Act and the Court of Directors required the new Council to work mainly according to the pattern of its predecessor. Thus it was to strictly attend to not only the standing orders of the Company but also “to all such orders and instructions, as the Court of Directors have transmitted to the Governor and Council, or Select Committee of the said Presidency”.  

It was the custom with the Bengal Council to divide business into certain broad groups. This division was, however, somewhat clumsy and sometimes overlapping too. It used to appoint committees—each committee to transact a specified group of business although as a result of overlapping, the differentiation of functions was not always clear. These committees were again of three types: (a) The Governor-General and Council formed themselves into some committees for transacting certain groups of business, and in such cases,

the proceedings of the different committees used to be kept separate; (b) some of the members of the Council itself were at times entrusted with the management of certain specified groups of business subject to the ultimate supervision of the Governor-General and Council, and they constituted committees for these purposes and (c) committees were also formed with some of the senior servants of superior capabilities for transacting some delegated groups of business, and the proceedings of these came before the meeting of the Governor-General and Council at regular intervals. In fact, the Company's Government could be said to be one of committees—a committee at the top in the shape of the Governor-General and Council and a series of committees under them. Collective responsibility instead of individual responsibility was the rule of the order.

This mode of transacting business through committees not only facilitated the transaction of business but also facilitated correspondence with the home authorities in England and also with the Governor-General of the sister Presidencies where too often there were similar committees—committees particularly similar to those which were more important and into which generally the Governor-General and Council formed themselves. A particular committee used to correspond as far as possible with a similar committee either at home or at any of other two Presidencies.

We shall now attempt to give a description of the committees of the Bengal Government and see what were their respective functions.

Secret and Public Departments:

Originally the Governor and Council used to transact all their business in a single general department. After the Company had come to play an important role in the political life
of the country, this practice gave rise to manifold difficulties. So, on the suggestion of Graham, its secretary, the Council resolved on 3rd November, 1763, to form itself into two separate departments—Public and Secret.

The Public department was to deal with the traditional business of the Company like shipping, revenues, fortifications, accounts, appointment of servants, etc., while the Secret department would deal with matters which required secrecy like military plans and operations and transactions with the country governments. There would remain only one Secretary for both the departments. But their proceedings would be separately maintained and separately despatched to the Court of Directors. The plan came into effect from 1st January, 1764.

This order of things was not immediately disturbed after the inauguration of the new regime, though in December, 1775, the way in which business was being conducted in these two departments came under examination. John Stewart, Secretary, brought to the notice of the Governor-General and Council that work in the two departments was suffering greatly for want of experienced and efficient staff. The emoluments that the employees of these departments received were not relatively attractive and their work here was also very tedious. So the more capable of them almost always availed themselves of the next opportunity for "some more advantageous employment". The Secretary therefore proposed that the salaries of their offices should be made more attractive and should increase in gradation "from the juniors to the seniors" so that a hope of promotion would induce them "to continue in the office". 7

This memorandum on the part of the Secretary, however, failed to improve matters much. It was only natural because

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7. Bengal Public Consultations of 18th January, 1775.
the considerations of economy were uppermost in the minds of the members of the Council who only asked the Secretary to employ writers according to the exigencies of the situation. 8

For about a decade from even after the installation of the new Council in power no radical change was, however, effected in the management of the Public and the Secret departments. As before, these continued to be managed by a single Secretary, although their proceedings were kept separate. Then, in September, 1783, a step was taken to complete the separation between the two departments, each under a different Secretary. There were two reasons for effecting this separation. Firstly, due to expansion of the sphere of duties of the Council the load of business had been gradually increasing for some time past in both the departments and it was no longer possible for one Secretary to give “requisite attendance on both”. Secondly, in the other two Presidencies, the Secret department had been made completely separate from the Public department. Bengal too should therefore fall in line. 9 A greater uniformity would thus be introduced in the governmental structure of the three Indian Presidencies. This would also facilitate mutual intercourse.

Though the need for such separation was being felt for some time past, the necessary step was not taken mainly out of inertia. The resignation of Peter Anriol, Secretary to these two departments, however accelerated the course. His health had completely broken down due to overwork. So he now sought the permission of the Council to resign from his post and return to England. The question of making a new arrangement naturally came up before the Council, and it took this opportunity to execute the long-due reform by appointing two Secretaries for the two departments—Public and Secret.

8. Bengal Public Consultations of 18th January, 1775.
9. Ibid., 23rd September, 1783.
Lest the work in the two Departments should suffer, an adequate establishment was also sanctioned for each of them. The value of the establishment sanctioned for the Public Department was Rs. 6,450 and that for the Secret Department was Rs. 5,500. The expenditure to be incurred on account of the menial staff was not, however, included in these sanctioned amounts.

The functions of the Public and the Secret Departments came also to be re-defined now. The Public Department was to take “cognizance of all letters from the other provinces, not of a political nature, and from China, of all matters which regard commerce and shipping, of all private and personal applications and of all transactions with the subordinate offices of Government in their public capacity and of a public nature”. It is the last-named function of the Public Department with which we are mainly concerned here.

The functions of the Secret Department comprize “all subjects of a political nature, all the correspondences with the President and Select Committees of the other Presidencies, also with the Councils there on political affairs, all the correspondences with the Residents at foreign courts and at Benares, all transactions with foreign nations and powers and every military operation or movement of troops, which is either ordered or taken”. In this Department the Governor-General and Council dealt with the administration of criminal justice of Bengal which, according to strict law, fell within the Nawab’s domain.

William Bruere, Assistant Secretary, was appointed Secretary to the Public Department, and Edward Hay, Sub-Secretary in the Secret Department, was given the Secretaryship of the Secret Department. The records belonging to the latter Department were confidential in nature and should not, there-
fore, be exposed to "improper inspection". So it was decided that the papers of this Department should not be accommodated with those of the Public Department in the same building. 10 In respect of both personnel and accommodation the separation between these two departments thus came to be complete.

The arrangement described above was, however, to take place only after the embarkation of Auriol. In fact, it was carried into effect on and from 3rd December, 1783.

Military Department:

Along with the civil government the Regulating Act vested the Council with military powers also, and the Court of Directors issued instructions to the Council as to how it should exercise this military authority.11 Broadly speaking, this authority consisted of two parts: (i) to exercise control over the army during peace times as well as during war times, and (ii) to deal with some routine affairs like distribution of the army, alterations in the establishment of the corps, rules of promotion, pensions, expenditure, etc. The Governor-General and Council exercised the actual and ultimate power over both these aspects of the military authority.

The first part of the authority which was the military authority proper used to be exercised by the Governor-General and Council in their Secret Department. In the Military Department they were to deal with the more or less routine affairs of the army. So long these affairs were being mostly dealt with by the Governor-General and Council in the Public Department. Again, the Secret Department and the Controlling Military Committee which was constituted in 1771 used to look after a part of them. The result was that there was no

10. Bengal Public Consultations of 23rd September, 1783.
11. See pp. 50-51 ante.
systematic and compact record of these routine military affairs of the Company. The Military Department was, therefore, created in 1777 in pursuance of a proposal submitted by the Governor-General and Council on 30th October, 1776. Relevant proceedings which now lay scattered in the consultations of the other Departments would be transferred to this newly created Department. Its purpose was mainly to centralise and systematise informations.

The Town Major was appointed its Secretary and an establishment of Rs. 600 was also granted to him.

The Governor-General and Council were to meet in this Department on the first wednesday of every month and oftener, if required. Its first meeting took place on 22nd January, 1777. ²² Towards the end of the same year it, however, became the practice to dispose of business "in circulation" instead of holding meetings.

Foreign Department:

On 3rd December, 1783, i.e., on the day on which a complete separation was effected between the Secret and the Public Departments, it was also decided by the Governor-General and Council to record its proceedings regarding foreign nations in a separate branch to be known as the Foreign Department. This decision actually came into force on 10th December, 1783. The Secretary of the Secret Department which so long dealt with these affairs was entrusted with the charge of this new Department. ²³

Revenue Department:

In conformity to the age-old custom of the country the Revenue Department was to deal not only with the revenue

12. Bengal Public Consultations of 30th October, 1776. The document kept in the National Archives of India is damaged and not wholly legible.
administration proper but also with the administration of civil justice. We are not, however, concerned here with the paraphernalia of the administration of revenue. We shall only see how revenue matters used to be considered by the Governor-General and Council.

Even for some time after the acquisition of the Dewani the Company's Government here did not come forward to discharge its responsibility for the entire civil administration. Not to speak of the administration of civil justice, even the actual collection of revenue was not made by it. In 1771, a Controlling Committee of Revenue was constituted for the inspection and regulation of the Company's revenue matters. But, subject to the supervision of the Company's Government, the collection of revenue was left, till 1772, in the hands of the two Naib Dewans.

In 1772 Hastings gave effect to the resolution of the Court of Directors "to stand forth themselves in the character of Dewan". He accordingly abolished the two posts of Naib Dewans, and the revenue administration was placed under the direct control of the Governor-General and Council, who thus constituted themselves into a Board of Revenue. It remained in existence till 1781.

In 1781 in pursuance of a policy of centralising the revenue-administration, a Committee of Revenue consisting of four Covenanted servants of the Company was formed at the metropolis. It would deal with revenue matters under the immediate control of the Governor-General and Council. Though by 1781 the machineries for collecting revenue and administering civil justice had been made separate, the Governor-General and Council as usual continued to consider both the matters in the Revenue Department.
Foujdari Department:

It appears that by 1781-82 the Governor-General and Council brought into being a new committee called the Foujdari Committee. The Remembrancer of Criminal Courts was required to send to this Committee at regular intervals reports collected from the districts about the administration of criminal justice. The reports were to be marked "Foujdar.

Department of Inspection:

We shall now mention some notable departments of the Council which exercised general control and supervision over its other departments. One such department was the Department of Inspection, otherwise known as the Department of Reform. The very name of the Department indicated the nature of its work. That is to say, its aim was to effect economies in the various establishments of the Government. Consequently the audit of public accounts came to be included within its duty.

In 1766 the Select Committee first decided to form itself into a Committee of Inspection. But it did not seem to have met at all. In April, 1772, the President and Council resolved to meet as a Board of Inspection. But it seems that this resolution too was not given effect to. In May, 1773, the Council reiterated its decision. Since then it used to occasionally meet in the Public Department when its proceedings were recorded in a separate series of Public Consultations.

After the establishment of the Committee of Accounts in 1784 for auditing the Government accounts, the Department of Inspection, already in a moribund condition, was considered

superfluous, and a proposal was made to abolish this Department and transfer its records to the Committee of Accounts "at the first meeting". The proposal was, however, not carried out. An attempt was then made to rejuvenate the Department by placing it under the charge of Hay, Secretary to the Secret Department. That means that the Department of Inspection would henceforward meet in the Secret Department as a result of which it came to be known as the Secret Department of Inspection. This step was perhaps taken with a view to keeping the proceedings of the Department secret as far as possible. Large-scale reforms in the various government departments like retrenchments, reductions in allowances, etc. were to be shortly executed. Lest the contemplated measures should give rise to a hue and cry, they must not come to light before their execution.

Committee of Treasury:

Another department of general control was the Committee of Treasury. As we shall presently see, all the members of the Council used not to meet in this Committee. Properly speaking, it was a Committee of the Governor-General and Council, only two members of the Council being placed in charge of it.

The earnings of the Government were deposited in its Treasury. No part of these earnings could be spent before they were such deposited. The spending departments of the Government could then withdraw money from the Treasury as and when they were authorised by the Government. The Treasury was, so to say, the custodian of the Governmental earnings and would not issue money to any department except on such authorisation. It was, therefore, a very important official institution.

16. Secret Department of Inspection Consultations dated 27th June, 1785.
Uptil the end of the period under review the Company's Government had not succeeded in bringing into existence an unified treasury. There were three different treasuries which were handling the Company's cash: (a) the Commercial Treasury at the disposal of the Board of Trade, (b) the Khalsa Treasury under the management of the revenue authorities, and (c) the General Treasury under the direct control of the Governor-General and Council. It is with the last-named Treasury that we are concerned.

At first the President and Council themselves used to control this General Treasury. Then in 1771 a Controlling Committee of Accounts was constituted. It consisted of five members of the Council. Then the Court of Directors, in its Instrument of Instructions dated 29th March, 1774, ordered the Council to form a Committee of Treasury with the Governor-General and "such other members as you (i.e. the Council) shall appoint". All the money on the Company's account was to be secured, as usual, under three locks, and the keys were to be kept by the members of the Treasury Committee. All applications for money should be made to the Council in writing specifying "whether they have any of the Company's money in hand, and to what amount, and also the particular services to which the money applied for is intended to be appropriated". The Committee of Treasury was to prepare monthly accounts of all money received and issued by the Council. Even those members of the Council who were not of the Treasury Committee might verify the cash-balance and report their findings to the Council at large. The said accounts along with the copies of all receipts, etc. were to be transmitted to the Court of Directors at every available opportunity.

According to this direction of the Court of Directors, the Committee of Treasury was constituted of two members of the
Council, Barwell and Francis, in addition to the Governor-General. They were entrusted with the custody of all the money in the General Treasury. The Treasury itself was in charge of a Sub-Treasurer who was made immediately responsible to the Committee. Barwell and Francis were each "allowed" a shroff and a civil servant to help them in discharging their functions in this Committee.

It, however, appears that the Committee of Treasury did not last very long. Afterwards the Sub-Treasurer himself became directly responsible to the Governor-General and Council for the management of the Treasury. 17

Committee of Accounts:

The Committee of Accounts was, so to say, the watch-dog of the Government money. It saw that no unauthorised payment was made out of the Treasury.

As was the case with many other Committees and Departments, originally the President and Council themselves were responsible for the audit of the Company’s accounts. They used to exercise this function with the help of a Sub-Accountant. Then in 1771 a Controlling Committee of Accounts was formed with powers delegated by the Council. But the examination of accounts by a Committee was soon found to be not very suitable. Accordingly it was abolished, and a decision was taken that the members of the Council in its Department of Inspection would audit the accounts in rotation. The members used to do it through the Accountant General in the Civil Department and the Commissary General in the Military.

17. General Letter from Court to Bengal dated 29th March, 1774—para. 38.
Also see Banerjea’s Indian Finance in the Days of the Company, p. 58.
This practice appeared to continue up to the year 1783, when on the proposal of the Governor-General a Committee of Accounts consisting of six civil servants and a Secretary was constituted under the superintendence of a member of the Council. It was done on the ground that it was not simply possible for the members of the Board to give attention to "the various and multiplied details of the different Departments of this Government" and conduct all their business "without a delegatory authority". 18

Development under Macpherson:

Certain important reforms were carried out even in course of the interim administration of Macpherson. Direction from the Court of Directors and the policy of economy that Macpherson followed were the guiding factors behind the execution of these reforms.

The Court of Directors, in its letter to the Bengal Government dated 21st September, 1785, intimated its approval of the measure adopted in 1783 for effecting a separation between the Public and Secret Departments and directed the formation of three other boards: (1) a Military Board which was to be presided over by the Commander-in-Chief, (2) a Board of Revenue which was to be under the charge of a member of the Council, and (3) a Board of Trade which was to be similarly directed by another member of Council. The business both at home and in the other two Presidencies would also be remodelled on the same pattern. An uniformity of system throughout the Company's administration was thus visualised.

18. This Committee was, however, soon found superfluous and was abolished in 1785, as we shall see afterwards.
Effect was given to these instructions in May, 1786, and in going to do so, Macpherson expressed "satisfaction at the general line or regulation" adopted in this letter because it would greatly facilitate correspondence with the sister Presidencies as well as with the Court of Directors. 19

We shall now see how the new Boards were constituted;

(i) Military Board:

Evidently this new Board replaced the old one constituted in 1776. Unlike that body, it was now to be presided over by the Commander-in-Chief himself. While instituting this Board, the Governor-General eulogised the step now taken for the systematisation of the military affairs of all the Presidencies "on the same footing" and requested the Commander-in-Chief to form his own establishment keeping in view the need of observing economy. 20

(ii) Revenue Board:

The Committee of Revenue established in 1781 was now abolished after some hesitation, and a new body instituted. The question, however, arose as to which of the members of the Council was to be associated with it in the Presidential capacity. The Court of Directors did not "connect" the Presidentship of either the Revenue or the Commercial Department "to any particular rank in the Council". The matter, therefore, appeared to be left to the option of the members themselves or to the proposal of the Governor-General. The solution was found in a compromise of the two alternatives, and on the suggestion of the Governor-General,

19. Governor-General's minute—Bengal Revenue Consultations of 8th May, 1786.
20. Bengal Revenue Consultations of 23rd May, 1786.
decision was left to Stables and Stuart themselves to select their respective department. And, to avoid a difficulty, Stables as the senior member of the Council was given the first opportunity to choose his department. On the ground that in the letter from the Court of Directors the Revenue Board was mentioned before the Commercial Board, Stables elected to preside over the Revenue Board. 21

The Committee of Revenue was abolished on the proposal of Stables, but the four oldest members of the Committee were elected members of the new Board of Revenue. Johnson, another experienced member, was given a deliberative seat on it but without any right to vote as the Court of Directors had confined the number of members of the Board of Revenue to four only. Some new regulations were then framed to guide this body.

(iii) Commercial Board:

This body which was placed under the charge of Stuart replaced the Board of Trade and thus largely eliminated the scope of conflict between General service and Commercial service that characterised Hastings's regime. Matters relating to shipping were also to be dealt with in this Department and not in the Public, as had hitherto been done.

Bruere, Secretary to the Public Department, was entrusted with the task of conducting both the Public and Commercial correspondences keeping them separate.

The reforms described above thus introduced specilisation in the Council of Bengal.

Public and Secret Departments:

Further reforms were carried out in the Secret and Public Departments, the establishments of which sanctioned in 1783 were subsequently found to be too extensive.

Establishment Reduced:

Therefore, following an order from the Court of Directors, the Governor-General issued an order on 28th September, 1785, "for reforming the expense of the Secretary's office in the Public and Secret Departments". So far as the Secret Department was concerned, the number of Covenanted servants was reduced to (i) a Sub-Secretary, (ii) two Assistants, and (iii) two Examiners. This order was carried into immediate effect on 1st October, 1785. But certain difficulties having cropped up in the incidental arrangement, the Secretary of the Secret Department wanted advice from the Governor-General and Council on 14th November, 1785. The difficulties were sought to be met by ordering a more general re-arrangement of personnel, with reduced "pensions" for some. A vacancy in the Examiners' office was, however, filled up.

Reorganisation in the Secret Department:

An attempt was then made in May, 1786, to re-organise the functions of the Public and Secret Departments on the pattern obtaining in the other two Presidencies. Accordingly it was ordered that the military affairs belonging to the Public Department were henceforward to be managed in the Secret Department. In addition, the business so far transacted in the Foreign Department came to be managed in this Department. This largely increased the volume of business in the Secret Department. Hay, Secretary of the Department, therefore, proposed a re-arrangement of its business. On his proposal three branches were now created—Secret and Political, Secret and Foreign, Secret and Military. The business which was

22. Letter from Secretary, Secret Department, to Governor-General and Council dated 14th November, 1785—Foreign Department (Secret) Consultations of 22nd November, 1785.
23. Ibid.
so long transacted in the Secret Department began to be transacted henceforward in the Secret and Political wing. The functions hitherto discharged by the Foreign Department came to be now the functions of the Secret and Foreign wing. A part of the military business so far belonging to the Public Department became the functions of the Secret and Military wing. This military business included, among other things, all personal applications from the military personnel, all military subjects which were not of accounts or of political nature and military commissions. The plan came into force since 31st May, 1786.\(^\text{24}\)

**Military Department of Inspection:**

In addition to the Secret and Military branch of the Secretariat, which was under Hay, a Military Department of Inspection was formed in the summer of 1786, Lt. Col. Kyd acting as Secretary. Its duties as defined in a General Order of 2nd August, 1786, were to deal with all memorials laid before the Council respecting military rank, all appeals from the audit of the Commissary General, all military contracts and agencies and all correspondence with the new Military Board. The usual army returns were also in future to be submitted through this Department. The exact effect of the change was not evident.\(^\text{25}\)

Separate consultations were also started in 1785 for transactions with Fort Marlborough and Penang.

**Changes in the Departments of Financial Control:**

Under Macpherson certain significant reforms were introduced in the arrangement of providing financial control over the various Government departments. The changes thus

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\(^{25}\) Ibid., p. 49.
introduced were quite in keeping with the general policy of economy pursued by the Court of Directors and the administration of Macpherson.

In July, 1785, the Court of Directors discountenanced the idea of having a separate Committee of Accounts because it was both superfluous and expensive and asked the Governor-General and Council “to set apart at least one day a week for assembling as a Board of Inspection” and establish “an effectual check and control in every branch of expenditure” with the help of the Accountant General in the civil department and the Commissary General in the military. After abolishing the Committee of Accounts an attempt was thus sought to activate the Board of Inspection which had been generally in a state of moribund condition.

Mode of Proceeding in the Council:

When a subject came up before the Council, it used to discuss it in the appropriate Committee. Every member then started entering explicit minute upon it. These discussions would be fully recorded and officially known as ‘consultations’. Original copies of these consultations were regularly sent home. All these practices owed their origin to the fact that, before the Parliamentary intervention, the status of the Council was no better than a subordinate machinery of the Court of Directors to execute its orders. The Court must, therefore, have a full report of the views and activities of all

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The Maratha war was over by this time. So the Court of Directors expected that the Governor-General and Council would now be able to devote more time to financial matters.

27. Even the opinion of member absent from a meeting would sometimes be subjoined to the proceedings of the day.

28. Usually three copies were to be sent—General Letter from Court to Bengal dated 29th March, 1774, para. 37.
its members so that it could freely comment upon them. This also enabled the Court to get a view of all the sides of a question and form its own opinion about it. The Regulating Act virtually advocated continuation of this practice now that such proceedings of the Council when sent to the Court of Directors would help the latter to submit reports before His Majesty’s Ministers, as required by the Act. For this purpose the Bengal Government was also to send regularly consolidated reports from all the Presidencies. 29

The Company thus introduced, though under the stress of circumstances, a system of written government into India. Prior to it, the character of the Government, both under the Hindus and the Mahommedans, was more or less personal in nature, and there were hardly any written minutes of discussions of policy. In the absence of records there could be no social communication, and the rulers could have little means to maintain continuity in the matter of social co-ordination.

A basic shortcoming that arose from the very nature of the written Government of the sort introduced by the Company here was that it tended to give rise to protracted discussions and was hardly conducive to speedy decisions. The situation particularly worsened after the inauguration of the New Regime under the Regulating Act when a factional spirit came to dominate almost all its proceedings for some time at least.

Thus decisions regularly and lawfully taken at one meeting of the Council were often reversed at the next meeting. 30 Sometimes a letter which it was previously resolved by the Council to write was subsequently cancelled without the

29. Section IX.
30. See Bengal Secret Consultations of 2nd March, 1778 and of 5th March 1778 and Bengal Public Consultations of 22nd November, 1779 and of 23rd November, 1779.
consent of the signatories to it and effaced entirely from the 
Book of Consultations. 31 Another factional practice was the 
repeated refusal by either group of the Council to sign resolu-
tions, letters, contracts, etc. which were passed in the Council 
by a majority of votes but to which it did not subscribe, thus 
contravening a standing order of the Court of Directors. 32 On 
each of these issues acrimonious debates used to be held in 
successive meetings. This would seriously hamper the pro-
gress of business in the Council.

Congestion of Business:

The factional spirit pervading almost every meeting of the 
Council during the early part of the period under review, 
however, resulted in a tremendous congestion of business in it. 
The situation was graphically described by the Governor-
General in a minute. 33

".............the resolutions of Council, instead of being 
concluded merely by the opinion and decision of the major 
part, according to the strict letter of the Act of Parliament, are 
formed of proceedings and dissents, are filled with minutes 
dictated to the Secretary previous to the passing of almost 
every resolution; the length of these minutes is arbitrary, 
and however I am sensible of the delay and embarrassment 
which in a divided Council are thus occasioned, I have never 
attempted either to interfere or to limit the exercise of this 
custom. In my minute of the 21st instant I declare my 
opinion in express terms, that a member of the Board 
undoubtedly possesses that privilege of recording his senti-

31. Bengal Revenue Consultations of 29th November, 1776.
32. Bengal Secret Consultations of 19th June, 1775 and 20th June, 
1775 and Bengal Revenue Consultations of 29th November, 1776, 10th 
December, 1776, 27th December, 1776, 4th March, 1777, 4th December, 1777 
and 9th February, 1778.
33. Bengal Revenue Consultations of 30th March, 1777.
ments by minutes dictated at the Council Board. The ample opportunity of exercising this privilege which every member enjoys, will best appear from the frequent meetings of Council. The orders of the Company direct us to assemble twice every week: our records will prove that, except at the despatch of a ship I generally summon Councils five times a week; and the consultations will show how much of the four or five hours which we spend at the Board is taken up in dictating argumentative minutes to the Secretary”.

The situation was, of course, further aggravated by the convention that every member must express his opinion upon every motion before the Council. This might facilitate thorough discussions of an issue but it was not at all conducive to reaching speedy decisions. 34

Circulating Method:

A new short-cut devise was, therefore, evolved to cope with the situation. It consisted in circulating a motion to the members of the Council for recording their opinions and then reaching a decision by determining the votes of the majority but without any regular debate. This was the only practice which, though a product of the party-strife, did not terminate, with it and was found to continue till the end of our period. It lasted due to its obvious utility because it served to economise time.

Though by the end of 1776 the ‘circulating method’ had come to be an accepted mode of transacting business by the Council, it became a subject of debate towards the first half of the year 1777. Hastings brought three ready-made resolu-

34. On “delicate and uncommon” questions the opinions of the members were taken according to seniority—Hastings’s minute, Original Consultations, 1778, 14th December, No. 5.
tions before the Council and submitted them directly to the votes of the members with the expression of an opinion that as the co-operation from Clavering and Francis was not forthcoming, he should think himself "justified in choosing such measures in conjunction with the only member of the Board on whom I can rely for assistance". This provided the occasion for a controversy over the essential nature of the 'circulating method'.

Clavering gave the opinion that any resolution must arise from the debates of the whole Council, and the mode of "circulating" a question in its essential nature did not contradict it "for no member gives his vote without annexing his opinion, which goes in circulation for the information of the next member".

The minute of Francis on the subject was, however, more penetrating and analytical. The first thing he pointed out was that the determination of a question "by the majority of suffrages alone" properly belonged "to a popular assembly and in nowise to a Council of State". His second contention was that in the provision dealing with the difference of opinion among the members of the Council the Act used the words 'consultation' and 'decision' which certainly supposed debate and deliberation. It might so happen that if the opinions of all the members were heard, the decision of the Council would have been otherwise.

Both Clavering and Francis, therefore, argued that the fault lay not in the 'method of circulation' itself but in the abuse of it by Hastings.

35. Bengal Revenue Consultations of 20th March, 1777; 25th March, 1777; 26th March, 1777; 30th March, 1777; 31st March, 1777 and 1st April, 1777.
The foregoing review will show that with the process of time the office-organisation of the Council had become more and more equitable although it was still far from satisfactory. There was also evident a tendency to introduce specialisation among the members of the Council. An uniformity had sought to be increasingly introduced between the office organisation of the Bengal Government on the one hand and those of the other two Presidencies on the other.

One of the great defects of the office-organisation of the time was that though there were different Committees, there was as yet no Secretary-General to co-ordinate their work. This co-ordination used to be generally done by the Governor-General and Council themselves. Thus the Secretaries of the different Committees were required to attend the Council every week with the proceedings of their respective Committees. In this connection we should also mention that it was a sad commentary on the character of the Company's administration that it had not thought it fit to accord independent recognition to the administration of civil justice and to bring into being a separate committee to deal with it. The administration of civil justice was still being looked upon only as an accessory to the collection of revenue. The post of Secretary-General and a separate judicial department dealing with both civil and criminal justice were for the first time created by Cornwallis.

Even a cursory glance at the consultations of the Governor-General and Council in their different Committees would make it evident that they often used to exercise control over their "subordinate stations" even in minute details. This not

36. Auriol who was Secretary to the Council from August, 1775 to December, 1783 said that he used to attend the Governor-General almost daily, even Sundays not being excepted. Hastings would counter-sign all bills.—Minutes of Evidence Vol. II, pp. 2207—2210.
only curbed the initiative of the latter but also told upon the efficiency of the former. The matter has been beautifully expressed in a minute of shore delivered in the Revenue Department on 18th May, 1785. He justly said that the Council should only be "a Council of comptrol" and "should not interfere in the executive duties of subordinate stations".
CHAPTER FIVE

Civil Service

The role of civil service below the higher and managerial and policy-framing levels in the administrative set-up of the country cannot be over-emphasised. The civil servants were employed both in the central offices and in the districts for translating law into action. It is again they who would collect the necessary informations and submit them for the consideration of the Government to help it in formulating correct policies. In this double-acting process the civil servants were, so to say, the agents and arms of the Central Government. But for their unremitting labours the Government would only be a conglomerate of rules and regulations suspended in the mid-air without force or effect upon the people.

The term 'civil service' was first used by the East India Company to denote its establishment of civilian employees in India by distinguishing it from its military, maritime and ecclesiastical establishments. But the class of civil servants was by no means absent even before the advent of the Britishers in India. Here the service might be said to be created for the first time by the Maurya Emperors for the efficient administration of their Empire. It was then improved upon by the Guptas. The foundation of a Muslim administrative service was laid down by Sher Shah. Subsequently Akbar built upon this foundation. The very fact that they, from the very outset, appeared on the Indian scene in the role of conquerors and had to administer a not very hospitable alien race imparted somewhat military character to the Muslim administrative service. Every official of the Muslim Government including even a judge of canon law had to be
enrolled in the army list, and a suitable army rank was allotted to him. This feature owed its origin to the nomadic civilisation of the Mongols. The civil services of both the Hindu and the Mahommedan periods developed according to a more or less premeditated design.

But the history of the growth of the Company's civil service was somewhat different, and it had no historical connection with the country's past. Originally it was exclusively commercial in nature. It then transformed itself into a public service in a slow and haphazard way. The growth of this service amply illustrated how from small beginnings gigantic institutions could be reared.

Grades:

The service was graded from the very outset. The grades continued to have commercial nomenclature which bore testimony to the historical origin of the service. Before 1694 it appears that the Company's servants used to get their first appointment as 'apprentices'. The practice of appointing apprentices ceased from 1694. Henceforward the servants were directly appointed as 'writers' who were engaged mostly in routine-work, viz., copying letters, keeping accounts, etc.¹ At the end of five years they became 'factors'. Their allotted duties were more or less similar in nature to those of writers but on a more extensive scale. In that capacity they worked for three years. Then he rose to the rank of 'junior merchants'. After a period of three years he was promoted to the rank of 'senior mer-

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¹ Foster's John Company, P. 13.

A considerable number of persons were employed chiefly for copying minutes and papers for the Council and the Court of Directors and "for copying other necessary papers".—Deposition of Auriol—Minutes of Evidence, vol. II. p. 2205.
chants'. From this cadre appointments were made to the posts involving the highest responsibility. Thus the members of the Supreme Council, the persons engaged in the management of the higher Governmental affairs and the Chiefs of factories were all selected from among the senior merchants. In case of a vacancy, the post of Governor was also within their reach. In filling up this post seniority and merit were both taken into consideration. This grading of the Company's service remained in force till 1839, i.e., five years after the Company had ceased to be a trading concern.

New Role:

When, in course of time, the Company became a territorial power, the task of administering its territories also devolved upon its commercial servants. Merchants were converted into administrators overnight. During the period under review the Company's service was bifurcated, and a commercial service separate from the general service and entirely devoted to managing the commercial affairs of the Company was created. From now on the members of the general service had nothing to do directly with the Company's commerce. The task of administering its territories devolved exclusively upon them.

The functions of the Company's Government were then mostly elementary in character. As a result, the duties that these members of the general service were called upon to perform were not much complicated. Besides office-work they were mainly to collect revenue and administer civil justice in the districts. For a people belonging to an alien race and having no tradition and training in the fields, to discharge

these tasks was no easy affair since both the tasks required a
good amount of technical knowledge as well as an intimate
acquaintance with the manners and customs of the people.
The revenue-settlement would require, among other things,
the consideration of a multiplicity of rights and obligations
with all their local variations. And the administration of
civil justice would involve the application, to the several
disputes, of the indigenous laws, both Hindu and Mahom-
medan, which up till then were mostly uncodified.

In course of the following review we shall try to see how
far the Company’s servants could rise to the occasion and thus
meet the challenge of the situation by outgrowing their
commercial tradition.

Appointment:

The Court of Directors enjoyed the sole right of appoin-
ting the covenanted civil servants. An application for appoint-
ment to the Company’s service was to be made to the Court
of Directors which, in its turn, referred it to its Committee
of Correspondence for its consideration. The recommenda-
tion of this Committee was generally accepted by the Court of
Directors.\footnote{Appendix 4—Ninth Report, 1782.} The selected candidate was then required to
sign a covenant which embodied certain conditions of service
between himself and the Company. Hence he was called a
covenanted servant.

A writer, while executing the covenant, had also to deposit
a security of £500 for the due observance of the conditions
contained in it. As he would rise in station, the amount of
this security would also increase though the form of the
covenant remained unaltered.
At first the applications of the candidates used to be judged on their own merits. The patronage method was introduced in 1714 to guard against the entry of undesirable elements into the Company’s service. Since then the Directors had begun to look upon it as one of their privileges and had fought to maintain it. The patronage was apportioned to them according to their seniority. Some of them might sell their patronage or utilise it to procure and maintain seats in Parliament. But, on the whole, the Directors who were men of wealth and independence did a fair distribution of the patronage. After the institution of the Board of Control in 1784 the Court of Directors, out of courtesy, placed some amount of patronage at the disposal of the Board. Ordinarily the latter too did not misuse it.

This mode of appointment by patronage had sometimes resulted in the over-staffing of the administrative machinery. Under this system the emoluments attached to the posts were not always “proportioned to their importance, or the abilities required for discharging them.” 5 A restrictive policy in regard to the fresh appointment of the civil servants was, however, followed by the Court of Directors since 1782. In 1784 this policy was confirmed by the Parliament. By virtue of the 40th and 41st clauses of Pitt’s India Act the Court was prevented form making any fresh appointments until account had been received from Bengal. 6

Auxiliary aid:

Originally, however, the number of the covenanted civil servants who were sent from England was found to be not at all sufficient for the purpose. So auxiliary aid had to be called in according to the requirements of the situation. At first an attempt was made to meet this demand for additional

5. General Letter from Bengal to Court dated 5th May, 1781.  
Also see India Tracts, 1786, pp. 109-110,  
6. Aubert’s Rise and Progress, Vol. 11, pp. 41-42.
strength by requisitioning the services of military men for the performance of certain specified civil duties. But the arrangement was not found satisfactory. The materials available at hand were then harnessed. Indian and Portuguese writers began to be employed "to relieve the covenanted officers of the drudgery of the desk." Moreover, from the very start Indian gomasthas used also to be engaged on monthly wages for making purchase of goods from the interior of the country for the Company's investments.

After the acquisition of the Dewani the scope of work of the Company's servants increased greatly, and the nature of their work also underwent a qualitative change. The demand for judicial and fiscal administrations had now to be met. The available covenanted servants of Company were neither sufficient nor competent enough to perform these works. In fact, one of the reasons for Clive's reluctance to undertake the direct management of the Dewani was the alleged shortage of the Company's covenanted servants. Under the system introduced by him only the top administration was manned by the Company's covenanted servants, and the indigenous machinery was kept intact below. When Hastings was placed at the head of Bengal Government, he undertook the management of the Dewani directly through the Company's agency. With this purpose he began to pursue a more vigorous policy of Europeanising the administrative personnel of Bengal. So, Englishmen were now placed at the head of the district machineries. But they were not as yet conversant with the languages, customs, usages, etc. of the men they were to administer. For this purpose they could not but take the help of the Indians.

Those Indians did not enter into any covenant with the Company's Government and they had not yet any defined status, although some of them, particularly at the top of the
revenue-administration, were given enormous salaries obviously with a view to getting uncorrupt and efficient service from them. The uncovenanted servants were mostly recruited to meet the exigencies of a situation and ordinarily held their posts at the pleasure of their covenanted employers. But still there were certain advantages of an employment under the Government, and the alternative sources of employment were also not many. So men of superior abilities began to be increasingly attracted into the Company’s service, and tasks of greater responsibilities were entrusted to them. A subordinate service thus came into existence. The history of the rise of modern Indian middle class is largely connected with the rise of this Indian subordinate service.

The Court of Directors was not, however, favourably disposed towards the employment of uncovenanted servants in a large number and that also to high positions. This was probably because the system restricted the scope of its patronage, and such servants were also not much amenable to their control. Thus we see that in 1782 when the economic position of the Company deteriorated much and consequently the employment situation of the covenanted servants became serious, the Court of Directors categorically asked the Bengal Government not to give appointments to anyone except the covenanted servants of the Company. Accordingly, in May, 1783, an attempt was made by the Government of Bengal to make some re-adjustments in the services.

Intellectual Fitness:

We shall now see how far the covenanted servants of the Company were intellectually qualified to undertake

the new responsibility born of the acquisition of large territories.

Appointments being by patronage, education was not considered necessary by the Company for its civil servants. At first only good penmanship and, after 1682, a knowledge of commercial accounts were all the qualifications that required of a candidate for writershhip. This might be sufficient, so long as the Company was purely a commercial organisation. But surely this was not so after the Company had become a territorial power. Parliament sought to improve the moral fitness of the Company's servants, and, so far as their intellectual fitness was concerned, it left the matter where it was. In the eighteenth century England was concerned far more with the development of the Parliamentary executive than with the administrative improvements. The patronage method of making appointments was then in vogue in England too. In this respect, therefore, the Company simply followed the general practice of home. Although a civil service in the modern sense of the term had already come into being in Germany, the Company did not think it fit to take any lessons from her.

Reliance was then placed more upon imbibing the tradition of the service than upon formal education. The Company's servants started their career in the service at the young age of 16 or 17 when their minds remained very impressionable. The patronage was generally confined to a limited number of families. It was therefore expected that on reaching India a young servant would find relatives and friends here who would give him hospitality and guidance. Appointments at an early age were also necessary because it would be difficult for men somewhat advanced in age to outlive the rigours of the hostile climate of a tropical country. The transplanting of a tree is always easier when it is still young.
Ordinarily the servants got their initial appointments as copying clerks in the central offices at the Presidency town and thus became acquainted with "the routine of the service". The work in the central offices was tiresome, and their emoluments here were also paltry. So they generally took the next available opportunity to be employed in the districts where the offices were far more lucrative and their duties were also not so strenuous.¹⁰ The collection of revenues and the administration of civil justice were the two principal tasks that devolved upon them in the districts.

The informations about revenue-affairs constituted a closely guarded secret in the hands of the hereditary Indian revenue-agents like the zamindars and the kanungoes. Confronted with their opposition the servants of the Company were quite helpless. They could not make out how much to assess and in what way and from whom the revenue was to be immediately collected. Experiments after experiments were made but without much fruitful result.

Nor was their position in field of the administration of civil justice happier. In many cases their general education did not go beyond the primary stage, and they were also given no professional training. They did not possess the maturity of age, so essential for a judicial profession. Nor were they generally acquainted with languages, laws and customs of the local people. In some cases the administration of justice was only one of the many functions they were called upon to perform. It is true that there were conscientious persons among the Company's servants who refused to accept judicial posts owing to all these reasons.¹¹ But their number was small. Generally the civil servants with all their shortcomings

¹¹. Proc. of Calcutta Com. of Rev. of 6th Jan., 1780.
accepted judicial posts in an unconcerned way. Mostly their judicial duties were incidental to and followed from, their remaining associated with the revenue-administration. Recourse was, therefore, had to a back-door policy by these “judges” for solving their difficulties. Indian officers, Hindu and Muslim, were appointed with the alleged purpose of advising the “judges” on points of law. But the latter referred to them also the tasks of determining facts as well as of preparing judgments. These ready-made judgments were then delivered by the “judges” as their own. Even where there was no provision for such Indian law-officers in the officially granted establishments, they somehow managed to find money, appointed such officers and virtually delegated to them their judicial functions. 12

Such delegation of judicial functions by European servants of the Company infringed a well-known salutary English principle of delegatus non potest delegare.13 This means that the Sovereign who was the fountain of Justice might not have the same confidence in the persons to whom the judicial power was delegated as in the person or persons whom he directly entrusted with the power. As a matter of fact, the Indian officers of law often used to discharge their “judicial” functions in a most callous way and without paying due regard to the established rules of procedure. In the famous Patna Cause of 1777-79 the matter came in for sharp criticism by the Supreme Court.13

Though the actual position was thus very discouraging, a significant step was taken by the middle of the period under review to remove the long-standing handicap under which the European judges had normally to function. Halted in

12. Letter from Murshidabad Council to Governor-General and Council, dated 1st June, 1778—Bengal Revenue Consultations of 29th January, 1779.

collaboration with Wilkins translated the Code of Manu (a treatise on Hindu laws) in 1776, and Hamilton translated the Hedaya (a book on Muslim laws) in 1778. This was to enable the Company’s English servants to be intimately acquainted with the letter and spirit of the indigenous laws. As a result, they would no longer have to depend exclusively upon the Indian law officers for the determination of suits. These oriental studies got an added momentum when, no long afterwards, the four enthusiasts—Hastings, Jones, Wilkins and Halhed—founded the Asiatic Society of Bengal in Calcutta.

These were, however, all non-official endeavours and had only a limited value. No systematic attempt had so far been made on the official level to impart intellectual fitness to the Company’s servants. Some crude beginning towards the education of the Company’s servants was made only in 1790 when a writer on his arrival at Calcutta was granted a monthly allowance of Rs. 30 to hire a Munshi for taking lessons from him in Persian and other local languages. The first systematic and elaborate attempt towards this end was, however, made during the Governor-Generalship of Wellesley when the the College of Fort William was established in 1800.

Moral Fitness:

It was not enough that the civil servants were intellectually equipped to do good to the country. They should also possess the requisite will for the purpose. To a very large extent it was the problem of moral character. Servants of disciplined morals constitute the foundation of a well-regulated Government.

For England the seventeenth century was essentially a century of civil wars. The quarrels between the King and Parliament, the Royalists and the Puritans characterised this period. Later on, a Roman Catholic ascendancy was also threatened.
Under the circumstances the people of England had a special urge to leave the country, and some of them might have thus been led to accept the Company's service. Many of these servants returned home fabulously rich after some time. The advantages accruing from the Company's service thus became widely known, and "the great object" of every parent in England then became "to get his son appointed a writer to Bengal." Even before their sailing the servants thus appointed often fixed upon a period within which they expected to return with so much money. Such conception very largely determined the nature of the progeny also.

Then when the young writer at last reached the place of his appointment, he at once fell within the clutch of a banian. He threw temptations before the servant, and this worked as an additional incentive. In his speech before the House of Commons on 30th March, 1772, Clive described the banian as a fair lady to the Company's servant now that "the passion for gain is as strong as the passion for love." The clue to the banian's action would be found in the fact that he expected to reap more and more advantages as the rank of his master advanced. And the master fell an easy and willing prey to the banian's machinations because he could masquerade in his name and thus evade the Company's regulations, if necessary, in his career of rapine and plunder. Thus there was "a communication of interests between the master and the servants."

To make matters worse, the Company's servants were generally paid very meagre salaries. It is true that they were also granted certain compensatory allowances. This was done because a heavy charge for salaries was then highly disagreeable to the home authorities owing to their peculiarly commercial psychology. But in any case their total emoluments were small, and, though the salaries of the Company's servants
were increased from time to time, it was not till 1793 that the junior men at last drew a living wage. Again, of their meagre salaries the servants used to receive only one-third in India, and the rest was retained in England to be paid on retirement. By this practice the Company perhaps hoped to keep a hold over its servants. But it caused much inconvenience to the latter. They were accustomed to live a life of extravagance. So they were forced to make additional earnings in many unorthodox ways.

This, however, does not mean that they would have abstained from taking recourse to these unorthodox ways, had their total emoluments been greater. Under normal circumstances perhaps their highest ambition would have been to retire as successful merchants. But the time was an abnormal one. The opportunities before the Company's servants were great, and the age was one of low morals. In Europe the medieval view of life under which everything including economy was given a religious bias had given place to a sort of mercantilism which attached far greater importance to wealth, power and display. As we have already seen, it was mostly this mercantile way of thinking which led some of the Englishmen to accept the Company's service in this distant and tropical country. It, was, therefore, natural that the people living under the spell of this vulgar philosophy would not remain satisfied with their salaries only, however reasonable, and would run after making money, specially when the opportunities were there and riches could be had for the asking.

The following were some of the ways in which the servants of the Company generally used to earn tons of money.

(a) Private trade:

The Company's servants would engage in private trade both outwards and homewards, often to the neglect and detri-
ment of the interest of the Company itself. Attempts were made by the latter to suppress this practice by serving frequent rebukes, requiring the servants to sign penalty bonds and confiscating their goods when they were detected. But all these measures hardly produced the desired effect. A compromise was then reached. The Court of Directors drew up a list of commodities in which the Company's servants might legitimately trade on their private account while keeping reserved to the Company trade in some other commodities. Naturally the commodities reserved for the Company were productive of more profits. For its servants the temptation to trade in them was, therefore, too great to check. The bar was, therefore, honoured, as usual, more in breach than in observance. Somehow they managed to procure capital from their friends either in England or in this country and engaged in trade. The trade of the Company and its servants remained confined to the export and import of articles so long as the country government was strong.

After the decline of the country government, however, the Company's servants started engaging themselves in the inland trade also, and that free of duty on the strength of a firman of doubtful meaning granted to the Company by Mughal Emperor Furruk-Siyar in 1717. The privilege extended to the Company came to be enjoyed by its servants for their private trade too. For this purpose they did not even hesitate to forge passes known as dustucks and have recourse to oppressive acts. In exchange for some consideration, they permitted their gomasthas also to participate in this trade in their names. As a result, the interests of the Company as well as of the country traders suffered. Only the Company's servants fattened themselves like a swarm of locusts upon a rich green field. Repeated reprimands from the Court of Directors failed to dissuade its servants from engaging in this "illicit traffick."
Things came to such a pass that in 1764 the Company thought it necessary to bring out a supplementary covenant to be signed by its servants. According to the terms of this covenant they were debarred from trading in certain commodities so that they could not compete with the Company’s trade.

They were further required not to use the stock and credit of the Company for serving the interests of their private trade, and they should have all their goods duly registered. But this too failed to improve matters much.

(b) Acceptance of Presents:

Another way in which the Company’s servants used to earn easy money was to accept presents from the Indians of substantial means. This practice became particularly prominent when the Company had come to acquire some amount of political control over the country, thus enabling it to distribute favours. After the battle of Plassey the lavish compensation paid for the losses sustained at the time of the capture of the city of Calcutta and the enormous presents given by Mirzafar, the new Nawab, as a price for his elevation gave the Company’s servants a taste of blood which they could not easily forget. Since then they appeared in the role of Nawab-makers in quick succession, and they used to “sell the succession to the candidate who should bid the highest price for it.”

A new covenant forbidding the acceptance of presents of any kind whatsoever was now prescribed by the Company. It was to be signed by all its servants in India. But even then matters hardly recorded much improvement. As in the case of private trade, the new covenant was honoured more in breach than in observance. Clive during his second term of office as Governor of Bengal tried hard to enforce the terms
of the covenant but without much success, he himself being not free from the blemish.

(c) Holding Farms:

Many of the Company's servants by taking advantage of their position, would hold lands on thier accounts or on the accounts of their banians at nominal rents, although both the Court of Directors and the Council of Bengal had provided against this practice. 14

(d) Accepting posts at Indian Courts:

Again, there were unscrupulous servants who utilised their position in the Company's service as a ladder for seizing some more lucrative posts in the courts of the Indian princes, thus putting the Company at a disadvantage in its struggle for power against the latter. This practice was frowned upon by the Court of Directors in 1770, but even after that it was by no means extinct. 15

(e) Lending money:

The Company's servants used also to augment their income by lending their ill-gotten money at exorbitant rates to many of the zamindars and the princes of this country who were by nature extravagant and so often ran into debts. Such lending of money proved not only a potent source of corruption but would also bring many complications as the servants often tried to realise their money with a show of strength of the Company itself. Besides, a Company's servant would often assert the priority of his claim for the payment of his interest

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over the payment of revenue, etc. which hampered the collections of the Company’s money. This practice of lending money to the zamindars and others was forbidden by the Bengal Government as early as 1765.\footnote{16}

It was also found that at times the Company’s servants would enter into collusive arrangements with a Nawab or some such influential persons and received from them gifts and presents under the garb of interest on loans, real or nominal. In 1774 the Court of Directors was, therefore, led to order that in future no servants would have any money-dealings whatsoever with the Nawabs, zamindars, etc.\footnote{17}

The home authorities of the Company with all their commercial psychology were not quite unmindful of the necessity of improving the moral tone of their service abroad. The difficulty with them was that they had no proper local machinery to enforce the conditions of service of their employees and to penalise them for the breach of any of those conditions. The hands of most of the members at the top of the local administration were not clean, and the courts established at Calcutta on the strength of Royal Charters were manned by the Company’s servants themselves. Thus the ghost was in the very mustards with which he was to be expelled. Besides, the jurisdiction of these courts remained generally confined to the town of Calcutta, while corruptions mostly thrived in the districts.

There were, of course, provisions for the trial, in England, of the offences committed in India. But these provisions remained more or less ineffective particularly owing to the difficulties of getting witnesses there.

\footnote{16. Proceedings of Bengal Select Committee, dated 5th October, 1765.}
\footnote{17. General Letter to Bengal from Court dated 3rd August, 1774.}
During the Period under Review:

In conformity to its reformatory character the Regulating Act took steps to purify the Company's service. Thus it prevented the persons engaged either in the collection of revenue or in the administration of justice from participation in trade and forbade the persons holding military and civil office to accept presents from any "natives of Asia", the only exceptions being lawyers, medical men and chaplains.\(^{18}\) The Act further put restrictions upon practising usury by the subjects of His Majesty in the East Indies and breaking trust with the Company or defrauding it in any way.\(^{19}\) Parliament thus not only re-inforced some of the orders of the Court of Directors in regard to the purification of the Company's service but also prescribed penalties for violating any of those provisions of the Act.

Under the Regulating Act the local machineries for enforcing the service conditions of the Company's employees and the arrangement for the trial, in England, of offences committed in India were also made more perfect. Moreover, during the period under review there were certain other developments which aided this purifying process of the Act.

(1) Of the local machineries mention may first be made of the three Parliamentary nominees to the Bengal Council originally constituted under the Regulating Act. As all of them were virtually new-comers to the Company's service, they had no axes to grind and they could thus look at the corruption of the Company's servants from a disinterested viewpoint. Besides, they came to rule with a sense of mission. Since the avowed purpose of the Parliamentary intervention\(^{20}\)

\(^{18}\) Section XXIII.

\(^{19}\) Section XXX and Section XXXIII.

\(^{20}\) The Court of Directors too asked the new Courts of Bengal to make the strictest enquiry into the oppressions and abuses in the various Governments. See its General letter to Bengal dated 29th March 1774, Para. 35.
in the Company’s affairs was to reform its administrative machinery which was known to be replete with corruptions and abuses of power, they came to think that Parliament had particularly entrusted them with the task of carrying out the necessary reforms. As soon as they joined their posts, they applied themselves wholeheartedly to this task. While the two employees of the Company, Hastings and Barwell, took a comparatively lenient view of corrupt transactions, the three Parliamentary appointees showed a higher standard of public duty and took a serious view of such transactions. Their efforts for the purification of the service were noteworthy.

This clash of viewpoints between the two groups may be illustrated from one or two concrete cases. W. M. Thackeray was a member of the Dacca Provincial Council. Legally he could not engage in private trade, but in 1776 he was discovered to be the owner of a highly lucrative farm at Sylhet in the name of his banian. An explanation being demanded of him by the Governor-General and Council, he pleaded guilty to the charge and threw himself at their mercy. The Governor-General and his associate, Barwell, then wanted to brush up the matter by regarding it “more as an amiable weakness rather than a gross dereliction of duty.” The group headed by Francis, however, refused to treat the matter so lightly. Among other things, Thackeray was deprived of his Sylhet farm and of his seat on the Dacca Provincial Council. He was also made to return to England.21

21. Hunter’s Thackerays in India, p. 91.

As against Francis and his group Hastings and Barwell took lenient attitude also towards oppressions often indulged in by the Company’s servants for collecting revenue from land, procuring investments from weavers or for managing the salt contracts, their ostensible reasons being that such oppressions were necessary for the “security” of revenue and these were “sanctified by immemorial usage”.—See among other things Bengal Rev. consultations, dated 15th November, 1774; 14th December, 1774; 24th December, 1774; and 30th December, 1774.
Another test case was that of Cantoo Baboo, banian of Hastings. He held in his own name and in the name of his minor son, lucrative farms having an annual rental of over thirteen lakhs of rupees, although legally he could not do so. The three colleagues of Hastings took strong objection to it, and an unstinted support was extended to them by the Court of Directors in the matter. But the Governor-General continued to defend his banian. Similarly Hastings lent protection to Bhowani Charan Mitra, dewan of Burdwan, whose sons and other dependants came to be known to possess extensive farms.

Hastings also distributed among his favourite servants favours in the shape of contracts and increments of salaries, etc. Besides, both Hastings and Barwell were themselves accused of making some corrupt transactions in their favour. In this connection it may be mentioned that Hastings was the man of his age and represented all its virtues and vices. His method to dispose of contracts and jobs to reward friends and maintain political power differed from that of the contemporary Government of England only in degree.

(2) The establishment of the Supreme Court in Calcutta further served to restrain the corrupt practices of the Company’s servants. In fact, this Court was alleged to be established in response to the appeal of a section of the Company’s Directors for controlling their servants employed in Bengal. As against the Mayor’s Court which was manned by the Company’s servants themselves, the Judges of the Supreme Court were professional men appointed by the King from outside the Company’s service. All persons directly or indirectly in the employ of the Company and living in whatever part of the country were now brought under the jurisdiction of this Court. This would enable it to check all the nefarious activities, both overt and covert, of the Company’s servants through-
out the length and breadth of the Presidency. In fact, bills in equity were instituted in the Supreme Court against many of the covenanted servants of the Company. The bills against some of them were afterwards dropped, but others were compelled to make restitution.

(3) Even if a servant left India, he would have no respite. Because, under the Regulating Act, the arrangement for holding trials in England for offences committed in India had been much improved upon. Examination of witnesses could now be held in India by the Supreme Court, and the records of that examination would be sent to England in a specially guarded manner.\(^{22}\)

(4) In 1781 the British Parliament took another step which should go a long way towards weeding out corruption from among the Company’s servants. As the latter were not much interested in making establishments in this country, they used to send home a large part of their earnings. The amounts they used to send in this way were so great that these could not but be ill-gotten. For sending money home the servants would draw huge bills of exchange upon the Company. As a measure to check corruption the Company, therefore, fixed ceiling targets upon drawing bills of exchange upon it by its servants in England so that their incentive to earn money more and more might be curbed. The measure, however, did not prove to be of much practical value. In 1781, therefore, Parliament passed an Act which *inter alia* asked the Company not to accept any bill or bills drawn by any of their servants in the East Indies for any sum exceeding three hundred thousand pounds during one year without the previous consent of the Commissioners of His Majesty’s Treasury.\(^{23}\)

22. Section XXXV.
23. Sections XXX and XXVI, Geo. III, Cap. LXV, c. 65—A. D. 1781.
No such bill would also be payable in England without the consent of eighteen Directors.\textsuperscript{24}

Pitt’s India Act of 1784, again, required the Company’s servants to declare on oath the amount of property they had fetched from India. It also provided for the establishment of a special Court for the trial of offences committed in India.

(5) In addition to these official measures, a new development took place in the non-official field, which at least indirectly sought to put a curb on the illegal activities of the Company’s servants. It was the emergence of the daily press in Calcutta. In 1780 a daily newspaper was for the first time published from Calcutta and then till the end of the period under review as many as six other newspapers followed suit in quick succession. The public and private conduct of the Company’s servants now began to be publicised in the columns of these papers.

\textbf{Evaluation of the Measures:}

All these were salutary measures and developments, no doubt. But the stark reality was that these did not succeed in rooting out corruption from among the civil servants of the Company. In connection with the attempt of the Francis-group to purify the Company’s service we have already cited some instances of such corruption. There were many other such instances. Thus Fleetwood’s banian was a nominal farmer of Sharigan, the real farmer being the master himself. Such were the cases with Christie’s banian having farms at Banjora and Apola and with Barton’s banian having the salt-farm of Belloa. It has been observed by a competent Committee that not less than one-third of the Company’s lands in Bengal “are, or have lately been, held by the banians of the English gentlemen.”\textsuperscript{25} This practice continued to grow, and

\textsuperscript{24} Section XXVII, ibid.
\textsuperscript{25} Firminger, op. cit., pp. CCXXVI—CCXXVII.
it has been estimated that when the Permanent Settlement was introduced, about half the lands of Bengal had been usurped by such banians.

The Judicial servants too were not free from blemishes. Thus justice was reported to be sold by the Indian judges to the highest bidder and had been “let to hire” to the Englishmen.²⁶

The proofs of corruption against the Company’s servants were, however, mostly indirect. Their home remittances continued to be so huge that their sources could not but be of a shady character. In the matter of sending home remittances they could not be defeated in the battle of wits. As we have already seen, at first they adopted for the purpose the device of drawing bills of exchange upon the Company. When, as an anti-corruption measure, the Court of Directors fixed ceiling targets for drawing such bills, they mostly began investing their money in the commerce of the rival European Companies, and the French private trade in particular did brisk business in the French bills of exchange. In 1781 the British Parliament declared illegal such investments too by a legislative enactment.²⁷

But the inventive genius of the Company’s servants knew no bounds. For some years from 1780 the Governor-General and Council, owing to various reasons, were not in a position of sparing much money out of the revenues of the country for the Company’s investments. A proposal was, therefore, given to private persons to make subscription investments on their respective accounts.²⁸ The Company’s servants eagerly availed

²⁶. Letter from Impey to Weymouth, dated 26th March, 1779—Touchet Report, General App. No. 31,
²⁷. Section XXX Geo. III. Cap, LXV, C. 65.
²⁸. Secret Letter from Bengal to Court, dated 8th April, 1781.
themselves of this golden opportunity and made a ready response to the proposal. In the very first year an investment to the amount of £800,000 was thus raised. That the position in respect of corruption did not record much improvement even towards the end of the period under consideration will be evident from the fact that immediately after Cornwallis was appointed Governor-General of Bengal, he had to wage a bitter and prolonged struggle for weeding out this vice from the administration.

This, however, should not lead to minimise the importance of the measures that were taken in course of the period under review for purifying the Company's service. These were highly significant measures in the sense that under the impact of the Parliamentary intervention a serious beginning was at last made towards this end. The result could not be immediately spectacular. A process initiated thus was continued by Cornwallis. Thus we see that during the period under review although no noteworthy attempt was made to give an increasing intellectual fitness to the Company's servants to enable them to play their new role more successfully, their moral calibre was at least sought to be improved upon. The various orders of the Court of Directors backed by successive Parliamentary enactments reduced considerably the pecuniary advantages of the service. This was evident from the complaining tone of Shore that "the road to opulence grows daily narrower,"

Conditions of service:

The civil service being the agency through which the work of the Government had to be done, every attempt should be made to give it a fair deal as regards salary and other conditions of service. Dissatisfaction among the servants of the Government
could not but tell upon their efficiency. We can hardly say that the Company’s administration during the period under review passed this test with any great amount of credit.

Emoluments:

As we know, the official emoluments of the Company’s servants were generally small. And they used to indulge in various unorthodox practices to augment their incomes. The Court of Directors could not always control them.

With the passing of the Regulating Act, however, the situation underwent a radical change. The British Parliament, through this piece of legislative enactment, had debarred the members of the Company’s general service from indulging any longer in their traditional unorthodox practices. No other emoluments except their salaries were now allowable to them. On the contrary, the Court of Directors in its first Instrument of Instructions issued to the Bengal Government newly established under the Regulating Act had asked the latter to observe the “strictest economy” in the matter of fixing the salaries of the officers of the general department.\(^{29}\)

On 9th March, 1775, the Governor-General and Council issued a circular letter to their servants concerned inviting their attention to the provisions of the Regulating Act. A copy of the Act was also enclosed with the letter for perusal by the Company’s servants residing in the Mofussil who were warned by the Council that the Regulations of the Act would be put into execution “in the strictest manner.”\(^{30}\)

From almost immediately after the receipt of this circular letter representations from their servants started pouring in.

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29. General letter from Court to Bengal, dated 29th March 1774, para 16.
They pointed out many difficulties born of their living at a
great distance from the Metropolitan town. They also
emphasised the necessity of maintaining “appearances” among
the agents of foreign nations and “at the head of our own
society.” So long they had managed their affairs more or
less comfortably because they used to reap some financial
advantages from private trade. But as this was now forbidden
they wanted a compensatory increase in their salaries which
were mostly fixed in a different context. 31 In 1780 Otto Ives
who was appointed Judge of one of the recently established
district Dewani Adalats thought the salary of his office, viz,
1,200 sicca rupees per month, “so little his consideration, if
restrained from other emoluments” that for some time he
hesitated “whether he should submit to the taking of it.” 32

The dissatisfaction among the servants became all the more
intensified when they found that some of their colleagues
basking in the sunshine of official favour were given special
increments and some “over-paid” posts were specially created
to accommodate the favourites of the high-ups.

Security:

The security of tenure constituted one of the basic con-
ditions for the efficient functioning of the civil servants.
In this respect the position of the Company’s servants was not
very encouraging.

It is now an accepted principle for ensuring security in
the service-conditions of the civil servants that they must not
be dismissed by a person or persons lower in rank than the
appointing authorities, and also written proceedings must be

32. Letter from Impey to Dunning—printed in Firminger op. cit.,
Vol. 1, p. CCLXXI.
drawn against them. None of these principles was acted upon in the case of the Company's servants. The covenanted servants were all appointed by the Court of Directors, but the Bengal Council was empowered to dismiss any of them. Even in that case there was not much safeguard against their arbitrary dismissal. The servant alleged to be guilty was to be only verbally reprimanded once, twice or oftener, if the Council thought it fit to do so. If that did not reclaim him, he would be dismissed from the service and sent forthwith to England.

The position in this respect, however, improved somewhat during the period under review, at least in theory. The Council of Bengal continued to enjoy the power to dismiss the servants appointed by the Court of Directors. But it was now provided that before dismissal written charge-sheet would have to be preferred against a servant, and he should be given the reasonable opportunity to defend him. On all such occasions the Governor-General and Council were directed to proceed "with the greatest tenderness and circumspection." They were further asked to enter regularly upon their consultations all such charges along with the proceedings thereon and transmit the same to the Court of Directors.\textsuperscript{33, 34}

In practice, however, it appears that this procedure was not always followed, and there was quite a number of cases of arbitrary dismissal. The factional fight within the Council had its repercussion among the general ranks of the civil servants too, each faction having its supporters and sympathisers among them. They were patronised and punished according as the faction to which they happened to belong was in power or not.\textsuperscript{34}

\textsuperscript{33} General Letter from Court to Bengal, dated 29th March, 1774—para. 20.

\textsuperscript{34} Bengal Rev. Cons. of 11th March, 1777: and 14th March, 1777. Also see Maclean's letter to Hastings dated 10th Nov, 1776—Gleig, op. cit., Vol. II, pp. 71—91.
Besides, frequent innovations introduced in the administrative machinery sometimes spelled insecurity for the Company's servants. Thus, when the Provincial Councils were abolished, nearly 40 or 50 servants were thrown out of employment, and accommodation could not be found for all of them in other departments. A pension to the amount of Rs.
1,48,000 had to be arranged for those who were discharged.\textsuperscript{35}

There was also not much security about the emoluments of the Company's servants. These often varied with the unsteady fortunes of a commercial company. This was particularly evident during the administration of Macpherson.

As a result of protracted wars, the Company's finances had been deteriorating for the last few years. Since 1782 the Court of Directors, therefore, ceased to appoint new writers, and under the 40th and 41st clauses of Pitt's India Act the Court was precluded from making any fresh appointments until accounts had been received from Bengal. Thus, for some time at least new openings for the employment of servants were practically sealed up.

Against this background Macpherson proceeded to apply his axe of economy on the administrative machinery.\textsuperscript{36} But it was largely misplaced. There is no doubt that the administration that Macpherson inherited from Hastings suffered from some laxity, and there was much scope for economy in it. But the attempt to economise by curtailing the emoluments of the civil servants followed from a short-sighted policy and had been subjected to much criticism by no less a person than Cornwallis himself, his successor, to whom the credit of modernising the Company's service had been mainly attributed.

\textsuperscript{35} Deposition of Wright, Minutes of Evidence, vol. 7, p 1196.
\textsuperscript{36} Bengal Secret Dept. of Inspection Cons. dated 27th June, 1785.
As an economy measure Macpherson further introduced a peculiar mode of retrenchment which goes to illustrate how the security of the service was affected by the exigencies of the situation. Civil servants were now given the option to return to England "on leave of absence, with an allowance of half their allotted salaries payable in Bengal, and without forfeiture of their respective ranks in the service." They were to enjoy their leave of absence for three years on condition of their returning to the service before that period, if required to do so by the Company. In this notification hope was expressed that the servants "would ultimately have no cause to regret the temporary interference with their prospects." 37

Promotion:

The civil servants should find the way open before them to mount in the scale as experience renders them more capable of undertaking greater and greater responsibilities. This is essential to bring out the best in them.

Ordinarily there should be one principle for giving promotion to the Government servants because this would limit the scope for partiality and favouritism. From this viewpoint also the early administration of the Company was defective. Promotion was generally given according to seniority, but in some cases recourse was had to the rotation of office. The simultaneous operation of these two principles gave greater opportunities to the authorities concerned to be partial towards their favourites under the pretext of working on this principle or that as it suited their convenience. The Instrument of Instructions issued by the Court of Directors on 29th March,

1774, further confirmed both the principles, although the Regulating Act made no provision on the subject.

The period under review knew many instances when neither of these principles was observed in practice, and promotions were frankly granted in a partisan way owing to the factional spirit that pervaded the working of the Council. As a result Barwell was at one time found to openly complain that "good and zealous servants had been deprived of normal promotion".

The Court of Directors was also often guilty of promoting servants in a partial way. In fact, Covenanted servants with sufficient pull over the home authorities would often take a trip to England and bring orders for promotion to some coveted posts.

In 1784 the British Parliament, therefore, stepped in the field and sought to rectify the omission made in the Regulating Act of 1773. By a legislative enactment it now laid down one single principle—the principle of seniority—to be observed strictly by the Presidency Governments in the matter of granting promotions to their servants, unless in any particular case a Government should have sufficient reasons to act otherwise. Even in that case, the reasons for its action would have to be recorded, and these records were to be transmitted to the Court of Directors by the next available opportunity. Any promotion granted in violation of this provision of the Act would be null and void. The Company's administration was thus modernised, so far as this Parliamentary measure went.

But notwithstanding this Parliamentary legislation, "partial promotion" was not completely rooted out. A test case was

38. Para. 20.
39. Pitt's India Act, Section 42.
that of Purling. Purling was an old employee of the Company, having an unblemished record of about 20 years' service in the Revenue Department of Bengal. When the Controlling Committee of Revenue was instituted in 1785 during the Governor-Generalship of Macpherson, some of the servants junior to him were appointed members of it, and the claim of Purling was allowed to go by default on two successive occasions. No one principle was uniformly acted upon in the constitution of the Committee. Some persons were appointed on the basis of seniority, and some according to the principle of rotation of office. This was not only illogical but also illegal. Purling took his stand mainly on the relevant clause of the India Act of 1784 and submitted more than one representation to the Governor-General and Council. 40

At long last the justifiability of the claim put forward by Purling was admitted by the Council. But as his representations were "founded upon a clause in the late Regulations of Parliament" and involved "questions of a very serious nature," the matter was referred to the Advocate General for his opinion upon it. 41

Resignation:

The civil servants were required to give 12 months' notice of their intention to resign from service, and they were not suffered to "go away" before the expiration of that term. A servant's pay was discontinued as soon as he had passed beyond the Cape of Good Hope. After his resignation he would have to quit India unless he was otherwise lawfully authorised to continue here.

The foregoing review shows that the conditions in and on which the Company's servants had to work was anything but

40. Bengal Rev. Cons. of 24th May, 1775.
41. Ibid.
satisfactory. The Company wanted efficient service from its employees but would not pay the price for it. Economy was the guiding principle in determining its establishments. The Company had not yet succeeded in reconciling the one with the other. The outcome was that the efficiency and morale of its servants suffered, and the economy it enforced ultimately proved to be a false economy.

What was the net result? At the formative period of their life they had cut themselves off from the moorings of their home and had come, in search of riches, to an alien country having a different natural and social environment. Their service-conditions were also not encouraging. Many of them had hardly any finer attainments. The religious appeal had also lost its force upon their mind. So here they continued to indulge in practices which they would not perhaps think of indulging at home. Mostly they had no sufficient work to engage their time, and they devoted their ample leisure to gambling, debauchery and intemperate living, to mention a few among their many vices. The life they thus led fell far short of the standard expected of public servants. The Company, though empowered by Royal Charter, failed to enforce discipline among its servants. Its service would still have to travel a long way before attaining the status of a "noble service" which it was destined to attain in future.

But something cannot come out of nothing, and the future must necessarily develop out of the present. Thus during the period under review there were enough indications of the future possibilities of the service. By this time a core of the service had been born—a core that had acquired an adequate amount of knowledge and developed an adequate sense of responsibility and public duty so essential for successful administrators. The growth was slow but steady.
Core of the Service:

During the period under review, as has been already seen, no arrangement was made to impart intellectual fitness to the Company's servants. Surely this provided an initial handicap. But with the process of time the raw civil servants were graduating from the university of experience. One who would take pains to go through the revenue-proceedings of the period could not but be struck by the intelligent suggestions being made by some of the servants to the Governor-General and Council. Some of these suggestions were premature, no doubt, and many of them were also not accepted by the Government. But sincere labours and a genuine desire to improve the lot of the people breathed through these suggestions. In this connection it may be pointed out here that the idea of Permanent Settlement with the zamindars for which the administration of Cornwallis was to make a name afterwards emanated from some of the district officers during the period under consideration. Besides, almost all the advisers of Cornwallis were the products of this time. Shore, Grant, Stuart, Duncan, Croftes, Anderson and Charters, to name only a few, came to be the acknowledged authorities on revenue and other administrative affairs.

What again particularly characterised the period under review was that there could be found a growing number of the Company's civil servants who were no longer prepared to sacrifice the well-being of the people at the altar of the interest of the Company. As a result, the voice of justice was becoming louder and louder inside the administrative machinery of the Company. We shall establish our case by giving a few illustrations from both revenue and commercial spheres.

(1) Dacca was a prosperous weaving centre of the country wherefrom the Company used to procure a large part of its in-
vestment. The agents of the Board of Trade advanced money to the weavers of this centre against the promised supply of cloths in future and were in the habit of confining the defaulting weavers and sequestering their looms. Once as many as 169 weavers were thus confined and their looms sealed. The weavers then appealed to Rous, Chief of the Dacca Provincial Council, for relief.

Rous took the matter with Hurst, the Commercial Chief of Dacca. In reply to the representation from Rous, the Commercial Chief informed him that he would always endeavour to secure the Company's investment by attaching all the clothes which they were entitled to get by previous engagements. As against this arrogant voice of a typical power-drunk merchant Rous raised a voice of justice and righteous indignation. Among other things, he pointed out that the Commercial Chief must not seal and attach the clothes in the looms "without any formality of justice." If he was to realise the balances, he should apply to the Adalat stationed at the aurang. He further observed that the views of Hurst were "purely commercial" and he was unable to comprehend that in the present context "the interest of the Company and the interest of the country are one and the same thing."\footnote{Bengal Rev. Cons. of 19th July, 1776.}

(2) Another instance may be taken from the district of Moorley which had some salt factories under the management of Ewart. At first there was no civil court in the district, and the mahindars working in the company's salt factories were subjected to extreme oppressions. In 1780 Henckell came to be appointed Judge of the newly created Adalat for the district. With his assuming charge, the mahindars appealed to him for protection. Inspired by a sense of justice he at once extended protection to them. But the Company's Commercial
Agent at Moorley resisted this "interference." As a result, open clashes between the Judge's bailiffs and the salt subordinates continued to take place from 1781 to 1786.\(^4\)\(^3\)

A dispute also occurred between the said Judge and the Company's cloth establishments. The nature of the dispute was more or less similar, though not so violent as that with salt establishments. As against the remonstrances of the Superintendents of the Company's cloth factories he replied that he was there to see that justice was done.\(^4\)\(^4\)

As was the case with commercial profit, so also was the case with land-revenue. There were Company's servants who would not allow its claims of revenue to override those of justice. The issue was once a subject of a heated debate in the Burdwan Provincial Council.

On the receipt of a complaint from some ryots about oppressions, the Chief of the Burdwan Provincial Council issued a summons against some of the officers of the Raja of Burdwan in the midst of their collections. Against this a complaint was lodged by the Raja with the said Provincial Council. This provided the occasion for the debate. Two members of the Council, Dowall and Charters, championed the cause of the Company's revenue. The Chief and two other members of the Council, however, took "a higher opinion of the Company's Government." According to them, the collection of the Company's revenue was certainly material, but this object should not preclude "the superior consideration of rendering justice to such individuals as may be oppressed by the mode of collecting that revenue."\(^4\)\(^5\)

\(^{43}\) Bengal District Gazetteers—Khulna, p. 43.

\(^{44}\) Westland's Report on the district of Jessore, p. 71.

\(^{45}\) Bengal Rev. Cons. of 22nd January, 1779.
The ideological conflict became more and more manifest with the differentiation of the machinery for administering justice from that for collecting machinery in 1780.

In this connection it may be pointed out that the Supreme Court, as we shall see later on, also refused to put the claims of the Company's revenues before those of the people's justice. Naturally the pull of the processes of the Supreme Court was much greater than the isolated voices of some of the Company's servants. But all these incidents serve as a pointer to the direction in which the wind had begun to blow. With the Parliamentary intervention the intellectual climate of the time had definitely started to change.

Towards the end of the period under review we find that the civil servants placed at the top of the Bengal administration had also felt the impact of this change in the intellectual climate. Macpherson, after becoming the Governor-General of Bengal, delivered a highly significant minute in his attempt to reconcile the two conflicting roles of the Company—the Company as a trading concern and the Company as a ruling authority. In course of this minute he observed: "Conquest must at first have disturbed the established regulations of every country—a short time would convince the invaders that justice and equity towards the inhabitants could alone give value to the conquest. The tyrant and the conqueror might demand a greater revenue than the regular due of a Government, and they might put the individuals who were called upon to pay it to the torture for more and finally to death. But such acts would soon be found to have the same effect as killing the individual bees for their particular portions of honey." 46

The story of a group of merchants hailing from a tiny, remote island and eventually founding an empire has all the

charms of a romance about it. But no less romantic, though perhaps not so spectacular, was the story of how a private mercantile service met the historical challenge of the situation and started transforming itself into an enlightened public service mostly under the stress of circumstances.