CHAPTER VII

THE INDIAN REVOLF OF 1857–59

1. Presages of the Revolt

The rapid expansion of the British dominion in India, attended as it was by changes in the administrative system and modes of existence to which the people had been accustomed through long ages, disturbed the placid currents of Indian life and produced commotions in different parts of the country. Mention may be made, in this connection, of the Bareilly rising of A.D. 1816; the Cole outbreak of 1831–1832, and other minor risings in Chota Nagpur and Palamu; the Muslim movements like the Ferazee disturbances at Barasat (Bengal) in 1831 under the leadership of Syed Ahmad and his disciple, Meer Niser Ali or Titto Meer, and later in 1847 at Faridpur (Bengal) under the guidance of Deedoo Meer; the Moplah outbreaks in 1849, 1851, 1852, and 1855; and the Santal insurrection of 1855–1857. These risings testify to the general ferment in the British Empire in India, the last and the most severe being the Revolt of 1857–1859, which shook its mighty fabric to its very foundations.

2. Causes of the Revolt

The Revolt was the outcome of the changing conditions of the time; and its causes may be conveniently summed up under four heads—political, economic and social, religious, and military. The political causes had their origin in Dalhousie's policy of annexation, the doctrine of lapse or escheat, and the projected removal of the descendants of the Great Mughul from their ancestral palace to the Qutb, near Delhi. All this naturally gave rise to considerable uneasiness and suspicion in the minds of the old ruling princes, Muslim as well as Hindu. The annexation of Oudh, and the idea of doing away with the bedimmed splendour that still surrounded the Mughul Emperor, wounded Muslim sentiments; and the refusal to continue the pension of the ex-Peshwa, Baji Rao II, to his adopted son, Nana Sahib, agitated some Hindu minds. As a
matter of fact, some of the discontented rulers and their friends were conspiring against the Company's government even before the Revolt. The more important among them were Ahmad Ullah, an adviser of the ex-King of Oudh; Nānā Sāheb; Nānā Sāheb's nephew, Rāo Sāheb, and his retainers, Tāntiā Topi and 'Azimullah Khān; the Rāni of Jhansi; Kunwār Singh, the Rājput chief of Jagadishpur in Bihār, who had been deprived of his estates by the Board of Revenue; and Firūz Shāh, a relation of the Mughul Emperor, Bahādur Shāh.

The expropriation of some landlords by the British Government, and the growing unemployment among the followers and retainers of the dispossessed princes, gave rise to acute economic grievances and social unrest in different parts of the country. The resumption of rent-free tenures by Bentinck no doubt secured for the State increased revenue but at the same time it reduced many of the dispossessed landlords to a state of indigence. During the five years before the outbreak of the Revolt, the Inam Commission at Bombay, appointed by Lord Dalhousie to investigate the titles of landowners, confiscated some 20,000 estates in the Deccan, without considering or a moment that such a drastic measure was sure to create complications in the economic condition of the country. In Oudh especially, there prevailed terrible bitterness of feeling, particularly after Sir James Outram was succeeded as its Chief Commissioner by Coverly Jackson, a man of unsympathetic attitude and overbearing disposition. The King's stipendiaries and officials ceased to have their allowances and pensions; his capital was occupied by the new Chief Commissioner; and the disbandment of his army deprived the professional soldiers of their means of livelihood. All these converted Oudh, "the loyalty of whose inhabitants to the British had become proverbial, into a hot-bed of discontent and of intrigue". Matters were to some extent improved by the recall of Jackson and the appointment of Henry Lawrence; but discontent could not be completely allayed.

The conservative sections of the Indian population were alarmed by the rapid spread of Western civilisation in India during the closing years of the eighteenth century and the first half of the nineteenth. They saw in inventions like the railway and the telegraph, in the extension of Western education, in the abolition of practices like Sati and infanticide, in the protection of the civil rights of converts from Hinduism by the Religious Disabilities Act of 1856, in the legalisation of widow remarriage by the Hindu Widows Remarriage Act of 1856, and in the unwarranted aggressive spirit of some Christian missionaries,
attempts on the part of the Government to destroy their social polity, to westernise their land at the cost of their time-honoured customs and practices and to convert India to Christianity. The activities of the Wahhabi sect must have contributed to inflame the feelings of the Muslims.

Thus several factors generated fumes of discontent in different parts of the country, the bursting of which into a devouring flame would not, however, have been possible if the Sepoy Army had remained, as before, loyal to the Company. "In the control of the Sepoy Army lay," observes Innes "the crux of the position." But, for several reasons, the attitude of the Sepoys towards the Company had become by this time far from friendly. Frequent engagement in prolonged campaigns in distant lands, which the Sepoys disliked, had severely tried their loyalty. Some regiments of Sepoys had already mutinied on four occasions, during the thirteen years preceding the outbreak of 1857, as their demands for extra allowances for fighting in remote regions had not been met by the Company's government: the 34th N.I. in 1844, the 22nd N.I. in 1849, the 66th N.I. in 1850 and the 38th N.I. in 1852. Further, the discipline of the Sepoy Army, especially of the Bengal Division, had been rapidly deteriorating, owing largely to the defective policy of the Government which unwisely transferred able military officers from the field to political jobs and retained the rule of promotion by seniority, irrespective of any consideration of age or efficiency. General Godwin, for example, commanded in the Second Burmese War at the age of seventy. The so-called "Bengal Army" was recruited not in Bengal proper, but from high-caste men in Oudh and the North-Western Provinces. Being very sensitive about their caste privileges they were not easily amenable to discipline and also shared the general suspicion as to the westernising and Christianising policy of the Government. The feeling of discontent was intensified by Lord Canning's General Service Enlistment Act ordering all recruits to the Bengal Army to be ready for service both within and outside India. The disparity in numbers between European and Indian troops had become glaring during the recent years; thus at the time of Lord Dalhousie's departure from India, the former numbered 45,322 and the latter 233,000. The distribution of the troops was also defective. Places of strategic importance like Delhi and Allahabad were wholly held by the Sepoys; and between Calcutta and Allahabad there was only one British regiment at Dinapore near Patna. Again, England was then engaged in several extra-Indian wars like the Crimean War, the Persian War and the Chinese War, which sorely taxed her resources. A belief was engendered in the
minds of the Sepoys that England was in a critical situation and that, the British Army in India being so small, the safety of her Indian Empire depended on the Sepoys. “A consciousness of power,” wrote the Commissioner of Meerut, “had grown up in the army which could only be exorcised by mutiny, and the cry of the cartridge brought the latent spirit of revolt into action.” The introduction of the Enfield rifle, the cartridges for which were greased with animal fat, was indeed an ill-considered measure. It set the spark that enkindled the embers of discontent, which was being fanned sedulously among the army by Nānā Sāheb, the partisans of the King of Oudh, the Rāni of Jhansi and a few others. There were some grounds for the belief of the Sepoy Army that the grease was made from cow or pig fat, obnoxious to both the Hindus and the Muslims. “On this inflammable material,” writes Atchison, “the too true story of the cartridges fell as a spark on dry timber,” and the whole country from the Sutlej to the Narmadā was ablaze.

3. The Outbreak of the Revolt and Its Suppression

The first signs of unrest appeared early in 1857 at Bārrāckpore and Berhampore in Bengal; they were, however, quickly suppressed and the culprits were punished. But the Sepoys broke out into open revolt at Meerut on the 10th May, 1857, swarmed into the prisons, released their imprisoned comrades, murdered a few European officers and burnt their houses. General Hewitt, the incapable commanding officer at Meerut, although he had 2,200 European troops under him, took no steps to suppress the mutineers, who galloped the next morning to Delhi, where not a single British regiment was stationed at that time, and brought it under their control. They massacred many Europeans and destroyed their houses. Two signalers in the telegraph office, outside the city, warned the authorities in the Punjab in time by sending them a telegraphic message. Lieutenant Willoughby, the officer in charge of the magazine, defended it for a few days with his eight brave companions, but at last finding himself overwhelmed he blew it up. This caused great losses to the mutineers, who, however, soon occupied the palace and proclaimed the aged nominal king, Bahādur Shāh II, whose name still conjured up to many the vanished glories of the once mighty Mughul Empire, Emperor of Hindustān. The loss of Delhi, which had fallen into British hands as a result of much hard fighting and diplomacy, dealt a severe blow to the prestige of the British Empire.
There was a comparative respite of about three weeks, during which Sir John Lawrence, the Chief Commissioner of the Punjab, managed to keep that province tranquil. But before any attempt could be made to recover Delhi, insurrections broke out by the first week of June in almost all the upper Gangetic provinces and parts of Central India—at Nāsirābād in Rājputāna, at Bareilly in Rohilkhand, at Cawnpore, at Lucknow in Oudh, at Benares and in certain parts of Bihār. The Bihār movement under the leadership of the brave Rajput hero Kunwār Singh of Jagadishpur near Arrah was put down for the time being by William Tayler, Commissioner of the Patna Division, and Major Vincent Eyre of the Bengal Artillery in August, 1857.

But leaving Bihār after this Kunwār Singh moved from place to place outside fighting against the English and returned here again in April, 1858, to fight his last battle with them before his death on the 23rd April, 1858. There were outbreaks also in other parts of Bihār and, after the death of Kunwār Singh, his brother, Amar Singh, was the acknowledged leader of the movement in this area. The Benares outbreak was suppressed by Colonel Neill of the 1st Madras Fusiliers, who put to death all the mutineers who could be captured; and in the surrounding districts that were placed under martial law by the Governor-General, “rebels, suspects, and even disorderly boys were executed by infuriated officers and unofficial British Residents, who volunteered to serve as hangmen”. The famous fort of Allahābād, defended bravely by Captain Brasyer with a small Sikh force, was relieved on the 11th June by Neill. The mutineers became very active at Cawnpore, Delhi and Lucknow. But, fortunately for the English, the regions south of the Narmadā were not on the whole affected by the revolt though there were discontent and unrest at some places. Lord Elphinstone preserved comparative tranquillity in the Bombay Presidency, though an Indian regiment mutinied at Kolhapur, and George Lawrence was able to keep Rājputāna very quiet. The Punjab and particularly its Sikh chiefs, Gulāb Singh of Kāshmīr, and many zamindārs and Indian officers, remained loyal to the Company. Valuable services were rendered by some famous Indian rulers and statesmen, like Sindhia and his minister, Sir Dinkar Rāo, Sir Salar Jang, the minister of Hyderābād, the Begam of Bhopāl and Sir Jang Bahādur, the able minister of Nepāl, to arrest the spread of the movement. In the opinion of Innes, Sindhia’s loyalty “saved India for the British”; and Holmes, well known for his important work on the history of the Indian Mutiny, has described Sir Salar Jang as “a man whose name deserves to
be ever mentioned by Englishmen with gratitude and admiration”.

The mutineers at Cawnpore were led by Nānā Sāheb, who had been living at Bithur near Cawnpore and had proclaimed himself as Peshwā. They invested the British entrenchments, which had been hurriedly constructed, in a manner too inadequate for effective defence, by Sir Hugh Wheeler, the seventy-five-years-old commander of that station. From the 8th till the 26th of June, the invested garrison, consisting of about four hundred men capable of bearing arms and a number of women and children, defended themselves bravely in the midst of dreadful suffering and privation. They surrendered on the 27th, being given assurances of safe conduct to Allahābād. But as the deluded British garrison were leaving the place in boats, a murderous fire was opened on them at the Satichaura Ghat with the result that most of the men were massacred at the river-side, only four being able to escape. A large number of women and children were confined in a building, known as the Bibigarrh, where they were mercilessly put to death on the 15th July by Nānā’s troops and their bodies were flung into a well. Nānā has been held guilty for this massacre. He pleaded that he was not aware of it. But “until it is conclusively proved that he had no knowledge of it, he cannot be absolved of the charge of connivance and must share the obloquy and opprobrium of that shameful act”.¹ It is difficult to say definitely how far these atrocities were perpetrated as a reprisal for the repressive measures of British and Sikh soldiers at Benares and Allahābād. The results of the Cawnpore massacre were very lamentable. It aroused a burning desire for revenge in the minds of Englishmen, both in India and England, and led the Company’s troops to perpetrate acts that have left very unpleasant memories. An avenging British force under Havelock reached Cawnpore one day after the tragic incident. Neill, appointed Brigadier-General next in rank to General Havelock, arrived at Cawnpore on the 20th July. The city was occupied by the mutinous Gwalior contingent on the 27th and 28th November, but Sir Colin Campbell recovered it on the 6th December.

The recovery of Delhi, the important rallying centre of the insurgents, could not but engage the serious attention of the British Government. On the 8th June a relieving British force from Ambālā, joined by a party from Meerut, defeated a mutinous army at Badli Sari and took up a position on the famous Ridge overlooking the city of Delhi. Additional reinforcements, including

¹ S. N. Sen, Eighteen Fiftyseven, p. 169.
a number of Sikhs, were sent from the Punjab by Sir John Lawrence, under a brave officer named Nicholson, to join the British troops on the outskirts of Delhi. Nicholson frustrated an attempt of the opposing force to intercept his advance, and assisted by Sir Archdale Wilson, Baird Smith and Neville Chamberlain, delivered a vigorous assault on the mutineers. On the 14th September, the Kāshmir Gate was blown up, and the city and the palace were captured after six days' desperate fighting. Nicholson received a mortal wound. The city was sacked by British soldiers, and in the process many of its innocent male citizens were slaughtered. The famous Urdu poet, Ghalib, who was then at Delhi, mournfully wrote: "Here there is a vast ocean of blood before me, God only knows what more I have still to behold." The Bombay Telegraph reported: "All the city people found within the walls when our troops entered were bayonetted on the spot; and the number was considerable, as you may suppose when I tell you that in some houses forty or fifty persons were hiding." The titular Delhi Emperor, Bahādur Shāh II, was arrested at the tomb of Humāyūn by Lt. Hodson, a fierce cavalry officer, and his sons and a grandson surrendered to Hodson as prisoners of war. Bahādur Shāh II was deported to Rangoon, where he spent his last years in exile, till he died in 1862, at the age of eighty-seven. The princes were shot down by Hodson, who had persuaded himself that they had been guilty of murdering Englishmen and women and that they would be rescued by a mob before he could take them to a place of safety. Thus came to an end the Mughul imperial dynasty. There is no doubt that Hodson's act was "most uncalled-for". The charges against the victims were not proved by any definite evidence, nor was any attempt made by the crowd to save them. Malleson observes that "a more brutal or a more unnecessary outrage was never committed. It was a blunder as well as a crime".

At Lucknow, the revolt broke out on the 30th May, and Sir Henry Lawrence, who had succeeded Mr. Jackson as Chief Commissioner, retired at the beginning of July to the Residency, with all the Europeans and Christians and about 700 loyal sepoys, and held out there only for a few days, as he was shortly afterwards killed by the bursting of a shell. The command of the besieged garrison then fell on Brigadier Inglis, who bravely defended the place against numerous assaults until Havelock and Outram fought their way at the point of the bayonet into the Residency on the 25th September with much-needed reinforcements. General Neill died at this time at Lucknow. Inglis, Havelock and Outram could not make their way out with the besieged garrison. Their final relief
was effected by the middle of November by Sir Colin Campbell (afterwards Lord Clyde), who came from England as Commander-in-Chief of the Indian Army in August, 1857.

Sir Colin Campbell took vigorous action to suppress the risings in Oudh and Rohilkhand. With the valuable help of Jang Bahadur of Nepal, who joined him at the head of a powerful Gurkha contingent, he finally brought Lucknow under British control on the 21st March, 1858. But the Talukdars of Oudh had been infuriated by a singularly injudicious proclamation, issued by Canning at the end of March to the effect that the lands of all the Talukdars were liable to forfeiture “except those of six specifically mentioned and of others who could prove their loyalty”. They carried on a guerilla warfare. The capture of Bareilly in Rohilkhand in the month of May greatly disheartened them and they were thoroughly vanquished by the end of the year. Many of the insurgents fled across the British frontier to Nepal, to perish there miserably.

Meanwhile, the insurgents in Central India had found an able leader in Tanti Topi, a Maratha Brahmana, who with the mutinous Gwalior contingent, 20,000 strong, crossed the Jumna at Kalpi, joined the troops of Nana Sahib, and repulsed General Windham, who had been left in charge of Cawnpore. But he was defeated, and driven out, on the 6th December, 1857, by Sir Colin Campbell. Tanti Topi then joined Rani Lakshmi Bai of Jhansi and carried on a desperate fight in Central India. Meanwhile Sir Hugh Rose had been conducting successful campaigns in Bundelkhand, the southernmost centre of the rising. Marching from his base of operations at Mhow early in January, 1858, he relieved the garrison at Saugar, captured Hatgarh early in February, defeated Tanti Topi on the Betwa River, and stormed Jhansi on the 3rd April. Leaving the fort of Jhansi during the night of the 4th April, the Rani went with a few followers to Kalpi, which also was captured by the English on the 22nd May. The indomitable Rani and Tanti Topi then marched to Gwalior, and drove out Sindhia to Agra. This prince had remained loyal but his army now deserted him. Nana Sahib was proclaimed as the Peshwa. Realising the danger of a Maratha rising, Sir Hugh Rose took prompt measures to check the activities of the Rani and Tanti. He recovered Gwalior after defeating the insurgents at Morar and Kotah. The Rani of Jhansi, dressed in male attire as a sowar, died a soldier's death in one of these battles on the 17th June, 1858. Tanti Topi, chased from place to place, was given up to the English, early in April, 1859, by Man Singh, a feudatory of Sindhia, and was hanged on charges of rebellion and murder and not for complicity in the massacre of Cawnpore,
as is often stated. Nānā Sāheb was driven into the jungles of Nepāl and is said to have died there in September, 1859, according to a report of Jang Bahādur and some other reports. But various exciting tales and rumours about his return to India and also movements outside continued to be in circulation for many years. The principal leaders of the movement found their way to Nepāl. The ladies of the Peshwā’s family could spend their last days there. Begam Hazrat Mahal of Oudh also decided to stay there with her son and a small retinue. Thus ended the episode of the Revolt, and Canning proclaimed peace throughout India. Many people, both in India and England, demanded the pursuit of a “ruthless and indiscriminate policy of vengeance”. Even Nicholson spoke for legalising “the flaying alive, impalement, or burning of the murderers of the women and children at Delhi”. But Canning, uninfluenced by this clamour, judged the matter with statesman-like prudence and cool judgment, and arranged for the proper trial and punishment of those only who were really guilty. For this he was described, in derision, as “Clemency Canning”; but it must be admitted that the Governor-General’s policy was wise and expedient and he was right in opposing measures whose only effect would have been to add to the bitterness of feeling between the rulers and the ruled.

4. Causes of the Failure of the Revolt

The Revolt, though an outbreak of a formidable nature, failed owing to the defective equipment and organization of the insurgents. Firstly, their military equipment was inferior to that of the English; for example, their old muzzle-loaders were outranged by the newly invented breech-loaders of the English troops. Secondly, while many of the insurgents failed to understand the significance of contemporary scientific improvements and even dreaded them, the English fully utilised these advantages for their own benefit. Thus with control over a widespread telegraph system and postal communications, the latter were able to receive and exchange information from different parts of the country and to modify their course of action according to the needs of the situation. Thirdly, the English were fortunate enough to secure the loyalty of most of the feudatory chiefs, with the exception of the Rāni of Jhansi, the Begam of Oudh and some minor chiefs; and, as has already been pointed out, they received invaluable assistance from men like Sir Dinkar Rāo of Gwālīor, Sir Salar Jang of Hyderābād, Jang Bahādur of Nepāl, and the Sikhs. In the north-west, Dost Muḥammad remained friendly. Fourthly, the insurgents could not secure the unstinted
and universal support of the civil population in all parts of the
country, many of whom were alienated by the confusion and dis-
order which followed the risings and involved them in considerable
suffering and loss. Fifthly, there was absence of a carefully concerted
general plan or a strong central organisation for guiding the move-
ment. Lastly, there was a comparative lack of efficient leadership
among the insurgents, while the British cause was ably served by a
number of wise and brave leaders like Lawrence, Outram, Havelock,
Nicholson, Neill and Edwardes. It should also be noted that the
English by clever diplomacy succeeded in securing for themselves
the support of the Sikhs and the Pathans who had been lately their
enemies.

5. Nature and Effect of the Revolt

The Revolt was not a thoroughly organised national movement
or “a war of independence”, as James Outram, a contemporary,
believed it to have been, or as it has been represented by some
modern writers. Nor was it a mere military rising. It started as a
military outbreak, which was taken advantage of by certain dis-
contented princes and landlords, whose interests had been affected
by the new political order. The last-mentioned factor gave it in
certain areas the character of a popular rising and constituted a
menace to the British Empire for several months, particularly in
Bihar, Oudh and Rohilkhand. In fact, it gradually developed in
these areas as a “general revolt” in which sections of “the civil
population of all types and classes”, who were discontented due to
various reasons, took part and which was “the first great and direct
challenge to British rule in India on an extensive scale”. It was
never all-Indian in character, but was localised, and in certain
respects restricted and poorly organised. Only one of the three
provincial armies mutinied; and all the Indian sepoys did not rise
against the British Government. As we have already noted, im-
portant Indian princes and chiefs sided with the English; and of the
thousands of landlords, recently dispossessed of their property, only
the Tāłukdārs of Oudh actively helped the insurgents. There was
no leader of outstanding ability among the mutineers, except the
heroic figure of the Rāni of Jhansi, whom Sir Hugh Gough esteemed
as “the best and bravest military leader of the rebels”. Further, the
movement was marked by absence of cohesion and unity of
purpose among the different sections of the insurgents. Unfor-

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3 R. C. Majumdar, Sepoy Mutiny, p. 485.
tunately, it was characterised by a disregard of the rules of civilised warfare on both sides, and "was fought with peculiar savagery". If the mutineers were guilty of terrible enormities the British troops also on occasions tarnished the fair name of their country by a severity that was hardly tempered by good sense or moderation.

For more reasons than one, the Revolt marks a turning-point in the history of India. In a sense it demonstrated that the hold of the Company on India was still rather weak, and its lessons continued to influence British administration in India for several generations. "I wish," remarked the late Lord Cromer, "the young generation of the English would read, mark, learn and inwardly digest the history of the Indian Mutiny; it abounds in lessons and warnings." It directly produced three important changes in the system of administration and the policy of the Government.

Firstly, the control of the Indian Government was finally assumed by the Crown, in spite of protests from the Company. An Act for the Better Government of India was passed on the 2nd August, 1858, which provided that "India shall be governed by, and in the name of, the Sovereign through one of the principal Secretaries of State, assisted by a council of fifteen members". At the same time the Governor-General received the new title of Viceroy. This was, however, "rather a formal than a substantial change", because the Crown had been steadily increasing its control over the affairs of the Company since the latter had become a territorial power in India, and the actual control had been exercised so long by the President of the Board of Control, who was a Minister of the Crown. The Directors had functioned as a mere advisory council.

The assumption of the government of India by the Sovereign of Great Britain was announced by Lord Canning at a darbār at Allahābād in a Proclamation issued on 1st November, 1858, in the name of the Queen. The Queen's Proclamation, described as the Magna Charta of the Indian people, confirmed the treaties and engagements of the East India Company with the Indian princes; promised to respect the rights, dignity and honour of the native princes and to pay due regard to the ancient rights, usages and customs of India; disclaimed all desire for the extension of British territorial possessions in India through "encroachment on those of others"; granted a general amnesty to "all offenders, save and except those who have been, and shall be convicted of having directly taken part in the murder of British subjects"; proclaimed
a policy of justice, benevolence and religious toleration, enjoining the Government to “abstain from all interference with the religious belief or worship” of the subjects; and declared that all “of whatever race or creed, may be freely and impartially admitted to offices in our service, the duties of which they may be qualified, by their education, ability and integrity, duly to discharge”.

Secondly, the army, which took the initiative in the outbreak, was thoroughly reorganised; and, for the next fifty years, “the idea of division and counterpoise” dominated British military policy in India. The Presidency armies were kept entirely separate till 1893; the European element in them was strengthened, and placed in sole charge of some essential services; and the number of European soldiers was increased. The Commission on Indian Army Organisation of 1879 observed: “The lessons taught by the Mutiny have led to the maintenance of two great principles, of retaining in the country an irresistible force of British troops and keeping the artillery in the hands of Europeans.”

Thirdly, the British Government now took up a new attitude towards the Indian States. These States had henceforth to recognise the paramountcy of the British Crown and were to be considered as parts of a single charge.

One indirect effect of the Revolt is clearly seen in the birth and rise of extremism in Indian politics. The excesses of the movement engendered a feeling of hostility in the minds of some Indians as well as some Englishmen in India, which, being aggravated by the growing racial discrimination between the two, has been influencing political thought and administrative policy in India in modern times. Russell, the Times Correspondent in India, rightly observed in his Diary that “the mutinies have produced too much hatred and ill-feeling between the two races to render any mere change of the rulers a remedy for the evils which affect India, of which those angry sentiments are the most serious exposition. . . . Many years must elapse ere the evil passions excited by these disturbances expire; perhaps confidence will never be restored; and, if so, our reign in India will be maintained at the cost of suffering which it is fearful to contemplate”.
CHAPTER VIII

ADMINISTRATIVE ORGANISATION UP TO THE REVOLT

1. The Central Administration

The virtual acquisition of the kingdom of Bengal by the East India Company raised important problems. Could a private corporation be allowed to rule over vast territories without any supervision of Parliament? Was a constitution designed for carrying on trade and commerce equally suitable for the administration of an oriental Empire? These were the questions that agitated politicians and statesmen in England. They were made party issues in Parliament and were also further complicated by the personal interests which were bound up with them. It is beyond the scope of the present work to trace the history of this interesting problem and its effect upon the parliamentary history of England. Suffice it to say that after a great deal of discussion, frequently characterised by vehement denunciations and personal recriminations, Parliament appointed a Select Committee and a Secret Committee, and at last in 1773 passed the famous Regulating Act which introduced Parliamentary supervision over the Company and modified its constitution both in England and in India.

The Act restricted the power of vote in the Court of Proprietors by raising the qualification for the same from £500 to £1,000. The twenty-four Directors, who had been hitherto elected each year, were henceforth to be elected for four years, one fourth of their number retiring each year.

The Act provided that "the Directors should lay before the Treasury all correspondence from India dealing with the revenues; and before a Secretary of State everything dealing with civil or military administration". Thus the first definite step was taken for providing Parliamentary control over the affairs of the Company. By a Supplementary Act, passed in 1781, all dispatches proposed to be sent to India were to be shown to a Secretary of State.

As regards the administration in India, the main provisions of the Act were as follows:

The Government of Bengal was vested in a Governor-General and a Council of four members. The votes of the majority were
to prevail, the President having a casting vote in case of equality of votes. The first Governor-General, Warren Hastings, and the Councillors, Clavering, Monson, Barwell and Philip Francis, were named in the Act and appointed for five years (the term was further extended by Supplementary Acts). Their successors were to be appointed by the Company. The Governor-General in Council could control the subordinate Presidencies of Bombay and Madras in matters relating to war and peace. Further, the Act authorised the Crown to establish, by royal charter, a Supreme Court of Justice consisting of a Chief Justice and three puisne judges.

The Regulating Act was in force from 1773 to 1784 and thus covered almost the entire administration of Warren Hastings as Governor-General. The effects of the Act may, therefore, be best studied in detail in the events of that period. In general, it may be remarked that the Act broke down almost as soon as it was put to a practical test. The subordination of the Governor-General to a majority of the Council introduced weakness and vacillation in the Central Government, which might have proved fatal to British rule in India. The supervision over subordinate Presidencies was an extremely difficult task, and its impracticable character was demonstrated by the events of the First Anglo-Marāṭha War. The establishment of the Supreme Court led to endless complications as its jurisdiction was not properly defined, and it naturally came into conflict with the existing courts of law. In England also the ministerial control over the actions of the Directors proved illusory in many notable instances. The whole position has been beautifully summed up in the following sentence:

"It had neither given the State a definite control over the Company, nor the directors a definite control over their servants, nor the Governor-General a definite control over his Council, nor the Calcutta Presidency a definite control over Madras and Bombay."

Immediately after the inauguration of the new regime on 26th October, 1774, Warren Hastings was confronted with the opposition of the majority in his Council. The attitude of the new Councillors was far from friendly from the beginning, and they attacked the Governor-General's policy on various points. Francis, who came to India with a preconceived notion that the administration was honeycombed with abuses and needed radical reforms, was the leading spirit of the opposition against the Governor-General. The virulent and persistent attacks of the Councillors made Hastings powerless in his Council for a few years till the death of Monson on 25th September, 1777, and severely
affected his prestige, with the result that charges of bribery and defalcation were brought against him by his enemies.

This is strikingly illustrated by the case of Nanda Kumār, a Brāhmaṇa of high rank, who had held an important position in the Nawāb’s Government (p. 653). On 11th March, 1775, Nanda Kumār, whom Hastings had offended by depriving him of his house and by showing special favour to his foe, Mohan Prasād, the executor of an Indian banker, charged Hastings with taking presents, worth many lacs, among them Rs. 354,105 from Muny Begam, the widow of Mir Jāfar, for placing her in control of the Nawāb’s household. It is very difficult to say definitely whether the charges were true. Hastings unwisely refused to meet the charges and to be put on trial before his Council, with one as prosecutor whom he detested most and considered to be “the basest of mankind”. But the Councillors, full of suspicion and dislike for the Governor-General, concluded that the charges against him were true and that he should pay the money into the Company’s treasury. In 1776 the law officers of the Company in England declared that these charges, even on the ex parte case before them, were false.

Meanwhile, in the month of May, 1775, Mohan Prasād charged Nanda Kumār with forgery in connection with a will executed five years before. He was tried by the Supreme Court and a jury, found guilty, sentenced to death and hanged.

There is no doubt that Nanda Kumār did not receive a fair trial and there was a “miscarriage of justice” at least in respect of the capital punishment inflicted on him. Sir James Stephen states that “if he had to depend upon the evidence called for the prosecution, he would not have convicted the prisoner”. Again the jurisdiction of the Supreme Court over the indigenous population was doubtful, and the fact is that “the English law making forgery a capital crime was not operative in India till many years after Nanda Kumār’s alleged forgery had been committed”. Further, the judges took the unusual course of themselves cross-examining the defence witnesses “and that somewhat severely”.

It is sometimes said that the execution of Nanda Kumār “was a judicial murder”. It was openly asserted by some at that time that Mohan Prasād was a creature of Hastings, who influenced the judicial decision against the accused. Nanda Kumār wrote to Clavering that he was the victim of a conspiracy between the Governor-General-in-Council and the Supreme Court. But it should be noted that Impey was not the only judge who tried the case and there were also his colleagues and the jury; and that there is no positive evidence to prove Hastings’ conspiracy with Impey, with
whom he was not always on good terms. The conduct of the Council in not trying to save Nanda Kumār seems to be rather mysterious. Francis suggested the idea of appealing for a reprieve, but it was opposed by Clavering and Monson. "It casts," observes Roberts, "the darkest and most sinister shadow over the reputation of the men who used him for their own purpose and then callously and contumuously flung him to the wolves."

In the course of a few years the glaring defects of the Regulating Act became apparent, and fresh attempts were made to devise suitable remedies. The matter was brought to a head in 1783, when the Company was obliged to approach Parliament for financial relief. Burke only voiced the general opinion when he claimed that the relief and reformation of the Company must go together.

The first proposal for reform advocated by Dundas came to nothing. The Bill introduced by Fox was passed in the House of Commons after a long and acrimonious debate, but was defeated in the Lords mainly as a result of the intervention of King George III. Pitt succeeded Fox and introduced a new Bill in January, 1784, and it was passed in August of the same year.

Pitt's India Act established six "Commissioners for the affairs of India", viz. a Secretary of State, the Chancellor of the Exchequer and four Privy Councillors appointed by the King. The body, known popularly as the Board of Control, was to exercise an effective supervision over the Board of Directors. They had access to all the papers of the Company and no dispatches other than those that were purely commercial could be sent without their approval. The power of the Court of Proprietors was considerably reduced, as they could not annul or suspend any resolution of the Board of Directors which was approved by the Commissioners. These Commissioners were also empowered to send urgent or secret orders through a Secret Committee of the Directors, the approval of the latter being of course a mere formality. The supreme authority thus passed into the hands of the Commissioners, and the Directors retained only their patronage, viz. the right to appoint and dismiss their own servants.

Important changes were at the same time introduced in the Indian administration. The members of the Governor-General's Council were reduced to three and only the covenanted servants of the Company were made eligible for these posts. The control of the Governor-General in Council over the Presidencies of Madras and Bombay was clearly defined and rendered more effective. By a supplementary Bill, passed in 1786, the Governor-General was
authorised in special cases to act against the majority of the Council, and also to hold the office of Commander-in-Chief.

The constitution set up by Pitt's India Act did not undergo any fundamental change during the existence of the Company's rule in India. We may therefore pass in rapid review the minor changes that occurred between 1786 and 1858. It may be noted that legislative changes during this period were always associated with the renewal of the Company's Charter in 1793, 1813, 1833 and 1853.

As regards the Home Government, the most notable changes were in regard to the Board of Control. Its powers were gradually concentrated in the hands of the President, who thereby virtually became the Cabinet Minister for India.

The Charter Act of 1813 abolished the monopoly of the Company's Indian trade and laid down "the undoubted sovereignty of the Crown" in and over the possessions of the East India Company. The Charter Act of 1833 abolished the trading activities of the Company and henceforth it became a purely administrative body under the Crown.

In India, the powers of the Governor-General over the subordinate Presidencies were further enlarged by the Charter Act of 1793, which enabled him to proceed in person to Madras and Bombay and exercise the same authority over their administration as in Bengal. The Charter Act of 1833 not only gave the Governor-General and Council the superintendence, direction and control over the subordinate Presidencies, but also took away from the latter all powers of making laws, and concentrated all legislative authority in the former. Henceforth, with certain necessary exceptions, the Governor-General and Council could make laws and regulations for all persons, whether British or Indian, and for all courts of justice, whether established by His Majesty's charters or otherwise.

In order to enable the Council to discharge these important functions efficiently, a new member with expert knowledge of law was added to it. The Law Member must not be a servant of the Company and could speak and vote only at meetings of the Council which discussed legislative business.

In order to emphasise the superior role which the Governor-General and Council would play over all the Company's possessions in India, the supreme authority in the country was henceforth designated as the Governor-General of India in Council. The Governor-General in Council also constituted the Government of Bengal, and the Act permitted a member of the Council to be appointed Deputy-Governor of the Province.
The Charter Act of 1853 introduced further changes. The number of Directors was reduced to eighteen, of whom three (later six) were to be appointed by the Crown. It took away from them the power of patronage by instituting an open competitive examination for the recruitment of civil servants. The salary of the President of the Board of Control was made equal to that of a Secretary of State, and the approval of the Crown was necessary for all appointments of Councillors, both central and provincial.

As regards the Government of India, the most important changes concerned its legislative function. The Law Member was made an ordinary member of the Governor-General’s Council and no law could be enacted without the assent of the Governor-General. The Council itself was enlarged for legislative purposes by the addition of six new members, called "legislative councillors". These included four nominees of the four provincial Governments (Bengal, Bombay, Madras and the North-Western Provinces) and the Chief Justice and a puisne Judge of the Supreme Court. The nominated members must be civil servants of at least ten years’ standing. A Law Commission was appointed in London for the codification of Indian laws, and it ultimately led to the enactment of the Penal Code, the Criminal Procedure Code, and the Civil Procedure Code.

The changes made by the successive Charter Acts merely sought to carry to its logical conclusion the process that had been begun by North’s Regulating Act and Pitt’s India Act, viz. gradual transference of power and authority from the Company to the Crown. The relation between the two was, throughout this period, a complicated one, and depended to a large extent upon the personality of the President of the Board and his influence with the Cabinet. In addition to initiative, direction and control, a strong President could coerce the Directors into submission in almost every matter, but the latter always possessed, to a large extent, the power of resisting and putting obstacles in his way. The right of recalling the Governor-General was always an important instrument in their hands, and no President would lightly risk their determined hostility and desperate resistance. But the inevitable chain of events pointed to the extinction of the Company as the only logical end. After the Charter Act of 1833 the main privilege and justification for the existence of the Company was the appointment of civil servants—a powerful patronage which could hardly be transferred to the Cabinet without danger to British democracy. With the institution of competitive examination for the recruitment of civil servants, this last vestige of effective
power was gone, and the way was made clear for the abolition of the Company and the transfer of its powers to the Crown. This end was already visualised by many and must have shortly been realised in the ordinary course even if the Revolt had not suddenly brought it about in an abrupt manner.

2. Provincial Administration

Bengal, the First Phase (1765–1793)

Although the Company was granted the Diwānī of Bengal, Bihār and Orissa in 1765, the actual collection of revenue was left till 1772 in the hands of two Nāib-Diwāns, Muhammad Rezā Khān in Bengal and Shītab Rāy in Bihār. Out of the revenues collected, the Company had to pay twenty-six lacs to the Emperor, as stipulated in the Treaty of Allāhābād; and thirty-two lacs (originally fifty-three lacs) to the Nawāb of Bengal for the expenses of the administration, retaining the surplus for their own use. This is the famous system of Dual Government associated with the name of Clive.

The result of this system was disastrous both to the Company as well as to the people of Bengal, while the servants of the Company and the Nāib-Diwāns amassed great wealth. The Company’s authorities at home were fully alive to the abuses of the system and in 1772 appointed Hastings Governor of Bengal with full powers to reform the administration.

Hastings abolished the Dual Government and carried into effect the declared policy of the Company to “stand forth as the Diwān”. In reality, however, he did much more than simply exercise the powers of the Diwān, i.e. collection of revenue by his own agents. He made the Company responsible for almost the entire civil administration of the province.

He abolished the posts of the Nāib-Diwāns and removed the treasury to Calcutta. The minority of the Nawāb made the transition easy. He appointed, as the guardian of the Nawāb, Muny Begam, originally a dancing girl, on whom he could fully rely. The annual allowance of the Nawāb was at the same time reduced to sixteen lacs. These and similar other measures transferred the real power and authority in the administration from the hands of the Nawāb to those of the Company, and Calcutta became henceforth the real seat of government instead of Murshidābād.

After thus having assumed the powers of government, Hastings set himself to evolve a system of administration. The task, however,
proved a most formidable one. The administrative machinery of the Company, so long intended solely for commercial pursuits, had to be adjusted to an altogether different purpose, and the hopeless fabric of the Nawâb’s Government could scarcely supply any solid foundation for a new structure. Besides, the morale of the Company’s Indian servants was very low, and a tradition of public service had yet to be built up. The ignorance of the language of the people and of their laws, manners and customs added to the difficulty of the task. No wonder, therefore, that the British authorities in Bengal had to pass through long and weary processes and to engage in tedious and bitter experiments in order to find a solution to the stupendous problems that confronted them. The twenty years (1772–1793) that covered the administration of Hastings and Cornwallis may be regarded as the first eventful chapter in the history of Indo-British administration in Bengal. After numerous experiments, some definite principles were formulated towards the close of this period, and they formed the foundation of the mighty structure of the British-Indian administration which we see around us to-day. It would be convenient, therefore, to begin with this period and study the gradual evolution of this administrative system, mainly under the two heads, the administration of revenue and the administration of justice.

A. The Administration of Revenue

The main sources of revenue at this period were:

(a) Land-revenue
(b) Monopoly of salt and opium trade
and (c) Customs, tolls, excise, etc., called Sair.

Of these the first was undoubtedly the most important and demands our chief attention. As already noted above, the land-revenue was collected up to 1772 by the two Nâib-Diwâns. This was almost inevitable at the beginning, as the British entirely lacked the knowledge of revenue matters. In order to remove this deficiency “supervisors” were appointed to study the method of collecting the revenue and obtain a knowledge of the local customs and usages in this respect. The requisite knowledge was, however, confined to the zamindârs, who collected the revenues from the ryots, and the Qâningoes or officers in charge of records. None of these were willing to communicate the information to the British officials and so the appointment of supervisors bore but little fruit.
In 1772 the posts of the Nāib-Diwāns were abolished and the revenue administration was placed under the direct control of the Governor and Council, who thus formed a Board of Revenue. The lands were farmed out by public auction and the assessment was made for a period of five years. A Collector and an Indian Diwān were appointed in each district to supervise the revenue administration.

The result of the system was disastrous from every point of view. Unprincipled speculators made rash bids and succeeded in ousting the zamindārs in most cases, but they soon found themselves unable to collect the stipulated revenue. Having no permanent interest in the land, they oppressed the ryots in order to exact as much as possible during the period of their tenure. In spite of this, they were heavily in arrears and were imprisoned by the Collectors for failure to make the stipulated payment. Thus the zamindārs, farmers and ryots all suffered, while the Company also incurred serious losses.

In 1773 a new experiment was tried. A Committee of Revenue, consisting of two members of the Board and three senior servants of the Company, was established in Calcutta. The post of the European Collector was abolished, and the revenue administration of each district was placed under an Indian Diwān. Six Provincial Councils were established, and arrangements were made for occasional inspection by special Commissioners.

The change did not improve matters much, so that when the five years' settlement expired the Company adopted the method of annual assessment by public auction, but special instructions were issued to the Provincial Councils to give preference to the zamindārs in making these annual settlements of land revenue.

In 1781 a new plan was adopted for the administration of revenue. The essence of the new plan was to centralise the whole business of revenue collection in Calcutta. A new Committee of Revenue was set up, consisting of four members assisted by a Diwān. The Provincial Councils were abolished, and although European Collectors were reappointed in each district, they had no real powers and were merely figureheads.

The scheme suffered from all the evils and abuses of over-centralisation and soon broke down. In 1786 a rational scheme was adopted. Districts were now organised into regular fiscal units, and the Collector in each district was made responsible for settling the revenue and collecting it. At first the whole province was divided into thirty-five districts, but in 1787 the number was reduced to twenty-three. The Committee of Revenue was now reconstituted as a Board of Revenue with a member of the Council
as its President. The duties of the Board were clearly defined and consisted mainly in "controlling and advising the collectors and sanctioning their settlement". A new officer, Chief Sheristādār, was appointed to deal with the detailed records of land-tenure and land-revenue, so that the requisite knowledge might be available to the Government, instead of remaining a secret monopoly of the Qānūngoes.

The system of annual settlement continued till the beginning of A.D. 1790. It was obviously a temporary expedient and recognised as such, but had to be continued as the requisite data had to be collected before embarking upon a system of a more permanent character. The problem was further complicated by the varying theories about the ownership of land. The policy of "assessment for ever", which was the central point in the Permanent Settlement of Bengal, introduced in 1793, had been "vaguely anticipated" by some junior officers of the Company between 1765 and 1793, viz. by Alexander Dow in 1770, by Henry Pattullo two years later, and by Philip Francis in 1776. This idea was present in Pitt's India Act of 1784; during the end of the decade Thomas Law accepted it for his mukatāri settlements in Bihar, and it received legal sanction in Cornwallis' rules for Decennial Settlement in 1789–90.1

The different views on this subject were crystallised into the opposing theories of Grant and Shore, two senior servants of the Company, who had specially applied themselves to the thorny question of land-revenue. Shore maintained that the zamindārs were the proprietors of the land and were only liable to pay a customary revenue to the Government. Grant, on the other hand, was of opinion that the proprietary right of the land was vested in the Government, and they had unrestricted rights to make settlements with anybody, zamindār or farmer, on any terms they liked. The authorities in England adopted Shore's views, and accordingly instructed Cornwallis to make settlement with the zamindārs, as far as practicable. The settlement was to be made at first for a period of ten years only, but with a definite idea of making it ultimately permanent.

In pursuance of the instructions received from England, Cornwallis appointed Shore President of the Board of Revenue, and some steps were taken with a view to making a long-term settlement. The necessary preliminaries were not completed till 1790, but during this interval Cornwallis' views underwent an important change. Instead of a provisional settlement for ten years to be ultimately made permanent, he decided upon launching immediately a plan of

1 Ranajit Guha, *A Rule of Property for Bengal*, pp. 11–12.
permanent settlement. His views were opposed by most of his
advisers, including both Shore and Grant. Grant naturally wanted
to postpone an irrevocable measure of this type till a further
and exhaustive study of the records was made to decide the
question of the proprietary right of the land. Shore wanted
to postpone it till a proper survey could enable the Government
to make the perpetual assessment on a sound and equitable
basis.

Cornwallis, on the other hand, maintained that enough material
was already in the possession of the Government to decide the
issue, both as regards the theoretical aspect of the question, as
well as the more practical one, viz. fixing the total amount of the
revenue to be demanded from zamindārs. He further held that
at present revenue matters were taking so much of the time and
energy of the Government that nothing but a permanent measure
of this type would enable them to devote the proper share of atten-
tion to the more important duties of the Government like adminis-
tration and justice. Among the beneficent effects of a permanent
settlement of land Cornwallis laid particular stress upon the
encouragement it would give the zamindārs not only to develop
their lands but also to reclaim waste lands which extended at
that time over a large portion of the whole province.

On the 10th February, 1790, Cornwallis announced the settle-
ment of land-revenue for ten years, to be made permanent if
approved by the Court of Directors. The approval of the Directors
reached Cornwallis in 1793, and on 22nd March of that year the
Decennial Settlement was declared permanent. Its effect was to
make the zamindārs permanent owners of the land, subject to the
payment of a fixed annual revenue to the Government.

A thorny problem was thus solved after various experiments
had been tried for more than twenty-five years. As to the justice
and equity of this solution and its ultimate effect upon the country,
opinions have always differed, as they differ even to-day. There
is no doubt that it ultimately, but not without many years of
suffering, created a class of loyal land-holders who formed a stable
element in the State, and a steady source of a fixed amount of
revenue. But it deprived the Government of the benefit of a
gradually expanding income from the land, which forms the most
valuable source of revenue in Bengal. Further, while it fully
conceded the claims of the zamindārs, it altogether ignored those
of the cultivators, who were placed absolutely at the tender
mercies of the zamindārs. Cornwallis certainly issued regulations
to limit and control the authority of the zamindār over his
tenants, but these bore little fruit, and further legislation became necessary to remedy this grave defect of the Permanent Settlement.

A few words may be said regarding the other sources of revenue referred to above.

The revenues of salt and opium were at first managed by the system of auction, as in the case of land-revenue, the settlement being made with the highest bidder. In 1780 the manufacture of salt was directly taken up by the Government and a small establishment was set up to manage it under the control of the Supreme Council. The Sair revenue was managed by the same agency as the land-revenue.

B. The Administration of Justice

In India the administration of civil justice was closely associated with the management of revenue, and the grant of Diwānī rights in 1765 comprised both these functions. As in the case of revenue, repeated experiments were made before a definite system of administration of justice was evolved. These experiments were closely connected with, and may be said to form almost an essential part of, those in connection with the land-revenue. In any case, both passed through the same process of evolution, and the judicial system at each stage during this experimental period can only be understood with reference to the system of revenue administration.

The question was first definitely taken up in 1772. Two courts were established in each district, the Diwānī Adālat with a civil and the Faujdāri Adālat with a criminal jurisdiction. In addition to these, two superior courts were established in Calcutta, viz. Sadar Diwānī Adālat, as a court of appeal in civil cases, and Sadar Nizāmat Adālat for revising and confirming sentences. The Diwānī Adālat in each district was in charge of the Collector, and the Sadar Diwānī Adālat was presided over by the President and members of Council. The criminal courts remained in charge of Indian judges, according to old customs and precedents, but the Collectors and the Council exercised some control respectively over the district courts and the Sadar Nizāmat Adālat.

The changes in the system of revenue administration in 1773, 1781 and 1786 brought about corresponding changes in the administration of justice. In 1774 the district courts were placed in charge of Indian officers called Āmils. An appeal lay from their decision to the Provincial Councils and, in important cases, from them to the Sadar Diwānī Adālat.
In 1775 the Sadar Nizāmat Adālat was transferred to Murshidābād and placed in charge of the Nāib-Nāzim. A Faujdār was appointed in each district to bring criminals to justice.

In 1780 the judicial powers of the six Provincial Councils were transferred to six courts of Diwānī Adālat each presided over by a covenanted servant of the Company. In 1781 the number of these courts was increased to eighteen and all civil cases were tried by them. In other words, the old district courts under European supervision were revived. But except in four districts, where the Collector presided over these courts, they were placed under separate judges. Their decision was final up to 1,000 rupees, but where the amount in dispute was larger, an appeal lay to the Sadar Diwānī Adālat. At the same time the Faujdārī system of 1775 was abolished and the powers and duties of the Faujdārs were transferred to the judges of the district courts. The criminals were, however, tried in the Faujdārī or criminal courts under Indian judges, under the ultimate control of the Nāib-Nāzim at Murshidābād.

In the meanwhile a new element had been introduced by the establishment of the Supreme Court in Calcutta, in 1774, by virtue of the Regulating Act. This court, established by the Crown and consisting of a Chief Justice and three Puisne Judges, was vested with jurisdiction over British subjects only, but in practice it led to enormous difficulties. The court claimed, and actually did exercise, jurisdiction over all persons, and not only ignored the authority of the Company’s courts but even entertained cases against the judges and officers of these courts for acts done in their official capacity. The legal principles and procedure which they followed were foreign to India and extremely vexatious. The Select Committee very truly observed that “the court has been generally terrible to the natives and has distracted the government of the Company”. The pretensions of the Supreme Court reached their climax in the famous Cosijurā Case, which brought the matter to a head. A judge of the Supreme Court issued a writ against a zamindār, the Rājā of Cosijurā, but the Supreme Council denied the right of the Supreme Court to exercise jurisdiction over a zamindār, as he was neither a British subject nor a servant of a British subject. Accordingly when the officers of the Supreme Court proceeded to arrest the zamindār, the Council sent sepoy to arrest them. There was thus an almost open war between the highest executive and judicial authorities in Bengal. But a final catastrophe was averted by an ingenious device of Hastings’. He appointed Impey, the Chief Justice of the Supreme Court, as
President of the Sadar Diwānī Adālat, with a high salary, and the tension was immediately relieved.

This procedure, which is usually regarded as a bribe to Impey, was open to serious objections. One of the avowed objects for creating the Supreme Court was to have any complaints against the Company's servants dealt with by an independent tribunal. This object obviously could not be fulfilled so long as the head of the Supreme Court held office, with high emoluments, at the pleasure of the Governor-General and Council. The only relieving feature in this otherwise dark picture is that, apart from putting an end to the deadlock, it made the Sadar Diwānī Adālat, the highest appellate court in the province, a much more efficient institution than it could ever have been under the presidency of the Governor-General, who had little time, and perhaps less knowledge of law, to enable him to discharge the duties of the high office in a satisfactory manner.

But this arrangement was upset by the Home authorities. Impey had to refund the salary and was impeached. A new Statute passed in 1781 defined more clearly the jurisdiction of the Supreme Court, exempting from it the official acts of the Governor-General and Council, the zamindārs or farmers, and all matters concerning revenue collection.

During the period of Cornwallis' administration, important changes were made in all branches of administration, including the judicial system. In 1787 the district courts were again placed under the Collectors except in Dacca, Patna and Murshidābād. The Collectors were vested with the powers of a magistrate and could try criminal cases within certain limits. The more important criminal cases were tried, as before, in district criminal courts and Sadar Nizāmat Adālat. The Collectors could not deal with revenue cases, which were transferred to the Board of Revenue.

Further changes were introduced in 1790. The experiment of making the Board of Revenue responsible for revenue cases proved a failure, and new local courts were instituted in each district under the Collector for trying these cases. Most far-reaching changes were made in the administration of criminal justice. The Sadar Nizāmat Adālat was again removed from Murshidābād to Calcutta (it had been done once before by Hastings) and in the place of a Muhammadan judge it was presided over by the Governor-General and Council, assisted by experts in Indian laws. The district criminal courts were abolished and their place was taken by four courts of circuit, established at Calcutta, Murshidābād, Patna and Dacca. These courts were presided over by two servants
of the Company, assisted by Indian experts, and they were to tour through the area of their jurisdictions twice every year. The powers of the Collectors, as magistrates, were further increased. They were made responsible for the custody of the prisoners and execution of the sentences passed on them by the four provincial criminal courts.

The famous Cornwallis Code of May, 1793, partly by defining the changes already made and partly by introducing new ones, ushered in the system which formed the steel frame of British-Indian administration. The changes proceeded on two principles. First, the necessity of reducing the multifarious duties of the Collector, which gave him almost unlimited authority and made him the sole representative of British authority in a district. Accordingly the Collector was divested of all judicial and magisterial powers, which devolved upon a new class of officers called Judges. The separate revenue courts for each district as well as the judicial powers of the Board of Revenue were abolished and the Judge tried all civil cases.

In addition to the twenty-three district courts and three city courts in Patna, Dacca and Murshidâbâd a large number of courts of lower grade were also set up to cope with the business. The lowest court was that of Munsiffs which could try cases up to 50 rupees. Next was that of the Registrars, a class of officials attached to the Zilâ courts, who could try cases up to 200 rupees. From the decisions of all these courts an appeal lay to the district court.

The four provincial courts of circuit set up in 1790 were reorganised. Each of them now contained three, instead of two, English judges, and not only served as criminal courts of circuit as before, but also heard appeals from the decisions of the district judges. From them appeals lay in more important cases to the Sadar Diwâni Adâlat in Calcutta. In order to curb the authority of the Collectors still further and to protect Indians from oppression at their hands, the Collectors and all the officers of the Government were “made amenable to the courts for acts done in their official capacities”, and even Government itself in case of any dispute with its subjects over property had to “submit its rights to be tried in these courts under the existing laws and regulations”.

The second principle on which Cornwallis proceeded was to divest the Indians of any real authority or responsibility in matters of administration. He had already deprived them of any real power in the administration of criminal justice, over which they
had formerly supreme and almost absolute control. He now deprived the zamindārs of the power and responsibility of maintaining peace within their jurisdiction. They were forced to disband their police forces, and their duties were entrusted to a number of Darogās in every district, each working within a defined area under the direct supervision of the Magistrate.

The net result of the changes introduced by Cornwallis was to divide the entire administrative work in a district between two European officers, one acting as a Collector of revenue, and the other as a Judge and Magistrate. Indians were deliberately excluded from offices involving trust and responsibility.

Bengal, the Second Phase (1793–1828)

For a period of thirty-five years the system of Cornwallis was adopted as the guiding principle, and the Government were merely engaged in remedying the defects that gradually forced themselves on their attention. In connection with the Permanent Settlement, the main difficulties were about the regular collection of the stipulated dues. These fell heavily in arrears, with the consequence that lands were frequently sold and the ideas of a stable revenue and a loyal contented class of zamindārs were not realised to any considerable extent. Another defect of the Act was the insufficient protection it gave to the tenants against the oppression of the zamindārs. The establishment of the law-courts was expected to give the tenants the needed relief, but in practice it proved futile. In the absence of any regular survey of land and a definite record about the tenure of lands the law-courts could afford but little relief.

But even the protection of the courts soon proved illusory. For the law-suits multiplied so rapidly that the courts were unable to cope with them. The proverbial law’s delay proved so serious in this instance that justice was practically denied, for, in the ordinary course, a case was not expected to be decided during the life-time of a man. Lastly, crimes increased enormously and there was no security of life and property.

It is needless to describe in detail the various measures taken by the successive Governors-General to cope with these serious evils. It will suffice to indicate the main lines of policy adopted by them.

As regards the Permanent Settlement, attempts were made to compile records of tenure and the Regulation VII of 1819 clearly defined the rights of the various classes of tenants. Greater power
was given to the zamindar to collect rents from his tenants and he was made liable to arrest on failure of the annual rent. To cope with the enormous increase in law-suits, the number of district judges was increased, the number and the powers of the lower courts were enhanced, and Indians were appointed as Munsiffs (with larger powers than those of 1793) and Sadar Amins to try civil cases within a prescribed limit. As regards criminal cases, the magistrate's power to try them was enlarged and he was authorised to delegate it to his assistants. The Collectors were again empowered to try certain classes of revenue cases, and a few selected among them were vested with the powers of magistrates. Suitable changes were made in the procedure of the provincial appellate courts, so that appeal cases might be tried even when the judges were on circuit. The number of judges in these courts was increased from three to four. The Sadar Diwani Adalat was entirely reconstituted. Instead of the Governor-General and Council, three judges were placed in charge of it, and their number was gradually increased to five. In 1797 an appeal from the decision of this body to the King in Council was permitted in cases where the amount in dispute was over 25,000.

In order to maintain law and order, an efficient police system was organised both in large towns as well as in the headquarters of every district. They worked under the supervision of four Police Superintendents, stationed in Calcutta, Dacca, Patna and Murshidabad.

Bengal, the Third Phase (1829–1858)

The first radical change in the system of Cornwallis was effected by Lord William Bentinck in 1829. The new scheme of administration centred round a class of officials called Commissioners, each of whom was placed in charge of a division comprising several districts. The Provincial courts of appeal and the posts of Superintendents of Police were abolished and their duties were transferred to the Commissioner. In addition to these, he had to supervise the work of the Collectors, magistrates and judges of the districts under him. Experience, however, soon proved that these tasks were too much for a single individual, and as a result of the reshufflings made in 1831 and 1837, the duties of the sessions judge were transferred to the district judge, and the latter was relieved of his magisterial functions by the creation of new posts for that purpose. Thus the district administration was carried on by the judge, the Collector, and the magistrate, with assistants, belonging
to the covenanted Civil Service, under the supervision of the Divisional Commissioner.

Another important feature of the change was to entrust Indians with a larger share in administrative work. For this purpose Deputy-Magistrates and Deputy-Collectors were recruited from among them, and, for hearing civil cases, a new post of Principal Sadar Amin was created, from whose decisions, in certain cases, an appeal lay directly to the Sadar Diwâni Adâlat of Calcutta and not to the District Judge as was hitherto the practice.

Lord William Bentinck also created the posts of Joint Magistrates and placed them in charge of sub-divisions. Gradually the Deputy Magistrates were also appointed as sub-divisional officers.

The most notable change in the administration of Bengal took place in 1854. Up to that year the Governor-General and Council were also responsible for the administration of Bengal, and naturally the local needs of Bengal yielded in importance to the greater imperial issues that almost always confronted that body. By the Charter Act of 1853 Bengal, Bihâr, Orissa and Assam were placed in charge of a Lieutenant-Governor, and Mr. F. J. Halliday was appointed to this post on 28th April, 1854.

Madras

In Madras, as in Bengal, the chief administrative problem was the collection of land-revenue, which was the main source of the income of the State. Unlike Bengal, however, the British territories in Madras were acquired in different times from different powers, and had different laws and usages. The administration of land-revenue had, therefore, to be based on different principles in order to suit the local needs.

In general two different systems were adopted. In the Jágîr area and Northern Sarkârs each village was owned by a number of Mirasdârs, who possessed heritable shares, and the principal persons among them had long been accustomed to act as the representatives of the village. Accordingly settlement of the whole village was made with a committee of the principal Mirasdârs in return for a lump sum.

An altogether different system prevailed in Baramahal, which was conquered from Tipu in 1792. Here the village headman collected dues from each cultivator, and paid them to the State. Alexander Read and Thomas Munro studied the details of this system and gradually evolved what is known as the ryotudâri settlement. The essence of the system, which was not fully
developed till 1855, is that the settlement is made with small farmers who enjoy all rights in the land subject to the payment of a fixed revenue which is collected by the State directly by its own servants. The settlement is made and renewed for specified periods, usually thirty years, during which the ryot is not liable to be ousted from the land or to pay any additional charge. In this settlement the Government share is limited to half the net value of the crop.

The two systems described above were usually adopted, and applied to territories added from time to time by conquest or cessions. But the ryotwārī system found greater favour, especially as the Mirasdārī gave scope for the principal people to exert oppression upon the rest of the villagers.

After the introduction of the Permanent Settlement in Bengal, the system was also introduced in Madras. The Poligārs in Madras, who corresponded to the zamindārs of Bengal, were more like feudal chiefs with military retainers, exercising extensive judicial and executive authority within their jurisdiction. The settlement was made with them in perpetuity, on the lines followed in Bengal, and they were deprived of their military and judicial powers. So far the experiment was on the whole a success. But there were many parts of Madras which had no Poligārs and here the Government tried to obviate the difficulty by creating a new class of zamindārs. A number of villages were grouped into a fairly large estate and it was then sold by auction to the highest bidder. The result was extremely unsatisfactory and the system was gradually dropped, at first in favour of the Mirasdārī and ultimately in favour of the ryotwārī system.

The ryotwārī system soon came to be the recognised form of settlement. But the Zamindārī system prevailed in about a fourth part of the province, and the Mirasdārī, though officially abandoned, prevails in a few isolated areas.

Along with the Permanent Settlement, the judicial system of Cornwallis was also introduced in Madras. The evolution of the administrative machinery followed here nearly the same course as in Bengal. The province was divided into a number of districts, and each district into Tāluks. At first the District Judge was also vested with magisterial and police authorities but these functions were soon transferred to the Collector. Gradually the office of the Collector became a very important one, and in addition to the duties of a Bengal Collector, he had important functions in connection with the assessment and collection of land-revenue.
Other Parts of British India

The system of administration evolved in Bengal was similarly extended to other parts of British India and need not be described in detail. As regards land-settlements, the *ryotwāri* system was adopted in Bombay, and in the Upper Provinces, roughly corresponding to the modern United Provinces, the settlement was made with the village community and resembled the *Mirasdāri* system of Madras. The village community does not necessarily mean a collective ownership of all the villagers, but usually that of a group of persons more or less closely connected, who were responsible both jointly and severally for the payment of the revenue, fixed for periods of thirty years. The names of Mountstuart Elphinstone and James Thomason are associated with the evolution of the system in Bombay and the U.P. respectively.

The system of the U.P. was adopted in the Punjab with slight modifications, and in both these provinces steps were taken to safeguard the interests of cultivators who were not members of the village community. In practice, a cultivator who occupied a holding continuously for twelve years was deemed to possess permanent and heritable right in it, subject to the payment of a judicially fixed rent. This right was legally recognised by the Punjab Tenancy Act of 1868. The Oudh Tenancy Act, passed in the same year, did not proceed so far, but it granted occupancy rights to nearly one-fifth of the cultivators and introduced more equitable principles in respect of compensation for improvements and increases of rents.

The judicial system of Bengal was extended to Benares, Oudh and the Doāb respectively in 1795, 1803 and 1804. On account of the great distance from Calcutta separate courts of Sadar Diwānī Adālat and Sadar Nizāmat Adālat were set up in Allahābād in 1831.

As regards Bombay, the regulations of 1799 set up a system of judicial administration like that of Bengal, but it was revised in 1827 under Mountstuart Elphinstone. The new scheme set up *Zīlā* courts presided over by one judge from whose decision an appeal lay to the Sadar Diwānī Adālat. Smaller cases were tried by lower courts in charge of Indians. Thus Elphinstone forestalled to some extent the reforms of Bentinck which were introduced all over British India, generally on the lines adopted in Bengal.
Supreme Courts

Reference has already been made to the establishment of a Supreme Court in Calcutta, and its early history. In 1797 the number of judges was reduced to three. A Supreme Court, with similar powers, constitution and jurisdiction, was set up in Madras in 1801 and in Bombay in 1823.

In 1853, the jurisdiction of these courts was limited to (a) British-born subjects, (b) persons residing within the boundaries of the three cities or having any dwelling-house and servants therein, and (c) all persons who were directly or indirectly in the service of the Company.

The law followed by these courts was the English law of 1726 as subsequently modified expressly with reference to India and the Regulations made by the Indian Government. But as regards inheritance, succession and contract, Hindu laws and usages were to be applied to the Hindus, and Muslim laws and usages to Muslims.

An appeal lay from the decisions of these courts to the King-in-Council where the amount in dispute was above Rs. 4,000 (Rs. 3,000 in Bombay). The Statute of 1833 transferred the entire appellate jurisdiction of the King-in-Council to the newly constituted Judicial Committee of the Privy Council which consisted of the President, the Lord Chancellor and other members, including two who held judgeships in the British dominions beyond the sea.

Finally we may refer to the two most notable landmarks in the judicial administration of India, viz. the codification of laws and the establishment of High Courts, the foundation of which was laid during the administration of the Company though the completion had to be deferred till India passed under the Crown.

The idea of a systematic code of law in place of varying laws and usages is traceable to an early period of British history. No less than five different bodies of statute law were in force in the British dominions, and the position was always regarded as extremely unsatisfactory. The Charter Act of 1833 provided for their consolidation and codification, and accordingly a Law Commission was appointed in the year 1834. Macaulay, the leading spirit of the Commission, prepared a draft of the Indian Penal Code, but little was done after his departure, and the Commission was finally abolished.

The Charter Act of 1853 led to the appointment of a new Commission. It submitted plans for the creation of High Courts by the amalgamation of the Supreme Court and Sadar Diwānī Adālat
and also for a uniform code of civil and criminal procedure applicable to these High Courts and inferior courts of British India.

The recommendations were accepted and in 1861 the Indian High Courts Act authorised the establishment of a High Court in each of the following towns, namely Calcutta, Bombay and Madras in place of the old Supreme Court and the Sadar Diwānī Adālat, which thus disappeared after nearly ninety years. In pursuance of the same policy, a High Court was established in Allahābād and a Chief Court in the Punjab in 1866.

Macaulay’s Penal Code was revised and passed into law in 1860, and a Code of Civil Procedure and a Code of Criminal Procedure were promulgated respectively in 1859 and 1861.
CHAPTER IX

TRADE AND INDUSTRY, 1757–1857

One of the most important facts in the history of India during the first century of British rule is the decay of her flourishing trade and industry. In order to understand properly the extent to which British rule was a contributory cause of this decay it is necessary to begin with Bengal, the part of India where British rule was first effectively established.

Reference has already been made to the activities of European trading companies in Bengal. The Portuguese had developed an extensive foreign commerce in Bengal in the early seventeenth century, but their trade in the eighteenth century was practically negligible. The Danes had never had any important trade in Bengal. The French commerce in Bengal was also very small until Dupleix was appointed Intendant of Chandernagore, but with his transfer to Pondicherry in 1741 the French trade rapidly declined. The Dutch and the British alone carried on a flourishing trade in Bengal during the first half of the eighteenth century. After the acquisition of political authority in Bengal by the British East India Company, the Dutch were ousted from the field and the English Company enjoyed the monopoly of foreign commerce in Bengal. As already noted above, the Charter Act of 1813 abolished the monopoly of the Company’s Indian trade, and the Charter Act of 1833 finally put an end to the commercial activities of the Company.

The volume of inland and foreign trade of Bengal, other than that carried on by the European Companies, was also very large during the first half of the eighteenth century. The Hindu, Armenian and Muhammadan merchants carried on a brisk trade with other parts of India and with Turkey, Arabia, Persia and even Tibet. The balance of foreign trade was, however, always in favour of Bengal, and the surplus value of its exports had to be paid for in gold. As a matter of fact, during the period 1708–1756, bullion formed nearly three-fourths of the value of total imports to Bengal.

The most important articles of export from Bengal were cotton and silk piece-goods, raw silk, sugar, salt, jute, saltpetre and
opium. The fine cotton cloths, especially the Dacca muslin, were in great demand all over the world. Bengal cotton goods were exported in large quantities by the European Companies and went overland to Isphahan and by sea to the markets of Basra, Mocha and Jedda. The Dutch exported annually three-quarters of a million pounds of Čassimbāzār raw silk either to Japan or to Holland in the middle of the seventeenth century, and a large quantity was exported to Central Asia. Even in 'Ālīvardī Khān’s time, nearly seventy lacs of rupees’ worth of raw silk was entered in the Customs Office books at Murshidābād exclusive of the European investments.

Bengal was the chief centre of the sugar industry and exported large quantities of the commodity even in the middle of the eighteenth century. Down to the year 1756, a considerable trade in Bengal sugar was carried on with Madras, the Malabar coast, Bombay, Surāt, Sind, Muscat, the Persian Gulf, Mocha and Jedda. The jute industry of Bengal also began to develop in the middle of the eighteenth century.

An eminent English authority has observed that even in the year 1756 there was a large volume of trade flowing to Bengal from “the coast of Coromandel and Malabar, the Gulf of Persia and the Red Sea, nay even Manilla, China and the coast of Africa”. Thus down to the eve of British rule there was a rich and prosperous trade in Bengal due to its flourishing agricultural and manufacturing industries.

The battle of Plassey was, however, a great turning-point, not only in the political but also in the economic history of Bengal. Apart from the resulting misrule and confusion, which had an adverse effect upon trade and industry, several causes directly operated in impoverishing the country and ruining its rich and prosperous trade and industry.

1. To begin with, there was the large economic drain. Mir Jāfar and Mir Kāsim had to pay enormous sums of money to the Company and its servants for gaining the throne of Bengal. During 1757–1765 it amounted to more than five millions sterling. From 1765 when the Company received the Diwānī, the surplus revenue of Bengal was invested in purchasing the articles exported from India by the English East India Company. By 1780, when this drain of wealth finally ceased, its amount had exceeded ten millions. There were, besides, exports of bullion to China, and the huge private fortunes of the servants of the Company, a substantial part of which must have found its way, in some shape or other to England. It has been estimated that the total drain from Bengal to England during the period 1757 to 1780 amounted to about thirty-eight million pounds sterling. It is immaterial whether
this wealth was transferred in the form of bullion or in the shape of articles of export in exchange for which Bengal received nothing. The fact remains that Bengal became poorer in the course of twenty-three years by nearly sixty crores of rupees (which was equivalent to three hundred crores of 1900, the purchasing power of the rupee being then at least five times as high). This heavy drain must have greatly impoverished the province, and crippled its capital wealth to the serious detriment of its trade and industry.

2. Abuse of Dastaks. In 1656, the East India Company obtained from Prince Shujá, the governor of Bengal, exemption from payment of the usual customs duty of 2½ per cent in return for an annual payment of Rs. 3,000. Murshid Quli Jáfár Khán having refused to make this concession, the English Company obtained a fresh Charter from the Emperor Farrukhsiyar in 1717, renewing the same privileges. The Nawáb, however, stipulated and the Company agreed, that the Company’s passports or dastaks could not be used for internal trade, and that they should cover the cases of only such articles as were either imported, or intended to be exported, by sea.

But the concession was abused in two ways. In the first place the servants of the Company used the dastaks for their private trade, and secondly the dastaks were sold to Indian merchants to enable them to evade the customs duty. In spite of the vigilance of Murshid Quli and ‘Álivardí, the abuses became very extensive, and were subsequently complained of by Siraj-ud-daulah. With the accession of Mir Jáfár, these abuses became widely prevalent, and the servants of the Company also claimed exemption from the payment of duties in respect of inland trade. Mir Jáfár made piteous complaints to the English Governor in Calcutta, but with no success. The result was that the Company’s servants monopolised the inland trade of Bengal and amassed huge fortunes, while the Nawáb lost a large amount of revenue and the Indian traders were ruined by this unfair competition. In addition to this, the servants of the Company made unjust and illegal profit by oppressing the poor people. About them Mir Kásim wrote to the Company’s Governor in 1762: “They forcibly take away the goods . . . for a fourth part of their value; and by way of violence and oppressions, they oblige the ryots to give five rupees for goods which are worth but one rupee.” Official documents of the Company confirm this state of things, and add that those who refused the unjust demands of the Company’s servants were “flogged or confined”.

Mir Kásim protested against these iniquities more vigorously than his predecessor, and when the Council refused to grant any redress, he abolished the inland duties altogether, so that all the
traders should be on an equal footing. As we have seen above, this led to his quarrel with the English and cost him his throne.

3. Virtual monopoly enjoyed by the Company. The oppressions of the Company's servants soon took a new turn. In order to ensure a regular and abundant supply of cotton goods, the Company entered into forward contracts with the weavers to supply stipulated quantities of cloth at fixed dates. This became a new source of oppression in the hands of their servants. Armed with the authority of the Company, they forced the poor weavers, on pains of flogging, to sign most iniquitous bonds. The latter were paid for their goods much less than their usual price, sometimes even less than the cost of materials, while they were forbidden to work for any other party on pain of corporal punishment. A similar policy was adopted towards the workers in raw silk.

The story is current in Bengal that, in order to avoid being forced to weave for the Company, many weavers used to cut off their own thumbs. This story is perhaps merely a popular invention, but there is not the slightest doubt about the great misery and oppression suffered by the poor weavers at this time at the hands of the Company's servants. Verelst, writing in 1767, refers to the unusual scarcity of weavers, a great number of whom deserted their profession. Thus the monopolistic control of the Company, and the misconduct of its servants, paved the way for the ruin of cotton and silk weaving, the two flourishing industries of Bengal.
Cornwallis made an earnest effort to revive the trade by stopping the two evils, but almost irreparable mischief had already been done.

4. English competition. The ruin of the weavers in Bengal was completed by the unfair competition of manufacturers in England. As soon as cotton and silk goods exported by the East India Company became popular in England, the jealous British manufacturers wanted to kill the industry by legislation. By the two laws passed by Parliament in 1700 and 1720, cotton and silk goods imported from India "could not be worn or otherwise used in England". There was, however, a great demand for these things in other European countries, and hence all the goods imported by the Company to England used to be exported to various other countries of Europe. But on account of the hostilities between England and other European powers, first during the War of American Independence and again during the Napoleonic wars, this re-export of Indian goods suffered a severe setback, and in 1779 there was a sudden fall in the import of cotton goods from Bengal. Further, on a memorial of the British calico printers in 1780, the Court
of Directors agreed to stop the importation of printed cotton goods from Bengal for a term of four years.

Artificial restriction of imports by legislation gave a fillip to the cotton industry of England. By a series of inventions, the English cotton manufacturers improved the quality of their goods, and the Court of Directors observed in their letter of 20th August, 1788, that the duty and freight on the Company's imports had already enabled the English manufacturers to undersell Indian cotton goods in the British market. Hence the Company followed the policy of importing raw materials, viz. cotton, in place of manufactured goods. Next, they exported Manchester cotton goods to Bengal. With the perfection of the power loom, Manchester began to produce immense quantities of cheap cotton goods, and soon they flooded the markets of India. The average value of cotton goods annually exported from England was about £1,200,000 between 1786 and 1790. By 1809 it had increased to £18,400,000. Its subsequent progress was still more phenomenal.

Thus, at the very moment when the efforts of Cornwallis and the end of European war might have revived Bengal's cotton industry, it was killed by the application of power-spinning and power-weaving to the manufacture of cotton goods in England. No attempt was made to protect the Bengal industry from inevitable ruin either by legislation or by the introduction of improved methods.

Thus within half a century of the battle of Plassey, the phenomenal prosperity of Bengal suffered a serious setback from which it has not recovered even to-day. The circumstances under which the flourishing industries of Bengal were ruined, and the inland trade passed into the hands of a privileged class, almost completely crushed out of Bengal even the very spirit of trade and industry. The lack of capital, caused by the enormous drain of wealth, and the unsettled condition of the country owing to the misrule of the early period of British supremacy, made the revival of trade and industry well-nigh impossible. At the same time, the Permanent Settlement gave an impetus to agriculture and investment of capital in land. Thus while the loss of industry drove the poor people more and more to agriculture, the available capital was sunk mostly in land. The trade of the country passed into the hands of Europeans, who gradually built up their own system of commerce and banking in which people of the soil had little share.

In a word, we find here the genesis of the entire economic system which prevails to-day in Bengal.

What has been said of Bengal in respect of trade and industry, applies in a general way to the rest of India. The general impression
that India has never been an industrial country is misleading in the extreme. Indian arts and crafts have been an important contributory factor to her immense wealth from time immemorial. "Even at a much later period," so runs the Industrial Commission Report, "when the merchant adventurers from the West made their first appearance in India, the industrial development of this country was, at any rate, not inferior to that of the more advanced European nations." The finished products of Indian industry as well as her natural products such as pearl, perfumes, dye-stuff, spices, sugar, opium, etc., were exported to distant countries and she imported gold, copper, zinc, tin, lead, wine, horses, etc. But there was always an excess of exports over imports, which meant necessarily the influx of a large quantity of gold. In the first century Pliny bitterly complained of the drain of gold from the Roman Empire caused by the use of Indian luxuries. A similar complaint was made in the eighteenth century even by Englishmen.

The chief industry in India was the weaving of cotton, silk and wool. Outside Bengal, Lucknow, Ahmādābād, Nāgpur and Madurā were important centres of cotton industry, and fine shawls were manufactured in the Punjab and Kāshmir. Brass, copper and bell-metal wares were manufactured all over India, some of the notable centres being Benares, Tanjore, Poona, Nāsik and Ahmadābād. Jewellery, stone-carving, filigree work in gold and silver, and artistic work in marble, sandalwood, ivory and glass formed other important industries. In addition, there were various other miscellaneous arts and crafts such as tannery, perfumery, paper-making, etc.

The carrying trade was also largely in the hands of the Indians. Down to the beginning of the nineteenth century A.D. the ship-building industry was more developed in India than in England. Like the Indian textile industry, it roused the jealousy of English manufacturers and its progress and development were restricted by legislation.

As in Bengal, the decay of trade and industry in the rest of India set in towards the close of the eighteenth century and its ruin was well-nigh complete by the middle of the nineteenth.

The prominent causes of the decay were the same as those operating in Bengal: the policy of the British Parliament, the competition of cheap goods produced by machinery, and the unwillingness or inability of the Indian Government to protect or encourage Indian arts and crafts. The extent to which the policy of the British Government in India was responsible for the decay of her trade and industry is a debatable point. Some writers think
that it was the Industrial Revolution in England, with the application of power-spinning and power-weaving to the production of cotton goods, which ruined Indian manufacture of cotton goods, and it was impossible for the ruling authorities to make any successful effort to protect the industry, as they were quite unable to offset the enormous disparity between power and hand manufacture. Rushbrook Williams, who holds the above view, further adds: "Those who would blame the British authorities for not taking steps to protect Indian cotton manufactures against the new and overwhelming advantages enjoyed by the power-driven British industry, are obliged to assume that contemporary statesmen regarded these problems from a purely modern standpoint."

On the other hand, eminent writers, both Indian and English, have pointed out that the Industrial Revolution in England was itself "a consequence of the plundered wealth of India", and that not only did the British authorities not take any step to protect the declining Indian industries but they actually threw obstacles in their way, and at least in some cases, discouraged Indian manufactures in order to promote those of England.

As to the last remark of Rushbrook Williams, it is necessary to remember that even as early as 1700 (and ever since), British statesmen had enough idea of the modern economic system to protect English industry by legislation from Indian competition. That similar steps were not taken to protect Indian industry, cannot, therefore, be explained by lack of statesmanship, and may, not unreasonably, be attributed to the desire on the part of the ruling authorities to promote English industry at the cost of Indian. One can, of course, entertain reasonable doubts about the success of any attempt to stem the tide of English competition. But it is a hypothetical question and raises important issues which cannot be discussed here. The broad fact remains that, during the first half of the nineteenth century, India lost the proud position of supremacy in the trade and industry of the world, which she had been occupying for well-nigh two thousand years, and was gradually transformed into a plantation for the production of raw materials and a dumping-ground for the cheap manufactured goods from the West. All the while the Government responsible for the welfare of its teeming millions looked on and did not take adequate steps to avert the calamity.
CHAPTER X

THE DAWN OF NEW INDIA

1. The New India and Rājā Rāmmohan Roy

In spite of political convulsions and economic retrogression the first century of British rule in India (1757–1858) is in certain respects a memorable epoch in her history. The period witnessed a remarkable outburst of intellectual activity in India and a radical transformation in her social and religious ideas.

The impetus to these changes came from the introduction of English education. Through this channel came the liberal ideas of the West which stirred the people and roused them from the slumber of ages. A critical outlook on the past and new aspirations for the future marked the new awakening. Reason and judgment took the place of faith and belief; superstition yielded to science; immobility was replaced by progress, and a zeal for reform of proved abuses overpowered age-long apathy and inertia, and a complacent acquiescence in whatever was current in society. The traditional meaning of the Śāstras was subjected to critical examination and new conceptions of morality and religion remodelled the orthodox beliefs and habits.

This great change affected at first only a small group of persons, but gradually the ideas spread among larger sections of the people, and ultimately their influence reached, in greater or less degree, even the masses.

The new spirit of this age is strikingly illustrated by the life and career of Rājā Rāmmohan Roy, a remarkable personality, the centenary of whose death (1833) was celebrated some years back all over India.

The Rājā began his reforming activity by preaching the unity of God, and assailing the prevalent Hindu belief in many gods and the worship of their images with elaborate rituals. He tried to demonstrate that his views were in accordance with the old and true scriptures of the Hindus, and that the modern deviations from them are due to superstitions of a later age without any moral and religious sanction behind them. Rāmmohan's views stirred Hindu society to its depths, and bitter controversies followed.
Rāmmohan published Bengali translations of ancient scriptures in order to defend his thesis, and carried on the contest, almost single-handed, by the publication of a large number of Bengali tracts. Towards the close of his life he founded, in 1828, an organisation for furthering his religious views. This organisation ultimately developed into the Brāhma Samāj and will be dealt with in a later section. An indirect result of his campaign was the impetus given to the development of Bengali prose literature and Bengali journalism.

Rāmmohan was a great pioneer of English education. Not only did he himself found institutions for that purpose, but he always lent a helping hand to others who endeavoured to do so.1

Rāmmohan's reforming activity was also directed against the social abuses of Hindu society, notably the rigours of caste and the degrading position of women. The part he played in abolishing the self-immolation of widows will be described later on. He also endeavoured to ameliorate the condition of helpless widows in various ways, notably by changing the Hindu laws of inheritance about women and giving them proper education. He was opposed to polygamy and various other abuses in the social system of Bengal. He also advocated re-marriage of widows under specified circumstances. His ideals of womanhood and of man's duty towards them, preached in forceful language in various tracts, were far ahead of his age and were inspired by the memories of the golden age of India. On the whole he struck the true keynote of social reform in India by upholding the cause of women and denouncing the rigours of caste rules, the two main lines on which all social reforms have proceeded since.

In the field of Indian politics also, Rājā Rāmmohan was the prophet of the new age. He laid down the lines for political agitation in a constitutional manner which ultimately led to the birth of the Indian National Congress half a century later. His views on political problems are surprisingly modern, and in essential features represent the high-water mark of Indian political thought of the nineteenth century.

The basic principles of Rāmmohan's politics were "love of freedom, amounting to the strongest passion of his soul", and a sincere belief that the people of India have the same capability for improvement as any other civilised people. The political ideals of the Rājā are thus described by his English biographer:

"The prospect of an educated India, of an India approximating to European standards of culture, seems to have never been long absent from Rāmmohan's mind; and he did, however vaguely,

1 See page 811.
claim in advance for his countrymen the political rights which
progress in civilisation inevitably involves. Here, again, Râmmohan
stands forth as the tribune and prophet of New India."

Reference may be made to some concrete views of the Râjâ to
illustrate the currents of political thought of the day.

The Râjâ was a great champion of the liberty of the Press.
Ever since 1799 there had been a strict censorship on the publication
of journals. In 1817 Lord Hastings abolished the censorship, but
laid down regulations, which, among other things, prohibited the
discussion of certain matters. Mr. Adam, who acted as Governor-
General after the resignation of Lord Hastings, issued ordinances
prohibiting the publication of newspapers or other periodicals with-
out a Government licence. Râjâ Râmmohan presented petitions
against the new Press Regulations both to the Supreme Court
and to the King-in-Council. The petitions were rejected but
they form a "noble landmark in the progress of Indian culture".
We may again quote from his English biography: "The appeal is
one of the noblest pieces of English to which Râmmohan put
his hand. Its stately periods and not less stately thought recall
the eloquence of the great orators of a century ago. In language
and style for ever associated with the glorious vindication of
liberty, it invokes against the arbitrary exercise of British power
the principles and traditions which are distinctive of British
history." Râmmohan's labours bore fruit, though he was not
destined to witness it. In 1835 Sir Charles Metcalfe removed all
restrictions on the Press.

The Râjâ similarly drew up petitions against the Jury Act of
1827. The provisions of the Act and the grounds of the Râjâ's
objection thereto may be gathered from the following extract:

"In his famous Jury Bill, Mr. Wynn, the late President of the
Board of Control, has, by introducing religious distinctions into
the judicial system of this country, not only afforded just grounds
for dissatisfaction among the natives in general, but has excited
much alarm in the breast of every one conversant with political
principles. Any natives, either Hindu or Muhammadan, are ren-
dered by this Bill subject to judicial trial by Christians either
European or native, while Christians, including native converts, are
exempted from the degradation of being tried either by a Hindu
or Mussulman juror, however high he may stand in the estimation
of society. This Bill also denies both to Hindus and Muhammadans
the honour of a seat on the Grand Jury even in the trial of fellow-
Hindus or Mussulmans. This is the sum total of Mr. Wynn's late
Jury Bill, of which we bitterly complain."
THE DAWN OF NEW INDIA

The Rājā had a clear grasp of the political machinery by which India was ruled and fully realised the importance of presenting India's case before the Home authorities when the question of the renewal of the Company's Charter in 1833 was being considered by Parliament. This was one of his main objects in undertaking the voyage to England. He was invited to give evidence before the Select Committee of the House of Commons, and although he declined to appear in person, he submitted his considered views in the form of several "communications to the Board of Control". These documents enable us to gather the view-point of Rājā Rāmmohran and of the advanced Indian thinkers of his time, on the burning questions of the day.

The Rājā strongly championed the cause of the peasants. He pointed out that under the Permanent Settlement, the zamindārs had increased their wealth, but the exorbitantly high rents exacted from their tenants had made the lot of the ryots a miserable one. He advocated a reduction of the rent to be paid by the tenants by means of a corresponding reduction in the revenue payable by the zamindārs. The consequent loss of revenue, he suggested, should be met by a tax upon luxuries or by employing low-salaried Indians as collectors, instead of high-salaried Europeans. The Rājā favoured the Permanent Settlement but he rightly urged that the Government should fix the maximum rent to be paid by each cultivator.

Among the other measures advocated by the Rājā may be mentioned the Indianisation of the British-Indian army, trial by jury, separation of the offices of judge and magistrate, codification of civil and criminal laws, consultation with the Indian leaders before enactment of new laws, and the substitution of English for Persian as the official language of the courts of law.

A careful perusal of the above fully justifies the claim that "Rāmmohan Roy laid the foundation of all the principal movements for the elevation of the Indians" which characterise the nineteenth century. His English biographer truly remarks that the Rājā "presents a most instructive and inspiring study for the new India of which he is the type and pioneer. . . . He embodies the new spirit . . . its freedom of enquiry, its thirst for science, its large human sympathy, its pure and sifted ethics, along with its reverent but not uncritical regard for the past and prudent . . . disinclination towards revolt".
2. Introduction of English Education

While the British took over the administration of Bengal, all higher education was confined to a study of classical Sanskrit, Arabic and Persian in *tols* and *madrāsās*. Vernaculars were sadly neglected, and neither natural science nor subjects like Mathematics, History, Political Philosophy, Economics or Geography formed part of the curriculum. Grammar, Classic Literature, Logic, Philosophy, Law and Religious Texts formed the main elements of higher study, while elementary education, imparted in *pāthsalās* and *maktabs*, consisted of the three R's and religious myths and legends. As to the world outside India, and the great strides Europe had made since the Renaissance, Indians had little knowledge and less interest. In matters of education and intellectual progress India was passing through a period analogous to the Middle Ages of Europe.

The British Government at first took but little interest in the development of education. Warren Hastings encouraged the revival of Indian learning and to him we owe the foundation of the Calcutta Madrāsā (1781). Inspired by the same spirit, Sir William Jones founded the Asiatic Society of Bengal in Calcutta, in 1784, and a Sanskrit College was established at Benares by the Resident Jonathan Duncan in 1792. But there was no proposal or even a remote suggestion of establishing a system of education under Government supervision or control.

The idea of setting up a network of schools for teaching English was first mooted by Charles Grant, a Civil Servant of the Company. He rightly held that the social abuses and the moral degradation of the people were "the results of dense and widespread ignorance, and could be removed only by education, first of all by education in English". Grant, on his return to England, tried to persuade the House of Commons and the Court of Directors to his view, but without success.

What Grant failed to do through Government, the Christian missionaries undertook to accomplish in Madras and Bengal. Among these noble bands of workers to whom India owes the beginning of English education, one name stands foremost, that of William Carey. Originally a shoe-maker by profession, he became a Baptist Missionary in later life, and came to Calcutta in 1793. Missionary schools had already been established in Madras with Government support, but Carey and his friends, although denied any such help, in the beginning, set up schools and published Bengali translations of the Bible. Thus they laid the foundations of English education.
THE DAWN OF NEW INDIA.

and Bengali prose literature. It is along lines laid down by them that intellectual development has taken place in subsequent times.

Carey's example was followed by other missionaries and liberal Indians, the most notable among them being David Hare and Rājā Rāmmohan Roy. These two were mainly instrumental in establishing several English schools, including the Hindu College (1817) which afterwards developed into the Presidency College.

Government could not altogether ignore the new spirit. At the time of the renewal of the Company's Charter in 1813, Parliament asked the Company to take measures for the "introduction of useful knowledge and religious and moral improvements", and further directed that "a sum of not less than a lac of rupees should be set apart each year, and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India". Unfortunately no immediate or important results followed. It was not until 1823 that a Committee of Public Instruction was appointed in Bengal, and then steps were taken to establish a Sanskrit College in Calcutta. Against this a spirited protest was made by Rājā Rāmmohan Roy in the form of a petition to the Governor-General, Lord Amherst. This historic document admirably sums up the views held by advanced and progressive minds of the time. Referring to the proposed Sanskrit College the Rājā remarks, "The pupils will here acquire what was known two thousand years ago, with the addition of vain and empty subtleties..." "The Sanskrit system of education," continues the document, "would be the best calculated to keep this country in darkness if such had been the policy of the British legislature. But as the improvement of the native population is the object of the Government, it will consequently promote a more liberal and enlightened system of instruction, embracing mathematics, natural philosophy, chemistry and anatomy, with other useful sciences which may be accomplished with the sum proposed, by employing a few gentlemen of talents and learning educated in Europe, and providing a College furnished with the necessary books, instruments and other apparatus."

The petition brings into prominent relief the divergent views of the Government on the one hand and advanced thinkers, both Indian and European, on the other. While the Committee of Public Instruction spent its resources in printing Sanskrit, Arabic and Persian works and maintaining the Sanskrit College and the Madrāsā, the missionaries, helped by liberal Indians, set up
schools and colleges for education on Western lines and established a School-Book Society for selling English books. The prevailing spirit of the time is clearly indicated by the fact, noted by Trevelyon, that "upwards of 31,000 English books were sold by the School-Book Society in the course of two years, while the Committee did not dispose of Arabic and Sanskrit volumes enough in three years to pay the expense of keeping them for two months, to say nothing of the printing expenses".

The new ideas soon made their influence felt even in the Committee of Public Instruction. It was gradually divided into two parties known popularly as the "Orientalists" and the "Anglicists" or the English party. The latter held that public funds should henceforth be devoted only to the imparting of liberal education on Western lines through the medium of English. Although this could naturally reach only a limited number of pupils, it was argued that ultimately this knowledge would spread through them to the masses by means of vernacular literature. This is the famous "filtration theory" advocated by the "Anglicists".

The appointment of the famous missionary, Alexander Duff, on the Committee of Public Instruction strengthened the hands of the English party and it scored its first triumph when Lord William Bentinck established the Medical College in Calcutta in February, 1835. The appointment, in 1834, of Thomas Babington Macaulay, the new Law Member, as President of the Committee completed the discomfiture of the Orientalist party. By his vehement denunciation of classical Indian learning and eloquent pleadings in favour of Western education in his Minute of 2nd February, 1835, he carried Bentinck with him and on 7th March, 1835, the Council decided that henceforth the available public funds should be spent on English education. The existing oriental institutions like the Sanskrit College and the Madrasā were to continue, but fresh awards of stipends to students of these institutions and the publication of classical texts must cease. The funds thus released were to be spent "in imparting to the native population a knowledge of English literature and science through the medium of the English language."

The cause of English education was still further advanced by the regulation introduced by the first Lord Hardinge that all public services were to be filled by an open competitive examination held by the Council of Education (the successor of the Committee of Public Instruction), preference being given to the knowledge of English. Virtually English education was made the only passport to higher appointments available to the Indians, and hence its popularity and rapid progress were equally assured.
The chief defect of the system, as it was worked out in Bengal, was the disproportionate attention paid to the English education of the middle-class gentry as against the education of the masses through vernacular schools. William Adam, who was appointed by Bentinck's Government to investigate the condition of indigenous education, wrote valuable reports (in 1835, 1836 and 1838) on the subject. He described the miserable condition of the vernacular schools and the widespread ignorance and superstition prevailing among the masses. But Government relied on the "filtration theory", and little was done to improve the system of primary education for the masses.

This evil, however, was not so acute outside Bengal. In Bombay, Madras and the North-Western Provinces, English education developed on similar lines, thanks either to the enterprise of the missionaries or the initiative taken by the Government. But there was less keenness for English education and naturally more attention was paid to the improvement of indigenous schools and the spread of education through the vernaculars.

The advantages of English education were reaped mostly by the middle-class Hindus. The Hindu aristocracy and the Muslim community generally held aloof from it. But although confined to a few, English education produced memorable results. It not only qualified Indians for taking their share in the administration of their country, but it also inspired them with those liberal ideas which were sweeping over England and led to such momentous measures as the Catholic Emancipation Act (1829), the Reform Bill (1832), the Abolition of Slavery (1833), and the New Poor Law (1834). Unfortunately some grave defects characterised the new system of education from the very beginning. In the first place it was too literary, and, secondly, it was entirely divorced from religious and moral instruction. The first may be ascribed to a great extent to the personality of Macaulay, and the second was entirely due to the peculiar circumstance that the Government had to steer clear of the Christian zeal of the missionaries on the one hand, and the deep-rooted religious ideas of the Hindus and Muslims on the other. Their decision not to interfere in religious matters in any way was, in the circumstances, a wise one.

Although the beginnings of English education on a sound basis are to be traced to the momentous decision of 1835, the evolution of a comprehensive and co-ordinated system of education had to wait for nearly twenty years till the next revision of the Charter. A Parliamentary Committee was appointed on that occasion to examine the whole subject. The result was the memorable Despatch of Sir
Charles Wood, President of the Board of Control, dated 19th July, 1854, which laid the foundations on which the educational system in British India subsequently developed.

The most characteristic feature of the new scheme was the creation of a properly co-ordinated system of education from the lowest to the highest stage. There was to be an adequate number of efficient teaching institutions such as primary schools, higher schools, and colleges, each leading to the next higher step. A regular system of scholarships was instituted to enable meritorious students to prosecute the higher course of study, and educational institutions founded by private efforts were to be helped by grants from Government funds.

In order to carry out the above objects, a special Department of Education was to be created in each province and an adequate system of inspection would be provided for by the appointment of a sufficient number of inspectors.

For co-ordinating higher education a University should be established in each Presidency town. It would be mainly an Examining Body on the model of the London University. But while the higher teaching would be chiefly imparted through colleges, the University might institute Professorships in Law, Civil Engineering, Vernaculars and Classical languages.

Stress was laid upon the importance of mass education, female education, improvement of the vernaculars and the training of teachers. Every district was to have schools "whose object should be not to train highly a few youths, but to provide more opportunities than now exist for the acquisition of such an improved education as will make those that possess it more useful members of society in every condition of life."

Finally it was definitely laid down that the vernaculars should be the medium of instruction. "It is neither our aim nor desire", so runs the Despatch, "to substitute the English language for the Vernacular dialects of the country. . . . It is indispensable, therefore, that in any general system of education the study of them should be assiduously attended to, and any acquaintance with improved European knowledge which is to be communicated to the great mass of the people can only be conveyed to them through one or other of these Vernacular languages."

As regards religious instruction in the Government institutions, the Despatch clearly lays down that as these "were founded for the benefit of the whole population of India . . . the education conveyed in them should be exclusively secular".

Lord Dalhousie lost no time in giving effect to the policy out-
lined in the Despatch. Within a few years Departments of Public Instruction were established in all the provinces. The first University in India, that of Calcutta, was founded in 1857, and between 1867 and 1887 four new Universities, at Bombay, Madras, Lahore and Allahâbâd, were added. But before any substantial progress could be made, the great Revolt broke out and the government of the East India Company came to an end.

3. The Government and Social Reform

From the very beginning the British Government in India assumed a policy of benevolent neutrality in religious and social matters. In spite of strong pressure they refused to encourage, far less actively help, the religious propaganda of the Christian missionaries in India. The same policy induced them to dissociate religious instruction from the educational institutions maintained by the Government.

On the other hand the British Government not only tolerated all the rites and customs of the Indians, but sometimes even went so far as to evoke the criticism that they honoured and encouraged them by their favour. Two specific instances may be quoted. Under the Hindu law, a convert to Christianity forfeited his inheritance and was subject to other disabilities, and this was sanctioned by the British Government. Again, extreme deference was shown by the Government to many Hindu festivals and religious ceremonies, and on some of these occasions there was even a display of troops and firing of salutes.

This benevolent attitude was, however, shortly given up. A law passed in 1832, supplemented by another in 1850, removed all disabilities due to change of religion, and instructions were issued by the President of the Board of Control in 1833 that Government should cease to show any special favour or respect to Indian religious ceremonies. These instructions, including others requiring the abolition of the pilgrim tax and official control of temple endowments, were enforced by Lord Auckland.

But even the policy of benevolent neutrality was bound to come into conflict with the humane and progressive ideas that animated liberal Englishmen. In spite of their repeatedly declared policy of not interfering with the social and religious practices of the Indians, English rulers were impelled by considerations of humanity to co-operate with advanced Indian reformers in removing some gross evils which prevailed in Hindu society under the sanction of religion or long-standing usage.
The first to be attacked was the curious practice of infanticide. It was a long-standing custom among certain Hindus to throw a child into the sea at the mouth of the Ganges, in fulfilment of religious vows. A childless woman, for example, praying for progeny, would take a vow that if she had more than one child, one would be offered to Mother Ganges. Although not very widely prevalent, this inhumanity was too glaring to be ignored by anyone whose feelings were not totally blunted by religious superstition.

Another form of infanticide was far more widely spread, especially among the Rājputs, Jāts and Mewāts in Central and Western India. Here, the difficulty of marrying girls led the parents to kill them, while infants, by refusing proper nourishment, or sometimes even poisoning the nipples of the mothers' breasts. Enlightened and philanthropic British officers tried to stop this practice by persuasion, but this proved unsuccessful.

Ultimately laws had to be passed prohibiting both these forms of infanticide. Bengal Regulation XXI of 1795 and Regulation VI of 1802 dealt respectively with the second and first forms of infanticide, declaring both as murder.

But even the legislation of 1795, extended to newly added provinces by another Regulation in 1804, failed to remove at once the gross abuse of secret murder of girls, as by the very nature of the case it could often avoid detection. The practice, however, slowly died out, as a result of the influence of Western education and Western ideas.

The reforms of these abuses were followed by the suppression of another horrid custom. This was the so-called "Suttee" (Sati). The word means a chaste and virtuous woman but has by a curious process been applied to the practice of burning chaste women along with the dead bodies of their husbands.

Among primitive peoples of many lands there was a belief that life after death is more or less a continuation of the present life and subject to the same material needs. Accordingly a man needs his wife and attendants in the other world, and so the death of a king or a leading chief was followed by the immolation, either voluntary or forcible, of his wives, concubines, attendants and servants, so that they might keep company with their deceased lord and serve him in the same way as on earth. This custom prevailed in India, China, Babylonia and many other countries, and its traces linger in Japan where the death of the ruler is sometimes followed by the Hara-kiri or suicide of devoted subjects.

The burning of the wife is in one aspect the last remnant of this widely spread primitive custom. It must have been prevalent in
India from a very early period, and Greek writers have preserved detailed accounts of a case that occurred in the fourth century B.C. But still it was not enjoined as a sacred religious duty until centuries later. The practice is not referred to in the earliest law-books, and is merely permitted as an option to widows in later books. It is only towards the close of the Ancient period, or perhaps even later, that the practice was definitely enjoined as a religious duty. The last stage in this tragic drama was reached when the scriptures laid down self-immolation on the funeral pyre of her husband as the only meritorious course that a virtuous woman could follow. Not only would such a woman enjoy eternal bliss in heaven along with her husband, but her action would expiate the sins of three generations of her husband’s family, both on his father’s and mother’s side.

Such hopes and encouragements both to the victim and her natural protectors produced the inevitable consequences, and every year hundreds of women met with a cruel death in the name of religion. In many cases the material interests of the male relations, added to religious faith, induced them to persuade, sometimes even to force, the unhappy victim to the tragic course. Sometimes opium and other drugs were used to benumb the senses of the woman, so that she might be easily persuaded to adopt the fatal resolve. Cases are on record when the woman fleeing from the first touch of fire was again forcibly placed upon the funeral pyre. To prevent such incidents the male relations often took care to cover the body of the widow with wood, leaves and straw and then pressed it down by means of two bamboos before setting fire to the pyre. At the same time the thunderous noise of the crowd mingled with sounds of drums ensured that the cries of agony from the wretched girl would not be heard by any spectator.

The very fact that such practices could endure for centuries among an intelligent and cultured people, illustrates in a striking manner how faith in a supermundane existence, instead of enlightening and purifying the ideas and sentiments of man, at times warps his judgment and paralyses his noble instincts and human feelings.

It is gratifying to note that enlightened Mughul rulers like Akbar not only raised their voice in protest but also took effective steps to prevent the obnoxious practice. But the absence of an organised and sustained effort led to no permanent result. From the early days of British rule both officials and missionaries appealed to the Government to stop this baleful custom, and an agitation was set on foot in England to force the hands of the authorities at home. But hampered by their declared policy of laissez-faire in matters
of religion, and afraid to offend the religious susceptibilities of a large class of subjects which might ultimately affect the military, the British Government in India long hesitated to take any decisive step. The Supreme Court, however, refused to tolerate it within the precincts of Calcutta, and the Dutch, the Danes and the French prohibited it respectively in Chinsurā, Serāmpur and Chander-nagore.

The Government at first instructed its officers to take no further step than dissuading the intended victims by gentle persuasion. In 1789 the Collector of Shāhābād referred the matter to Lord Cornwallis in the following words: "The rites and superstitions of the Hindu religion should be allowed with the most unqualified tolerance, but a practice at which human nature shudders I cannot permit without particular instructions." In reply he was told that his action must be "confined to dissuasion and must not extend to coercive measures or to any exertion of official powers".

The letter of the Collector and the reply thereto typify the early official attitude on the question. When a similar letter was written by the Magistrate of the Bihār district in 1805, Lord Wellesley referred it to the Court of Nizāmat Adālat. On the basis of the replies received, the Government framed regulations on the subject in 1812 and supplemented them by others in 1815 and 1817. The net result of these regulations was to prevent the burning of widows who were either of tender age, or were pregnant or had infant children. They also made it criminal to compel a woman to burn herself or to drug or intoxicate her for that purpose.

These regulations bore but little fruit and reliable evidence shows that in the districts round Calcutta alone the number of "Satis" averaged more than five hundred each year. British officials were never tired of urging upon the attention of the Government the necessity of abolishing the practice altogether. The Government, however, was unable to take its courage in both hands and preferred to rely upon the gradual enlightenment of Indian opinion for the ultimate abolition of the practice.

The signs of this progressive spirit were not lacking. Thanks to the unwearied efforts of Rājā Rāmmohan Roy enlightened Indian opinion gradually asserted itself. When the orthodox Hindus protested against the regulations of 1817 and sent a petition to the Government for their repeal, a counter-petition was submitted by the Rājā and his coadjutors. After describing the horrors of the "Suttee" in vivid terms, they declared that "all these instances are murders, according to every Shāstra as well as to the common sense of all nations". To educate public opinion Rājā Rāmmohan
wrote a pamphlet on the subject and organised a vigilance committee in order to ensure that the Government regulations were followed in each instance. The Rājā was bitterly opposed by orthodox Hindus under the leadership of Rājā Rādhā Kānta Deb. Feelings at last ran so high that even Rājā Rāmmohan’s life was threatened.

When things had reached this acute stage, Lord William Bentinck was appointed Governor-General and was instructed by the Home authorities to consider definite measures for the immediate or gradual abolition of Satī. After carefully studying the situation he decided to abolish it immediately. His zeal for reform was not shared by many. Even Rājā Rāmmohan advised caution, believing that immediate abolition might cause great discontent and excitement. Bentinck’s ardent desires for reform, however, brooked no delay. On 4th December, 1829, was passed the famous Regulation XVII which declared Satī illegal and punishable by courts. Not only the persons who used inducement or compulsion of any kind, but even those who were associated in any way with the voluntary act of a Satī were to be regarded as criminals.

As expected, Bentinck’s measures evoked loud protest. A largely-signed petition of remonstrance was presented to the Governor-General, and an appeal was made to the authorities in England. To counteract these measures Rājā Rāmmohan sent a congratulatory petition to the Governor-General, signed by 300 residents of Calcutta. One of the reasons which induced him to visit England was to thwart any attempt to have the new Regulation repealed by the Privy Council. Rāmmohan’s attempts were crowned with success. The new Regulation was upheld by the Home authorities and thus the inhuman practice was at last definitely brought to an end. Bentinck’s efforts were nobly supplemented by the first Lord Hardinge, who was mainly instrumental in suppressing Satī and infanticide in the Indian States.

Another great reform standing to the credit of Lord William Bentinck is the suppression of the organised bands of Thugs. These secret assemblages of criminals had peculiar modes of initiating their members, who, travelling in disguise, murdered helpless travellers, mostly by strangulation with a handkerchief or scarf used as a noose. Although the members were recruited from both Hindus and Muslims, the Thugs were reputed to be devotees of the goddess Kāli, and carried on their heinous trade of murder under the mistaken belief that it had the sanction of the goddess. The organisation spread almost all over India and there are reasons to believe that they secured active help from certain chiefs, landholders and merchants. Sir William Sleeman and a number of able
officers were specially selected to crush the organisation, and Bentinck passed a series of special Acts to regulate their proceedings. More than three thousand Thugs were caught during 1831–1837, and as a result of these vigorous measures India was soon rid of this great scourge.

A momentous reform, which created, however, very little sensation, was the abolition of slavery by Act V of 1843. Contrary to the general popular belief, slavery was a very ancient institution in this country, and even in 1843 “there were many millions of slaves in India”. Still the Act which “refused to recognise slavery as a legal status” and thereby automatically set the slaves free without any compensation to the owners provoked neither opposition nor excitement. This is an evidence of the high moral tone infused by Western education and liberal English tradition. The abolition of State lotteries in the Presidency towns about the same time furnishes one more instance of the liberal spirit that actuated the Government of the day. An attempt was made to justify them on the ground that the proceeds were spent on local improvements, but the serious objection to the practice on moral grounds prevailed against any idea of pecuniary gain.

To the first Lord Hardinge’s Government belongs the credit of taking steps to stop the human sacrifices practised by the Khonds in Orissa under the erroneous belief that thereby the fertility of the land was increased. Although the results achieved during Hardinge’s Governor-Generalship were not very satisfactory, the cruel and atrocious practices were definitely stamped out by the energetic efforts of Campbell and other officers specially appointed for the purpose during 1847 to 1854.