

# Evolution of Civil Services in India

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\* Cornwallis role : first to organise civil services. He checked corruption through

(1786-93)

- ↳ raising salary of civil servants
- ↳ strict enforcement of rules against priv. trade
- ↳ debarring civil servants from taking bribes
- ↳ promotions through seniority

\* Wellesley's role : In 1800 : he set up ~~the~~ Fort William College for training of new recruits  
(1798-1805)

1806 : this was rejected by Court of Directors

- ↳ EIC College was set up at Haileybury, England for 2 yrs training to recruits.

\* Charter Act of 1833 : no open competition

\* Charter Act of 1853 : merit based system of recruitment ending EIC's patronage  
↳ based on recommendation of TB Macaulay, head of Civil Service Commission.

Reasons for exclusion of Indians :

1. Indians were incapable
2. only English could serve British interests

3. already high competition among Europeans

\* Proclamation of 1858 : intention to include Indians

\* Indian Civil Service Act, 1861 :  
1. exam to be held in England in English & requires learning of Greek & Latin.  
2. certain offices were reserved for ~~covenanted~~ civil services.  
3. Max age → 33 (in 1859) to 19 (in 1878) reduced

→ In 1863 : Satyendra Nath Tagore became first Indian to qualify for ICS

→ In 1878-79 : Lytton introduced statutory Civil Service, where  $\frac{1}{6}^{\text{th}}$  of covenanted posts to be filled by Indians of high families through nominations by local govt. This requires approval of SoS & Viceroy.

This system failed & was abolished.

- \* Congress demands (in 1885)
  1. lowering age for recruitment
  2. conducting exam in India & Britain.

\* Aitchison Committee on Public Services, 1886 (set up by Dufferin)

- Recommendations:
1. dropping covenanted & uncovenanted terms.
  2. classification of civil service into Imperial Indian civil service (exam in England), Provincial civil service & Subordinate civil service (both exams in India)
  3. raising age limit to 23

- \* Montford Reforms, 1919 :
  1. recommended holding of simultaneous examination (implemented in 1922)
  2.  $\frac{1}{3}$ rd recruitments from India itself

\* Lee Commission, 1924 : recommended :

1. Public Service Commission to be set up
2. direct recruitment to ICS on 50:50 basis between and & Europeans be reached in 15 yrs
3. recruitment for transferred subjects be made by provincial govt.
4. SOS should continue to recruit ICS, IFS etc.

\* GOI Act, 1935 : recommended establishment of Federal-PSC. & Provincial PSC.

✓ European supremacy was ensured in civil service.

## \* Evolution of Police system in Modern India

(2)

→ Pre-colonial era : No separate or formal police system.

→ In Mughal era :

Faujدارs → helped in maintaining law & order

amils → revenue collectors

Kotwal → maintenance of law & order in cities

In 1770 → amils & faujدارs abolished

In 1791 : Cornwallis organised regular police force

↳ modernising old system of thanas, SP - head of district

↳ zamindars - relieved of police ~~data~~ duties.

1808 : Mayo appointed SP for each district assisted by spies.

Bentick (1828-35) : • abolished SP office

• collector/magistrate now head  
of police force in his jurisdiction

} badly organised

\* Police Commission (1860) : led to Indian Police Act, 1861

recommendations :

↳ system of civil constabulary

↳ IG as head in province, DIG - head in range

SP - head of district

→ All India Police was  
not created

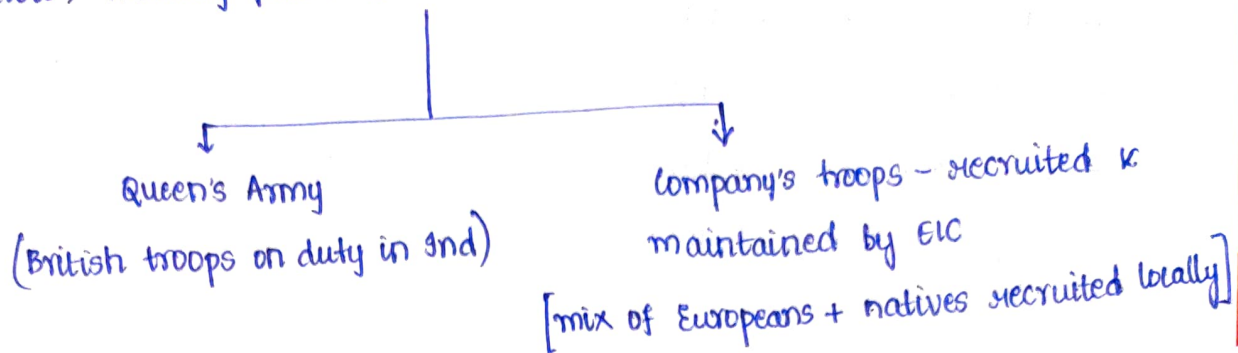
→ gave guidelines for  
uniform police set up  
in provinces.

\* Police Commission (1902) : recommended establishment of CID in provinces  
and Central Intelligence Bureau at centre.



## Military under the British

Before 1857 Revolt, military forces included



After 1857, there was systematic reorganisation of Army:

- domination of European branch over Indian branch of army.
- commissions of 1859 & 1879 insisted on 1/3rd white army (before 1857 - 47%)
- final composition of Europeans : Indians

In Bengal army 1 : 2

Bombay & Madras 2 : 5

- strict European monopoly in key geographic locations and departments.
- inferior quality rifles were given to Indians till 1900
- till 2nd world war, high-tech departments were not open for Indians.
- Indians were not allowed in ~~higher~~ ~~senior~~ officer rank
- till 1914 : an Indian could reach rank of Subedar

After 1918 : Indians were allowed in commissioned ranks

- \* 1926 : Indian sandhurst Committee was constituted to suggest Indianisation of Indian Army.

- \* Army Commission of 1879 : emphasised on divide & rule [natives against natives]

→ accordingly, martial & non-martial races were developed

eg. Sikhs, Gurkhas, Pathans

- who assisted in suppression of revolt
- coming from relatively marginal social groups

∴ will remain mostly unaffected by nationalism

eg. soldiers from Awadh, Bihar, Central India, South India

- who took part in revolt

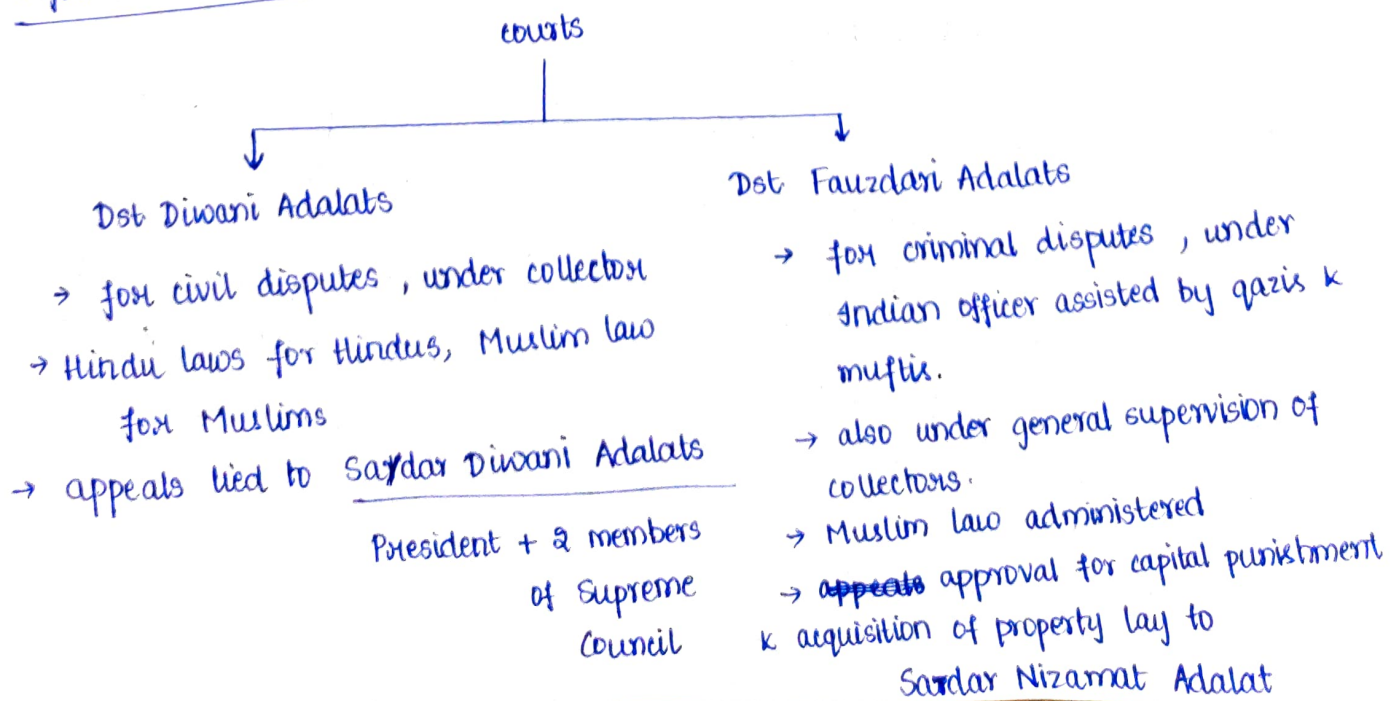
- this discriminatory recruitment was done to <sup>assuming</sup> justify that good soldiers could come only from specific communities.
- caste & communal based recruitments were introduced
- Indian army was mixture of various socio-ethnic groups.
- communal, caste & tribal consciousness was encouraged to check growth of nationalist feelings.

## \* Development of Judiciary in British India:

### Judiciary in Mughal era

- ✓ no proper procedures, organisation of courts
  - ✓ no proper distribution of courts w.r.t area
  - ✓ Hindu litigation carried out by caste elders / zamindars / village panchayats
  - ✓ Muslim " " " qazi (office held by religious persons)
  - ✓ Rajas & Badshahs - ~~for~~ ultimate head of justice (it could be arbitrary)
- Mayor's Courts in Madras, Bombay & Calcutta in 1726 - brought common law system based on recorded judicial precedents.

### Reforms under Warren Hastings (1772-85)





(contd.)

Sadar Nizamat Adalat at Murshidabad  
headed by deputy nizam, assisted by  
chief qazi & chief mufti

→ Regulating Act of 1773 : SC at Calcutta was established (original & appellate jurisdictions)  
jurisdiction : all British subjects within Calcutta,  
subordinate factories, including Indians  
& Europeans

### Reforms under Cornwallis (1786-1793) :

- ✓ Dist. Fauzdari Courts abolished
  - ✓ Sadar Nizam Adalat shifted to Calcutta headed by Gov. General
  - ✓ Dist. Diwani Adalat now became Dist., City or Zila Court placed under district judge.
  - ✓ collector only responsible for revenue administration, stripped of magisterial functions.
  - ✓ gradation of civil courts was established
  - \* Cornwallis Code was laid out :
    - (a) separation of judiciary and revenue administration
    - (b) Europeans also brought under jurisdiction
    - (c) govt. officials answerable to civil courts for official actions.
    - (d) principle of sovereignty of law was established.
- ✓ circuit courts were set up at Calcutta, Dacca, Murshidabad & Patna.  
↓  
had European judges & acted as courts of appeal for both civil and criminal cases.

### Reforms under William Bentick (1828-1833) :

- ✓ circuit courts abolished
- ✓ Option to use Persian or vernacular language (till earlier ~~only~~ Persian was official language in courts)
- ✓ In SC, English replaced Persian.
- ✓ 1833 : Law Commission was set up under Macaulay for codification of Indian laws. CPC (1859), IPC (1860), CrPC (1861) were prepared

- GoI Act, 1935 : provided for establishment of Federal Court (set up in 1937) that could settle disputes between governments and hear limited appeals from HCs.

### Evaluation of judiciary:

#### +ve

- rule of law was established
- codification of laws
- Europeans were brought into jurisdiction however in criminal cases they could be tried by European judges only.
- govt. servants became answerable

#### -ve

- judicial system became more complicated and expensive
- ample scope for false evidence, deceit
- delayed justice
- increased litigation & overburdened courts
- European judges not familiar with local traditions.

### Major changes in administration structure after 1857 :

→ British wanted to avoid 1857 like situation. Certain changes were made in administrative structure.

- 1. association of natives in administration
  - 2. large scale British investment in railways, loans to GoI, tea plantations, mining, shipping, trade & banking.
- a new stage of colonialism began.

changes in central govt.

- ✓ ~~GoI Act~~, Act for Better GoI, 1858 : power transfer from EIC to Crown
  - Secretary of State + Council (15 members) to assist (advisory body)
  - Gov. General became Viceroy
  - Viceroy assisted by Executive Council

- ✓ Indian Councils Act, 1861 : addition of jurist to Viceroy's Executive Council
- addition of 6-12 members (at least half as non-official)

### drawbacks:

- no control over budget
- could not discuss executive action
- Viceroy's approval required for final passing of bill
- Even if approved by Viceroy, SoS could ~~at~~ reject
- Indian non-officials were members of elite section.
- Viceroy could issue ordinances

### Changes in provincial govt.

- Through Indian Councils Act, 1861 legislative powers of Madras & Bombay returned.
- legislative councils were established in other provinces.
- Bombay, Madras & the Calcutta provinces enjoyed more rights & power.  
administered by Gov. General + Exe. Council (3 members appointed by Crown)
- other provinces → Lt. Governors & Chief Commissioners (appointed by Gov. General) carried administration.
- Later, financial decentralisation began (to increase revenues & reduce expenditure)
- 1870 Resolution by Mayo : granting fixed sum out of central revenues for certain services (police, jail, education...) to provincial govt.
- 1877 Lytton transferred other heads of expenditure like land revenue, law & justice to provinces.
- Provinces also got fixed income from income tax, stamp, excise.
- In 1882 : all sources of revenue were divided into :
  - general (for centre)
  - provincial (for provinces)
  - & amount to be divided between centre & provinces.
- central govt. had complete control over provinces.



Changes in local bodies: decentralisation of administration by promoting local govt through municipalities and district boards

Mayo's Resolution of 1870:

- provincial govt. can resort to local taxation, apart from grant made by imperial govt.

Rippon's Resolution of 1882: [Rippon - father of local self-govt. in India]

- desired to implement financial decentralisation in ~~case~~ of local bodies
- development of local bodies to improve administration
- non-officials to be majority in these bodies.
- " to act as chairpersons to these bodies
- minimum official interference

Royal Commission on decentralisation { 1908:

- pointed out the lack of financial resources as a major drawback in effective functioning.
- emphasised that village panchayats should be given more powers.
- " " sub-district boards should be set up in every taluk or tehsil.
- withdrawal on existing ~~resources~~ restrictions on taxing powers.
- municipalities might take responsibility of primary education.

GoI Resolution, 1915

- lsg was transferred subject under GoI Act, 1919
- each province could develop local self institutions according to provincial needs.
- provincial autonomy, under GoI Act, 1935, gave further push for development of lsg.