

Modern Indian History Class 16

15th November, 2023 at 9:00 AM

WAS CONQUEST IN INDIA A RESULT OF BRITISH POLICY? (09:06 AM)

- British had no official policy of conquest and conquest was the product of sub-imperialism i.e. policies, actions and personal ambitions of senior EIC officials in India (British banned expansion in India in Pitt's India Act).
- However, the British can not escape responsibility as:
- Tools of conquest i.e. Right to wage war, and acquire territory were given to EIC by the state as the charter was issued by the crown and later by the British Parliament.
- Royal Military helped EIC in the Battle of Plassey in 1757 when conquest began and in the 1857 revolt when EIC's rule could have ended.
- The state helped in the development of presidencies. E.g. Bombay was given for a rent of just 10 pounds per annum in 1668 by King Charles II.
- British Monarchy, state and important figures in British Polity gained financially from EIC-
- More than 150,000 Pounds were given to the crown in the 17th century for the renewal of charters.
- 1698- Parliament gave the monopoly of the British state to the east to the New Company as it offered a 2 Million Pound loan to the state vs a 700,000 Pound loan offered by EIC.
- 1709- EIC and New Company merged.
- 1767- EIC was mandated to pay 400,000 pounds per annum to the state. Therefore, the state wanted a share of EIC's loot of Bengal after the treaty of Allahabad in 1765.
- Many Parliamentarians and Queen Elizabeth were shareholders of EIC who got dividends.
- EIC was an important tool of foreign policy for Britain. (1838-42: First Afghan war where the main target was Russia but fought by EIC)
- **After Regulating Act 1773 and Pitts India Act 1784**, EIC's political affairs were under the supervision and control of the British State and principal servants of EIC i.e. Subimperialists were appointed only after approval of crown and binding orders could be passed after 1784.

EIC ADMINISTRATION (10:01 AM)

- **Refer to the handout for details.**
- **1765-72: Dual Government in Bengal**
- The Treaty of Allahabad in 1765, made EIC the top authority on Diwani (Revenue matters) while Nawab retained Nizamat (rest of administration e.g. Law and order).
- **1772 – Direct Government:** Dual Govt was ended and now EIC implemented its administration in Diwani as well as Nizamat because-
- British believed that the EIC administration would be more efficient leading to more revenue collection (Low LR collection since the Great Bengal Famine 1770).
- This will lead to better law & order (Poor Law & Order since 1770).

JUDICIAL ADMINISTRATION (10:27 AM)

- **Refer to the handout for details.**
- **Mughal System**
- In civil matters, the personal Laws of Hindus and Muslims were used in cases related to marriage, inheritance etc.
- In criminal matters, Islamic law was applied.
- **Warren Hasting's System of 1772(Judiciary)**
- **In Diwani Adalats** at the district level European DC was made judge & he was to be assisted by pandits & maulvis. Personal Laws of Hindus and Muslims were used in cases related to marriage, inheritance etc.
- **In Nizamat Adalats** at the district level, Kazis & Muftis continued to head the court but were put under the supervision of European DC. This was because Law and order were considered more sensitive & British didn't want to interfere with the existing system.
- Sadar Diwani Adalat (*SDA) & Sadar Nizamat Adalat (*SNA) were to be headed by GG(Bengal).
- **Changes of 1773 by Warren Hastings (Judiciary)-**
- Separation of powers was implemented at the level of European DC and now to prevent conflict of interest, an officer who was a DC was not to be a judge & vice versa.
- To bring justice physically closer to people, Diwani Adalats at the district level were replaced by 18 Mofussil courts headed by a European judge (Mofussil implies rural areas or rural districts or areas of countryside).
- Regulating Act 1773 led to the setting up of a **Supreme Court at Calcutta in 1774.**

- **CORNWALLIS CODE of 1793 (Judiciary)**
- Cornwallis re-introduced the Separation of powers at the level of CCS (covenanted civil service) officer to reduce concentration of power.
- **In Civil matters**
- a. Ended Mofussil courts and brought Diwani Adalats at the District level and City Courts for cities.
- b. Created a 3-tier structure of judiciary to reduce the burden of cases on GG(Bengal) & Council members who headed SDA.
- **In Criminal matters,**
- a. Ended Nizamat Adalats in districts.
- b. Divided Bengal into 4 divisions (Patna, Murshidabad, Calcutta, Dacca) and a “Court of Circuit” was set up in each division. A Court of Circuit is a court that sits in different places in an area/circuit.
- **(Judiciary) Charter Act 1833:**
- One Legal member was added to GG(India)’s council. **Thomas Macaulay** was made the law member and a **Law Commission** was set up under him for the codification of laws which was completed by 1837.
- Judicial positions were opened for Indians.
- GG(India) in Council was made the central and single legislative authority for British India and the laws made were to be equally applicable to Indians & Britishers in India.
- **(Judiciary) Reforms by William Bentinck (1828-35, GG (India))**
- Ended courts at the division level i.e. Provincial Courts of Appeal (civil matters) and Courts of Circuit (criminal matters) which had high pendency of cases. This also reduced expenditure of govt.
- **Indian High Courts Act 1861** led to the setting up of High Courts at Madras, Bombay, and Calcutta by 1865. Calcutta HC was created by merging SDA, SNA & Supreme Court at Calcutta.
- **Government of India Act 1935** led to the setting up of a Federal Court for British India. It dealt with Inter-Governmental disputes and appeals against decisions of High Courts.

TOPIC OF THE NEXT CLASS- REFORMS RELATED TO CIVIL SERVICES AND EDUCATION