

DUAL SYSTEM OF ADMINISTRATION IN BENGAL (1765-1772)

THE SYSTEM OF DUAL GOVERNMENT

1. Clive introduced the dual system of administration in Bengal instead of bringing the province directly under the company's rule. Clive was well aware of the fact that it was an extremely difficult task to collect revenue or Diwani from a vast area like, Bengal, Bihar and Orissa as he had neither the required number of revenue officials that he had were conversant with the local languages, customs and manners.
2. Perceiving this difficulty, he thought of giving the responsibility of collecting Diwani to the Indians and appointed Deputy-Diwans- Mohammad Raza Khan for Bengal and Raja Shitab Roy for Bihar. Since the Nawab of Bengal was a minor, Mohammad Raza Khan was also given the additional responsibility of Deputy Nazim.
3. In this system of Dyarchy the Indians mainly carried out the work of Diwani. Thus the company acquired real power while the responsibility for administration Nizamat as well as Diwani was exercised through Indian agencies. Theoretically, under this system, the administration was divided between the Company and the Nawab but the whole power was actually concentrated in the hands of the Company. This complex system remained in practice during the period from 1765 to 1772 and was afterwards terminated by Warren Hastings.

IMPLICATIONS OF THE SYSTEM OF DUAL GOVERNMENT

1. However, the dual system of administration had some sinister implications. It did not bring any benefit happiness or prosperity to anybody rather a state of anarchy, exploitation and corruption became to prevail.
2. First, owing to this system of administration law and order virtually broke down. The company's officials developed the habit of disowning all responsibilities for anything that happened afterwards.
3. Second, the dual system almost crippled the judicial system. The Nawab was powerless and the Company officials were irresponsible. Thieves' dacoits and robbers held away.
4. Third, this added to the woes of the farmers. The fertile land of Bengal turned barren and at places was deserted. Revenue collection became arbitrary and the work of collection of land tax was assigned to the highest bidder. Several farmers eventually abandoned their land in desperation.
5. Fourth, this system adversely affected trade and commerce. The company held monopoly over trade. The company officials and servile carried out their own personal trade and made huge amounts of money causing a lot of damage to the Indian trade. This enriched the individual officials but impoverished the Company. Clive himself referred to these abuses in the course of a speech in the House of Commons. When he said that the Company's merchants traded but only as merchants but as sovereigns and had taken the bread out of

the mouths of thousands and thousands of merchants, who formerly used in carry on the trade and who are now reduced to beggary.

6. Fifth, it had a negative impact on the trade and industry of Bengal. The silk industry of Bengal was severely affected. Now instead of talking silk cloth the British preferred raw silk. Many Indians weavers were ruined and they were made to undergo physical torture.
7. Sixth, when the devastating famine of Bengal occurred in 1770, the Government did not offer any help. Therefore, one-third of the population of Bengal was wiped out due to hunger and diseases. Every day thousands of dead bodies were disposed in the river Hoogly. This famine proved to be devastating for Bengal but nobody under the dual system of administration was ready to offer help.
8. Seventh, now the enormous flow of Indian money towards England began. By an estimate, in the years 1766, 1767 and 1768 alone an amount of 59 lakh pounds were drained by the Company from Bengal. This vicious circle was such that it continued until the British left India.
9. Clive's dual administration may be termed as polluted administrative machinery that caused innumerable hardships to the people of Bengal and there were huge losses in terms of men, money and material in all the regions. This system brought a bad name to the Company and hence, as soon as Warren Hastings took over the charge, he ordered the abrogation of this system.

PERMANENT SETTLEMENT

PART – I – BACKGROUND

1. Land Revenue System under Dual Government in Bengal during 1765-72.
2. Ijardari Settlement introduced by Warren Hastings in 1772.
3. Both failed and the company felt the need for reorganizing land revenue on a sound basis.

PART – II – RISE OF THE IDEA OF ZAMINDARI SETTLEMENT/ PERMANENT SETTLEMENT

1. It was since 1770, i.e. even before Cornwallis arrived, that a number of Company officials and European observers like **Alexander Dow, Henri Patullo, Philip Francis** and **Thomas Law** were advocating for the land tax being permanently fixed.
2. Despite their various ideological orientations, they shared a common faith in the Physiocratic school of thinking that assigned primacy to agriculture in a country's economy.
3. **Alexander Dow** in his book **History of Hindustan** (1768-72) introduced the idea of permanent settlement.
4. This idea was elaborated by **Henri Patullo**, and economist in 1772.
5. Idea of recognizing Zamindars as proprietors of land on permanent basis was put forward by **Philip Francis** in 1776.

PART – III – MOVE TOWARDS ZAMINDARI/ PERMANENT SETTLEMENT

1. Lord Cornwallis came in India as a Governor-General in 1786 A.D. At that time the land revenue system introduced by Warren Hastings had created many problem and different English officials were expressing different opinions about its survival.
2. In fact there were two main schools of thought regarding, the land revenue settlement. (1) According to James Grant Zamindars had no permanent rights whether as proprietors of the soil or as officials who collected and paid sent. This school was of the opinion that the State was not bound by any definite limit in its demand from them. (2) According to Sir John Shore, the proprietary rights in land belonged to the Zamindars and the state was entitled only to customary revenue from them.
3. However, the instructions of the Court of Directors certainly made the task of Cornwallis easy. He had not to think and explore very much. The Directors had instructed him that after assessing the revenue record of some past years, a settlement should be made with the Zamindars for some years but with a view that it could be made permanent in the future.
4. It was at this stage that the idea first emerged of fixing land revenue at a permanent amount. Finally, after prolonged discussion and debate, the permanent Settlement was introduced in Bengal and Bihar in 1793 by Lord Cornwallis. (In fact the Zamindari settlement introduced in 1790 as Ten-year settlement on the basis of Shore's Minute 1789 was made a Permanent in 1793).

PART – IV – MERITS OF THE SETTLEMENT

1. The Zamindars (or revenue collectors, who formerly collected land revenue only were recognized as the landlords (or the owners of the land). The British East India Company made the settlement with them. They were not only to act as agents of the Government in collecting land revenue from the ryot but also to become the owners of the entire land in their zamindaris. Their right of ownership was made hereditary and transferable.
2. Under this system the cultivators were reduced to the low status of mere tenants and were derived of long-standing rights to the soil and other customary rights. The use of pasture and forest lands, irrigation lands, fisheries and homestead plots and protection against enhancement of rent were some of their rights which were sacrificed. In fact the tenancy of Bengal was left entirely at the mercy of Zamindars. This was done so that the Zamindars might be able to pay in time the exorbitant land revenue demand of the Company.
3. The Zamindars were expected to improve the condition of the tenants and agriculture.
4. The Zamindars were required to pay a fixed amount of land revenue which cannot be increased later on. On their failure to pay the amount, the Government could sell their land by public auction.
5. The Zamindars could sell their lands and also had right to purchase land.
6. The state kept no direct contact with the peasants.
7. Under the system the Zamindars were to give 10/11 of the rental they derived from the peasantry to the state, keeping only 1/11th for themselves.

8. If the rental of a Zamindar's estate increased due to extension of Cultivation and improvement in agriculture of his capacity to extract more from his tenants or any other reasons, he would keep the entire amount of the increase. The state would not make any further demand upon him.
9. The Government was not interfere in their internal dealings with the tenants so long as the Zamindars paid the fixed land revenue to the Government.
10. The initial fixation of revenue was made arbitrarily and without any constitution with the Zamindars. The attempt of the officials was to secure the maximum amount. As a result, the rates of revenue were fixed very high. John Shore, the man who planned the Permanent Settlement and later succeeded Lord Cornwallis as Governor-General, Calculated that if the gross produce of Bengal, Bihar and Orissa to be taken as 100, the Government claimed 45, Zamindars and other intermediaries below received 15, and only 40 remained with the actual cultivator.

COMMERCIALISATION OF AGRICULTURE

PART – I – BRITISH POLICY TO PROMOTE COMMERCIALISATION OF AGR.

1. Commercialization of agriculture does not indicate any new event during British colonial period rather it indicates that the new form of commercialization of agriculture emerged during this period. This can be seen as a new form because it was encouraged by a foreign company and was associated with the fulfillment of its objectives.
2. The main object of East India Company's trade was to procure and export the Indian commodities and to gain through this export. It is in this context that commercialization of agriculture needs to be understood in exports, the export of agricultural products were given preference can this was an important aspect of growth of commercialization of agriculture. This kind of policy was already in an important aspect of growth to export of silk.
3. Later the idea of agricultural export strengthened. The reason for this was the rapid pace of industrialization taking place in Britain and the commercialization of agriculture can be understood in context of need for raw material for these industries.
4. The main aspect with regard to export of agricultural products was trade with China in which the balance of trade was in favour of China. In this field the company needed to tilt the balance of trade in its favour. The company fulfilled this objective in two ways. The need to import tea from China was curtailed and tea farming was encouraged in India itself. Opium cultivation was encouraged in India and it was exported to China. This way a triangular trade developed between London, Calcutta and Canton.

PART - II – GROWTH OF COMMERCIALISATION OF AGR.

1. Under this process, the company encouraged the cultivation of a few specific types of crops. Under this the production of jute, sugarcane, oilseeds, opium, indigo, black pepper tea and silk was encouraged. This affected the expansion in the area of cash crops cultivation.
2. Commercialization got more impetus in those regions, where cultivation was intended for export; such regions were the wheat region of Punjab, the cotton region of Gujarat, Jute region of East Bengal, Cotton region of Berar etc.

PART – III – FAVOURABLE CONDITIONS FOR THE GROWTH OF COMMERCIALISATION OF AGR.

1. The demand of land revenue in cash gave impetus to the production of cash crops, which led to the spread of commercialization in rural areas.
2. Rent in the form of cash payment was given preference. In British period there began the trend of payment of rent in cash and this also encouraged commercialization.
3. The development of transportation facilities was also an important factor for the commercialization of agriculture. This development ended the isolated condition of rural areas. The connectivity between the rural and between the rural-urban areas also gave impetus to commercialization.
4. Growth of transport facilities led to the establishment of contact with urban areas and this enhanced the reach of rural population to market areas, the daily use commodities began to be purchased from markets etc. all these factors and processes accelerated the pace of commercialization.
5. An important factor for the growth of commercialization of agriculture was the utilization of British trade capital in economic activities.
6. The main aspect of the deteriorating condition of peasants was their indebtedness. An important requirement of peasants was the payment of principal amount and interest and this was to be paid in cash so this process had favorable impact on the pace of commercialization.

EDUCATION POLICY IN BRITISH INDIA

PART – I – FACTORS WHICH SHAPED THE POLICY

1. The introduction of new system of education was primarily motivated by the politico-administrative and economic needs of the British in India. The British did not harbor any bonafide intention to educate the people and bring about enlightenment – the basic goal of education.
2. Besides, the development of education was not only British efforts. The Christian missionaries too played a role though with a different motive. And the pioneering efforts of some progressive minded Indians too contributed their mite to the cause of education.

3. The British were not inspired by any philanthropic motives and whatever limited efforts they made were in the larger interests of the colonial rule. Education, in fact, came to be used as a tool to buttress and perpetuate colonial rule.
4. The Principle motive behind the introduction of Western education was to make administration of lower rung economical. As a result of large scale political expansion as the British and turned to be merchants cum rulers, administrative structure too grew elaborate and extensive which necessitated staffing of low cadre posts. And as it was too expensive an affair and politically not advisable to import a huge number of people from England it became political expedient to recruit people from Indian Strata after providing them a little bit of education and general working knowledge to suit the growing needs.
5. The problem of staffing the subordinate's level also cropped up in trade centers and industries. They required clerks, agents, managers who knew English to shoulder the overgrowing responsibilities as a result of expansion of trade and commerce.
6. (a) British policy was also shaped by their notion that Indians imbued with Western knowledge would prove to be of help in manifold ways.
 (b) First, Western education, they had the impression, would dispel reactionary attitude and develop in Indians a recocilliatory attitude. This would create a sense of belongess.
 (c) Second, the educated Indians would help expand markets in India for British goods.
 (d) Third it would give birth to a class of people who would be English in attitude, approach and spirit and who would act as a buffer, a powerful link between the vast population of the subject people and those who governed them.
7. The British were also inspired by Anglicizing spirit, as is evident from the attitude of many leading Englishmen, for a social and political unification under the guidance and leadership of Britain. The British were also motivated by the spirit of their civilizing mission that was to bring about enlightenment through establishment of the British cultural and intellectual hegemony.

PART – II – DEVELOPMENT

Sub-Part – I – The Charter Act of 1813

1. During the early period of its administration in India at least till 1813, the East-India Company did not recognize the promotion of education among the natives of India as part of its duty or concern. But while this was generally true, there were, even during this period, three forces that were working for the cause of a New Education in India :- (a) the efforts of some of the civil officers of the East India Company, (b) the activities of the missionaries and (c) the attempts of some benevolent and public spirited Indians.
2. The Charter Act of 1813 provided for an annual grant of one lakh of Rupees for the revival and improvement of literature and for the promotion of the sciences among the Indian people.
3. The Company, however, did not show any zeal in the matter for ten years, during which period private initiative brought into existence many schools and colleges. It was in 1823 that the grant was finally appropriated for the purpose for which it was originally intended.
4. That year a General Committee of Public instruction was appointed by the Government for the purpose of ascertaining the state of public education under the Presidency of Fort

William and of considering, and from time to time submitting to Government, suggestions of such measures as may appear expedient to adopt with a view to the better instruction of the people, to the introduction among them of useful knowledge including the sciences and arts of Europe, and to the improvement of their moral character.

Sub-Part – II – Macaulay's Minute

1. The year 1835 marked the real beginning of education in India. It was through 'Macaulay's minute' that English education was introduced. The 'minute' laid the foundation of a new system of education based on western learning subsuming western art & literature through English as medium of instruction. "Macaulay's minute" found expression in Bentinck's resolution the same year.
2. Bentinck's Resolution was epoch-making in the history of Indian education. It did not propose to abolish any institution of native learning, but decided to abolish the practice of supporting the students of the said institutions. Printing of oriental works at the cost of the Government was stopped. The Resolution declared that all the funds which these reforms will leave at the disposal of the Committee are hence forth employed in imparting to the native population knowledge of English literature and science, through the medium of the English language.

Sub-Part – III – Council of Education

1. In 1842, the Government created the Council of Education to replace the General Committee of Public Instruction. It was given wide powers. It continued to function in full authority till the coming of the Education Despatch of 1854.
2. At the initiative of the Council, the Governor General, Lord Hardinge, gave a further impetus to the spread of English education in 1844. He made the English language and Western education a passport to government employment.

Sub-Part – IV – Educational despatch of 19th July, 1854

1. The Educational despatch of 19th July, 1854, drafted by Sir Charles Wood, President of Board of Control, and forwarded to India through the Court of Directors, forms a landmark in the History of education in Modern India by supplying the basis for the present system.
2. It commended to the special attention of the Government of India, the improvement and far wider extension of education, both English vernacular, and prescribed as the means for the attainment of these objects :- (a) the constitution of a separate department of the administration for education (b) the institution of universities at the Presidency towns, (c) the establishment of institutions for training teachers for all classes of schools, (d) the maintenance of the existing Government Colleges and High Schools, (e) increased attention of Vernacular Schools, indigenous or other, for elementary education, (f) the introduction of a system of grants-in-aid on the principle of perfect religious neutrality, (g) a comprehensive system of scholarships to be instituted, so as to connect Lower Schools with higher, and Higher Schools with Colleges and (h) female education which was to receive the frank and cordial support of Government.

3. In pursuance of the despatch of 1854 Educational Department were established in each of the Presidencies and before the end of 1856 the new system was fairly at work. A Director of Public Instruction was appointed for each province with a staff of Inspectors and Assistant or Deputy Inspectors under him.

Sub-Part – V – Universities

It was during the stormy days of the Movement of 1857-59, those Universities were significantly founded in Calcutta Madras and Bombay, on the model of the newly developed University of London, that is, as examining bodies and not as teaching and residential institutions; subsequently one University was established for the Punjab at Lahore in 1882 and one for the North-West Provinces at Allahabad in 1887.

Sub-Part – VI – Hunter Commission

1. In February 188 Lord Ripon's Government appointed an Education Commission consisting of twenty-two members (English and Indian) with Sir W.W. Hunter as President, and the Commission was charged with the duty of enquiring into the manner in which effect had been given to the principles of the despatch of 1854, and of suggesting such measures as might seem desirable in order to further carrying out of the policy of therein laid down.
2. The chief object of enquiry was to be the present state of elementary education and the means by which this can everywhere be extended and improved. The Commission collected various information on the subject of Indian education and made useful recommendations advising increased reliance upon private enterprise and management.

Sub-Part – VII – Raleigh Commission

1. In January 1902 Lord Curzon appointed a Universities Commission to enquire into the conditions and prospects of the Indian Universities, to report upon proposals which might improve their constitution and working, and to recommend such measures as might tend to elevate the standard of University teaching and to promote the advancement of learning. The commission was presided over by Sir Thomas Raleigh, legal member of the Viceroy's Executive Council, and included Mr. Syed Hossain Bilgrami, a distinguished Muhammadan who was Director of Public Instruction in the Nizam's dominions and Sir Gurudas Banerjee, a judge of the Calcutta High Court.
2. In June 1902 it presented its report and upon its recommendations was based the Universities Act of 1904. As was to be expected under a Viceroy who was a great autocrat with an overwhelming faith in efficiency of Government machinery, the chief purpose of the Act of 1904 was to tighten the hold of government on the Universities, and in the first place on their Senates, which were still retained as the ruling bodies, by reducing their total numbers while increasing to an overwhelming majority the proportion of those nominated by the Chancellor and giving ex-officio seats on them to Provincial Directory of public instruction.

Sub-Part – VIII – Shift in Control of Education

1. In 1910 control of education was transferred from the Home Department of the Government of India to the newly created Department of Education with an office of its own.
2. Resolution dated 21st February, 1913, of Sir Harcourt Butler, a Member to represent it in the Executive Council, the first education member of the Governor-General's Council, laid down certain lines for advance and recommended the establishment of teaching and residential Universities.

Sub-Part – IX – Sadler Commission

1. In 1917 the Government appointed the Calcutta University Commission under the chairmanship of Dr. Michael Sadler to investigate into its affairs. The Sadler Commission took into consideration the working of all other Universities and submitted a comprehensive report in 1919.
2. The report described how there had been a rapid increase in the number of University students, how this caused a heavy strain on the University and its colleges, and how the study of purely literary courses was followed only for administrative, clerical, teaching and legal careers. The colleges were generally too meagerly staffed, courses followed in them were predominantly literary, methods of instruction were far too mechanical, and teachers were grossly underpaid. The University administration was unsatisfactory and ineffective.
3. In order to improve matters, the Sadler Commission recommended: (i) minimum government interference in academic affairs, (ii) sound principles of appointments to professorships and readerships through selection committees with external experts; (iii) greater attention to students welfare; and (iv) institution of Honors courses and distinct from pass courses.

Sub-Part – X – Hartog Committee

1. In 1928, the Simon Commission constituted a subcommittee under Sir Philip Hartog to look into educational matters. The Hartog Committee complained about the falling standard of university education. The Committee recommended three years.
2. Honours course, and more use of the tutorial system rather than mass lectures. It hoped for the training of broadminded, tolerant, and self-reliant citizens as one of the prime functions of universities.

Sub-Part – XI – Sargent Committee

1. In the forties of twentieth century, as the Second World War was going on, timely attention was focused on the problem of post-War educational development in India. Sir John Sargent, the Educational Adviser to the Government of India, was appointed to prepare a report on it. Famous as the Sargent Report of 1944, it made a number of recommendations.
2. It pointed out that the Indian universities, despite many admirable features do not fully satisfy the requirements of national system of education.

3. To raise the standards all round by revising the conditions for admission, to provide adequate financial assistance to poor students, to abolish the intermediate course by transferring the first year of the course to high schools and the second year to the universities, to make the minimum length of a university course three years, to extend the tutorial system, to raise the standard of post-graduate studies and research, to improve the service conditions of the university and college teachers, the report suggested that a Universities Grants Committee be set up to exercise a general supervision over the allocation of grants to Universities from public funds.
4. After the Sargent Report, the British Government had nothing more to do in regard to Indian education since their rule came to an end in 1947. When the government of independent India assumed charge, there were 25

THE ROLE OF CHRISTIAN MISSIONARIES

1. The early Christian Churches and the Catholics has already long worked in India for their faith, when the first Protestant Mission was established at the Danish Settlement of Tranquebar. The first half of the nineteenth century witnessed a rapid progress of Christianity largely through the Protestant missionaries.
2. The Charter Act of 1813 laid down : "it is the duty of this country to promote the introduction of useful knowledge and of religion and moral improvement in India and that facilities be offered by law of persons desirous of going to and remaining in India to accomplish this benevolent design." In 1820 an Anglican Bishop was appointed in the E.I.C.'s dominions for the first time, and Bishop Middleton came out to Calcutta as the first Metropolitan of India. Most of the Protestant Missions were founded in India between 1815 and 1830 and the Bishopsrics of Madras and Bombay were established in 1833. Many high caste and educated Hindus in Bombay, Bengal and Madras were converted to Christianity. In Bengal conversion was effected through the systematic efforts of missionaries like William Carey, Josiah Marshman, William Ward, Daniel Bruodon, William Grant and Rev. Alexander Duff; similar work was carried on in Bombay by Dr. John Wilson, in Madras by Robert Noble and in the Punjab by Dr. Forman (after whom the Forman Christian College Lahore was named).
3. In the post-1859 owing to the unfortunate breach between Europeans and upper class Indians, the attention of the missionaries of both the Protestant and the Catholic Churches was directed more towards the conversion of low caste people and backward aboriginal hill-tribes, like the Santhals, Oraons, Mundas, Nagas, Khasias, Garos, etc. This line of activity has later on been followed by Hindu and Muslims workers, resulting in the acceptance in either fold of various depressed or animistic groups.
4. So far as the direct effect of Christianity in India is concerned, it is noted that a fairly numerous Indian Christian community has grown up, led by a small class comparable to the

Hindu intelligentsia, but consisting of a majority of converts from depressed and aboriginal classes reclaimed to democracy and civilization.

5. Its indirect influence is, however, more important to India in general. The efforts of the Christian missionaries to propagate their own faith at the cost of Indian religions made the natives of the country watchful about the preservation and betterment of their own faith by removing their evils, or, in other words, the need for protection against the onrush of an external force led to rearrangement of reformation of faiths within the country.
6. Further the activities and success of the Christian missionaries among the depressed classes have led the 'caste' Indians to change their attitude towards the latter from one of neglect and indifference to that of sympathy and fellow-feeling and today we find even political leaders trying seriously to remove the problem of untouchability.
7. Lastly, the Christian missionaries, whatever might have been their objective, greatly furthered the cause of education of all grades in Modern India, and showed to Indian workers the modern way to effective social service through various types of institutions connected with their missions.
8. These missionaries were among the pioneers of modern education in India. While imparting modern secular education, the educational institutions started by them also gave religious instruction in Christianity. The Principle secular schools served as centres to bring together the Indians and then preach Christianity to them. It happened, however, that while the overwhelming majority of the students who attended these institutions imbibed modern education, a very small fraction of them became Christians. Though their principal aim in starting these institutions was religious, these missionary organizations played an important role in spreading modern education among the Indians.

DEVELOPMENT OF CIVIL SERVICES

1.
 - a. In the early phase Civil Servants were appointed by Directors.
 - b. They started career as apprentice.
 - c. Require to sign an indenture or covenant. It embodied conditions of service.
 - d. Service was known as covenanted services.
 - e. They were promoted to **Writer** then to **Factor** then to **Junior Merchant** finally to **Senior Merchant**.
 - f. Promotion through Seniority adopted. This was given legal sanction through Charter Act of 1793.
 - g. No clear cut distinction between commercial & administrative activities.
 - h. Senior Merchants were entrusted with important administrative activities.
2. Warren Hastings made first attempt to separate Administrative & Commercial branches. He appointed European collectors & created nucleus of Civil Services.
3.
 - a. Cornwallis consolidated & systematized Civil services.

- b. He europeanised Civil Services.
- c. He fixed salary for collectors Rs. 1500 perm mensem.
- d. He tried to remove corrupt practices.
- 4. a. Move towards training institutes.
- b. Fort William College in 1800 by Wellesely.
- c. East India College at Hailbury in 1806 to provide training for two years.
- 5. a. **Charter Act of 1833** introduced idea of competition.
- b. This was nomination cum competition.
- c. **Court of Directors** nominated 4 times the vacancies & nominated members appeared at the examination.
- 6. a. Through Charter Act of 1853 Nomination was replaced by Competition.
- b. A committee under **Macaulay** was constituted.
- c. Aim was to establish regulations regarding age, qualification, subjects etc.
- d. **Hailbury College** was abolished in 1858.
- 7. New act **Indian Civil Services Act 1861** was passed and now it was known as I.C.S.
- 8. a. First Indian to enter was Civil Services S.N. Tagore in 1863-64.
- b. Till 1871 three Indians selected.
 - i. S.N. Banerji, (who was removed from services for technical reasons).
 - ii. R.C. Dutt
 - iii. Bihari Lal Gupta.
 All the three from Bengal.
- 9. a. Age limit in Civil Service Exam was 22 in 1859 than 21 in 1866, lowered to 19 by Lytton in 1877 raised to 21 in 1892.
- b. Main aim was to exclude Indians.
- 10. **Scholarship scheme** introduced in 1868 to give govt. assistance to talented Indians for taking Exam.
- 11. a. **Statutory Civil Service** introduced in 1878-79 by Lytton.
- b. Under the 1/6th of the total vacancies to be nominated from high status Indian families.
- c. Members of this service had lower status & lower salary.
- d. This became subject to criticism.
- e. **Aitchison Commission** 1886 on Civil Service too recommended for its abolition.
- f. Finally it was abolished in 1887-88.

DEVELOPMENT OF JUDICIARY

- 1. Initially Judicial powers were vested in Zamindars.
- 2. a. First attempt was made by Warren Hastings to reorganize judicial system.
- b. He created **Diwani Adalat & Fauzdari Adalat** at district level.
- c. He created **Sadar Divani Adalat & Sadar Nijamat Adalat** at Calcutta.

- d. He contributed to condition & formulation of Law.
 - e. He attempted to codify both Hindu & Muslim Law.
 - f. In 1776 **Code of Gentoo** Law was prepared – this was translation of Manusmriti
 - g. **Digest of Hindu Law** prepared by William Jones & Colebrook in 1791.
 - h. He attempted to translate **Fatwa-i-Alamgiri**.
3.
 - a. Cornwallis retained courts at district level.
 - b. He retained courts at Calcutta level.
 - c. He created an intermediate level at Patna, Dhaka, Calcutta & Murshidabad. He created two kinds of courts at this level.
 - i. Court of Circuit.
 - ii. Provincial Court of Civil appeal.
 - d. He formulated a Code in 1793 called **Cornwallis Code** which was a elaborate Code of Regulations and which separated judiciary and executive.
 4.
 - a. William Bentick was supported by **Holt Beckanjie, Charles Metcalf, Butter Worth Bayley** in Judicial reforms.
 - b. He retained courts at District level.
 - c. He retained courts at Calcutta level & created same at Allahabad.
 - d. He abolished intermediate level.
 5. Establishment of Supreme Court in 1774 at Calcutta. Then Supreme Court was established at Bombay in 1800 & at Bombay in 1823. First Chief justice of Calcutta Supreme Court was **Impey**.
 6.
 - a. Charter Act of 1833 provided the basis of constitution of **Law Commission**.
 - b. First Law commission under Macauley be Bentick. It prepared I.P.C.
 - c. Second Law Commission was transferred from Calcutta to London by Charter Act of 1853.
 - d. Second Law Commission report created basis for – Code of civil procedure 1859, Code of criminal procedure 1861, Indian High Court Act 1861.
 7.
 - a. Indian High Court Act passed in 1861.
 - b. High Courts were established at Calcutta, Bombay & Madras in 1865.
 - c. Constitution was one chief Justice & not more than 15 Judges.
 - d. Indian High Court Act 1911 was passed which increased no. of Judges from 15 to 20.
 - e. First Indian to officiate as Chief Justice at Calcutta was **Ramesh Chandra Mitra**.
 8.
 - a. Act of 1935 had provision for creation of Federal Court.
 - b. It was established in 1937 with one Chief Justice & 6 Judges.
 - c. Sir **Moris Gwyer** became first Chief Justice of Supreme Court (First C.J. of India.)
 9. Britishers had accepted concept of rule of law & equality before law.
 10.
 - a. Racial discrimination was present in system in law.
 - b. European British subject were under S.C. alon till 1836.
 - c. This distinction & privilege was abolished in civil matters in 1835.
 - d. Privilege in criminal matters remained in principle. They could be tried by European Judges & Magistrates only.
 - e. Ripon tried to abolish it in 1882-83.
 - f. C.P. libert prepared a bill for this. There was strong opposition and a compromise was struck.

- g. They would be tried by Jury of which not less than half members would be Europeans or Americans.
- h. Racial Discrimination Committee 1921. On the basis of this an act was passed. They could be tried by any first class magistrate.
- i. Privilege continued – they had the right to be tried by a European Jury could still being claimed by them.