
UNIT 24 ACTIVITIES

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24.1 INTRODUCTION

The establishment of a territorial empire by the East India Company, was a need to design suitable instruments of governance. An important aspect of the colonial state was the control over the territorial, human and natural resources. An effective machinery of administration and control was developed to govern India. Between 1765 and 1772, a system of government that came to be called the 'dual government' functioned in Bengal. The company shared the task of governing with the indigenous, pre-existing institutions. From the very beginning of the company's rule, the British Parliament was keen to assert its sovereignty and to benefit from the acquisition of an empire in India. The relations between the Company and the Parliament as they evolved over a period of time laid the foundation of the constitutional system.

24.2 ESTABLISHING A CONSTITUTIONAL FRAMEWORK

Although the British denied self-governing institutions to the Indian people, pressures from home and the colony gradually paved the way for the development of certain constitutional practices. The immediate establishment of this normative institutional framework was constrained by the overall colonial interest of maintaining their hold over India, yet it laid the foundation on which future advances could be made. We will deal with these developments in the next sub-sections.

24.1.1 Relation Between the British Parliament and the Company

In 1767 itself, the British Parliament had passed an Act obliging the company to pay £4 million per annum to the British home government. However, the

Regulating Act of 1773 was the first important parliamentary attempt to regulate the Company's activities that determined the shape of its administration in India and its relations with the Crown and the Parliament. The Act provided for autonomy to the Company in practical matters of administration and governance and ruled out direct intervention by the home government. The Court of Directors of the Company were to lay before the British cabinet at home all correspondence dealing with the civil and military administration and the revenue matters of India. In India, the Governor-General and his council, functioning from Bengal Presidency were empowered to control the activities of the subordinate Madras and Bombay Presidencies. The Act left the room open for friction in the relations between the Company and the British state as well as between the Bengal based Governor-General-in-council and the other subordinate Presidencies; and within the Governor-General's Council itself.

The defects of the Regulating Act and the exigencies of parliamentary politics in Britain led to the passing of the **Pitt's India Act (1784)**. A Board of Control of six commissioners intended to control the Company's Indian affairs was established in London under the provisions of the Act. The Board of Control consisted of a Chancellor of the Exchequer, a Secretary of State and four unpaid members nominated by the Crown. The Act was an attempt to link the Company's administration with the Imperial state in Britain. The general supervision and control over the functioning of the Court of Directors was acquired by the Board of Control. It could send direct orders to India through a secret committee of Directors. The Act placed the administration of India in the hands of a governor-general and a council of three covenanted servants. Governor-General's view was to prevail in case even if one councillor supported him. The Act clearly subordinated the Bombay and Madras Presidencies to Bengal in matters of war, revenue and diplomacy. The Act curtailed the right of the general court of proprietors of the Company to annul or suspend any resolution of the directors approved by the Board of Control. The Directors also retained their right to appoint and nominate administrative officials in India. This enactment of 1784 provided the general institutional framework and agency of administration for the Company's state in India although certain modifications were introduced subsequently. The Regulating Act of 1786 further empowered the Governor-General to override the majority in his council in important matters of security, diplomacy and military interests of the empire. About seven years later the Charter Act of 1793 extended the provision of payment to all the members of the Board of Control.

The Charter Act of 1813, while establishing the British sovereignty over the Company's territorial possessions, gave the control of administration and revenues of India to the Company for a further term of twenty years. However, the power of superintendence and direction exercised by the Board of Control increased further. The Act gave the exercise of the right of distributing patronage to the Company in cases of appointments to higher offices such as the Governor-General and the governors of the provinces, subject to the approval of the Crown. While the Company still retained the monopoly of China trade, general trade was opened to all the subjects. The Charter Act of 1833, while abolishing the Company's monopoly of trade in India, retained the Company's administrative set-up along with the right of its territorial possession and the right of exercise of patronage in appointments for another twenty years. The superintendence, direction and control of the whole civil and military administration was vested in the Governor-General-in-Council which was expanded with the addition of a law member for the intended

codification of the Indian laws. The Act accepted in principle, the possibility of associating the Indians in the administrative set-up. However, there was still no provision for entry of the Indians in the covenanted civil service. These Acts of the Imperial British state were mostly related to the social and economic changes especially the ascendancy of a class of manufacturers in England and demonstrated the practical problems confronted by the state in running the administration in an alien colony.

The Charter Act of 1853 hastened the process of transfer of power from the Company to the Crown. The Act fixed no definite time frame for the withdrawal of the Company's power and privileges. It reduced the numbers of the Company's directors from 24 to 18, of which six were to be nominated by the Crown. The law member was placed on an equal footing with the other three members of the Governor-General's Council. The Council was enlarged for legislative purposes as twelve members were added for this purpose. The right of exercising patronage in appointment of civil servants in India was now to be regulated by the Board of Control, and the recruitment to the civil service was made open to the general public of England through competition.

24.2.2 Evolution of Legislature under the Crown

The events of 1857-58 in India were hotly debated in England. The resultant Act of 1858 paved the way for an end of dual sovereignty over India's possessions and transfer of the Empire to the Crown. The process was already underway as evident in the Act of 1853. Now the Crown assumed the direct responsibility of the administration through a Secretary of State to be aided by a council of fifteen members. According to the Pitts India Act of 1784, the Secretary of state was a member of Board of Control and exercised control over the Court of Directors. In 1833, the President of Board of Control became Minister for Indian affairs. In 1858, the President of Board of Control was replaced by Secretary of State for India. He was advised by a Council of India. The eligibility for the member of the Secretary of State's Council was 10 years of service or residence in India. The powers of the Court of Directors and the Board of Control were vested in the Secretary of state. He was a member of the British cabinet with overall executive power including the power to veto and overrule the council. The appointment of the Governor-General and the Governors was the prerogative of the Crown, while the Secretary of State appointed the Council members in India. Although, the autonomous functioning of the Indian government was stressed, the Secretary of State's establishment, a completely alien institution with no representation or voice from India, formulated the over-all policy framework for governing the colony. Government of India (1869) Amendment Act further strengthened the position of the Crown. Now the Crown made all the appointments to the Secretary of State's Council. The Act also strengthened the position of the Secretary of State vis-à-vis Council members.

The Indian Council Act (1892) made certain changes in the composition and functions of the legislative bodies (Local and Central Legislative Councils). Some additional members numbering 10-16 were added to the Viceroy's Central Executive Council of whom not less than half were to be non-official members. The element of election was not introduced but the Viceroy was empowered to invite different groups (specially non-official members of Local Councils) to elect, select or nominate their representatives and to make rules for their nomination in the Central Legislative Council. The body (Central

Legislative Council) finally constituted under the new constitutional dispensation was to consist of nine ex-officio (the Governor General, six members of the Executive Council, the Commander-in-Chief, and the Lt. Governor of the province in which the Council met), six official additional members and ten non-official members of the Legislative Councils of Bengal, Bombay, Madras and the North Western Provinces. When Legislative Councils were created in the Punjab and Burma, one member each was sent from there. The Calcutta Chamber of Commerce also sent one representative. Official majority and control was maintained in the central as well as Provincial Legislative Councils. The Council's functions were circumscribed. They could not alter the provisions of the budget, although they could discuss it and make suggestions for future. The Act, however, heralded the gradual expansion of the size and functions of the Councils for the purpose of making laws.

The Government of India (1909) Act popularly known as the Morley-Minto Reforms increased the size of the Central as well as the Provincial Legislative Councils. The number of additional members in the Central Council was increased to sixty while 30-50 additional members were to be added in the Provincial Councils. The official majority was maintained at the Centre and though non-official majority was conceded in the provinces, the basis of electoral representation were the diverse class and communal interests. It precluded any possibility of a joint front by non-official majority. The Act also gave separate representation to the Muslim minority through a system of separate electorates, specifically designed to foster communal division along religious lines. The Muslim, landlord and the capitalist interests were given more weightage in this system of representation. The tax-paying propertied citizens elected representatives for municipal committees or local boards and they, in turn, elected members of provincial legislatures through an indirect election. The Act also did not envisage any significant changes in the powers and functions of the Councils.

The Montagu-Chelmsford Reforms or Government of India Act (1919) modified the Governor-General's Executive Council slightly; however, the chief executive authority remained accountable to the British Parliament through the Secretary of State and not to the Indian Legislature. The Legislature's powers were not increased but it was made more representative. In the Executive Council three Indians were associated for heading departments like law, education, labour and health. The Act provided for a bi-cameral legislature, the two houses being the Council of State and the Legislative Assembly. The Council of State was to consist of 60 members of whom at least 33 were to be elected. The Central Legislative Assembly was to consist of 145 members of whom 104 were to be elected members. However, only 52 members were to be elected by the general constituencies. The rest were to be elected by the communal electorates of Muslim (30) and Sikhs (2) or by specific interests such as European (9), landholders (7), the Indian business community (4). Seats among the provinces were distributed not according to the size of their population but according to their political significance. The powers of the Legislature were limited. The Governor-General retained the veto-power. He could use his power of certification to enact any Bill that had been refused by the Legislature. Some sort of division of powers between the Centre and the Provinces was introduced. The central subjects included foreign relations and diplomacy, public debt, tariff and customs, patent, currency and communications etc. The subjects in the provincial list were local self-government, health, sanitation, education, public

works, agriculture, forests, law and order, etc. The residual powers were vested in the Governor-General-In-Council. Moreover, responsibility for certain subjects was transferred to the elected representatives while control over others was reserved in the British hands. The act introduced dyarchy in the executive provincial council. Under the system of 'dyarchy', transferred subjects were to be administered by the Governor along with the elected provincial ministers while the members of his Executive Council were to administer the reserved subjects (such as police, justice, irrigation, land-revenue, industries etc.) for which governor was responsible to the Governor General. The Governor in the provinces was given wide powers to over-ride the decisions of the ministers. The unicameral Provincial Legislatures (known as Legislative Councils) created under the Act added further to the number of the elected members. However, the right to vote was primarily based on property qualifications and separate communal electorates were retained.

The Act of 1935 envisaged the establishment of an all-India federal structure and a new system of governance in the provinces on the basis of provincial autonomy. Under this Act dyarchy was abolished and a federation was created consisting of governor's provinces, chief commissioner's provinces and the federating Indian states. The federation was to be based on a union of provinces of British India and the princely states. However, in the bi-cameral federal legislature (consisting of federal assembly and council of state), the princely states were given more weightage. Their representatives were not to be elected by people, but nominated by the princes, thus retaining the feudal character. However, in British India, franchise was extended further and about 10% of the total population was enfranchised by this Act. The Governor-General retained important portfolios including defence and foreign affairs. In the provinces autonomy and popularly elected ministries were introduced. Governors were given special powers; they could veto certain measures and legislate on their own. They also retained control over the most important instruments of colonial power i.e., the civil services and the police. The federal part of the Act was never introduced but the provincial autonomy was soon put into operation. The states could not be compelled to enter the federation. It was on the basis of this limited franchise and narrow powers given within the overall colonial administrative framework that Congress formed provincial ministries in seven states independently in July, 1937 and coalition governments in two other states.

Lastly, it was the Government of India Act 1947, which divided India into two nations, India and Pakistan.

24.3 THE CIVIL SERVICE OR THE 'STEEL FRAME'

The establishment of modern executive or a bureaucracy of civil servants under the British rule was a gradual process. The East India Company employed in its regular service apprentices, writers and factors nominated by the Directors. They had no regular scale of pay and they were partly compensated by private trade. The East India Company also performed certain administrative and legislative functions like levying of taxes, collection of revenue, minting of currency and settling of immigrants. The President and his Council discharged these functions. Administrative responsibility of the Company increased as it assumed territorial control over large tracts of India. The Regulating Act of 1773 banned private

trade for all the civil servants who were employed in the collection of revenue or the administration of justice. Warren Hastings felt the need to reorganise the district level administration. Administrative functions were taken away from the private agencies and terms and conditions of services were laid down for the covenanted servants of the Company.

Lord Cornwallis further reorganised the civil-bureaucracy by specifying administrative responsibilities. He separated the work of revenue collection from administration of justice. He eliminated the indigenous category (the Indians) from the administration of justice and revenue-collection. The Muslim judges were replaced by the European covenanted servants as Circuit Judges and the work of settlement, registry and accounts was transferred to the Board of Revenue managed by the covenanted English civil servants. The Charter Act of 1793 provided that all vacancies occurring in any of the civil offices in India, below that of the member of council, should be filled up from among the civil servants of the Company belonging to the Presidency in which they occurred. The condition of three years residence in India was laid down for the post with a salary of more than £ 500 per annum. Some sort of promotional policy based on seniority was also introduced. However, the civil servants continued to be paid on the basis of commission on the amount of revenue collections which was about 1% in Cornwallis' time.

Wellesley believed in a strong and professionally trained bureaucracy. He did not adopt the policy of separation of judiciary and executive and combined the power of justice, revenue-collection and policing. He established the College of Fort William (1800) to train civil servants and to acquaint them with the language and history of India. It was a short-lived experiment that was given up in 1802 by the orders of the Court of Directors. The Haileybury College was founded in May, 1806 and it was given statutory status by the Charter Act of 1813. This institution provided training to the civil servants to be employed in the Company's service in India. The Charter Act of 1853 introduced the principle of limited competition as it authorised the Board of Control to certify to the Court of Directors the total number of candidates to be nominated for admission to the college at Haileybury (fourfold the number of vacancies). The Board of Control also supervised the preliminary examination for admission to the college and the final examination to determine merit. The Charter Act decreed that all recruits to the civil service were to be selected through a competitive examination. A committee headed by Macaulay, appointed by the Board of Control prescribed the age and qualifications of the civil servants as well as the curriculum to be taught to the prospective civil servants. It favoured recruitment of graduates from Oxford and Cambridge with liberal education background as probationers. The age of probation was raised from a minimum of 18 years to a maximum of 23 years. The probationers were to be taught about Indian history, geography, natural resources of India and the physical and moral qualities of the different races of India, the progress of British power in India, the general principles of jurisprudence, finance, banking and taxation etc, and one of the vernacular languages. This open competition was held annually in London. In principle, it was open to all British subjects including Indians. However, Indians faced enormous difficulties in joining the ranks of the coveted civil service. Still, a few English educated Indians did manage to enter it. Lord Salisbury's "reforms" (1878) lowered the maximum age limit for entry to 19 years, a step which educated Indians suspected was meant to debar them or at least put further restriction on their entry.

The inclusion of the Indians in the civil service was confined to some exceptional cases as the British colonial state maintained racial exclusiveness for cadres constituting its 'steel frame'. Between the years 1855-1891, 124 Indian competitors appeared for the civil service examination, of which only 24 were declared successful. One among them was later on rejected on health grounds and two failed to pass the horse-riding test. However, an Act of British Parliament in 1870 called for employment of Indians of proven ability and merit in the civil services. A statutory civil service was created in which a proportion not exceeding 1/5th of the Indian civil service was to be nominated by the local government. It, however, did not enjoy the status and privileges of the covenanted civil service. The statutory civil service was abolished subsequently on the recommendation of Charles Aitchison Commission (1886). A new service now styled as the Provincial Civil Service was established. Certain superior class of executive posts that were earlier reserved for the covenanted civil service were thrown open to the cadres of Provincial Civil Service. The recruitment to this service was made partly by promotion from the subordinated civil service and partly by direct recruitment and open competition. However, in this service, a superior executive post like that of Deputy Collector was clubbed together with lower posts such as Tehsildar, Mamlatdar and Sub-Deputy Collector. Similarly in Judiciary, Subordinate Judges were placed alongside Munsifs and Tehsildars exercising certain judicial functions and powers. The creation of Provincial Civil Service failed to rationalise the reduced gap between covenanted and non-covenanted services in terms of salary and functions. However, it did create additional opportunities of weaning away educated Indians from nationalism. Although the men of ICS and provincial civil services discharged similar duties like revenue-collection, management of treasury, general executive business connected with police and local bodies and some magisterial work, their power and social status differed vastly. The ICS men enjoyed better salaries and avenues of promotion than cadres of All-India Imperial Services in special branches or departments., such as education, finance, customs, military, etc.

24.4 ORGANISING THE JUDICIARY

The British established a new hierarchy of civil and criminal courts to administer justice. We have discussed some aspects of law and legal system in Block 4. The colonial judiciary was based on a jumble of traditional indigenous system, supplemented by regulations, principles of British law, which was considered as case law characterised by flexibility and which could be interpreted in various ways. It was formally based on rule of law and the concept of equality before law. However, in practice, racial prejudices and commercial principles guided its operations. The racial distinctions regarding punishment in cases of criminal charges against the British subjects were adhered to. Justice became costly and beyond the reach of illiterate peasants as a new class of professional lawyers, who understood the legal provisions and complexity of laws, had to be engaged and paid. The notion of 'sanctity of contract' also favoured the indigenous propertied classes like landlords and moneylenders.

Warren Hastings established civil and criminal courts at the district level known as the *Diwani* and the *Nizamat Adalats* respectively. These were presided over by European Judges who were assisted by local indigenous

Hindu and Muslim officials. He also established Provincial Civil Courts of Appeal and Courts of Circuit to supervise district courts and hear appeal of cases decided by them. At the apex were the Sadr Diwani and Sadr Nizamat Adalats as the chief courts of appeal. These functions were discharged through the executive power of Governor-In-Council. Lord Cornwallis separated the posts of the Civil Judge and the Collector. The Regulating Act of 1773 established a Supreme Court at Fort William. This step led to some conflict between the judicial institutions and the executive powers of Governor General-In-Council. The Act of 1781 exempted the top British executive from the scrutiny of the Supreme Court for anything committed, ordered or done by them in their public capacity. The Act also conceded judicial powers to be enjoyed by the Governor General-In-Council. In 1831, William Bentinck abolished the Provincial Courts of Appeal and Circuit and assigned their work to District Judges and Collectors. He also appointed Indians as Deputy Magistrates, subordinate Judges and Principal Sadr Amins. The Indian High Courts Act (1861) abolished the chief civil and criminal courts established by the Company's government. The Act sought to establish High Courts at Calcutta, Madras and Bombay, each with both original and appellate jurisdiction in civil and criminal cases. The High Court was to consist of a Chief Justice and 15 Judges. Out of 15 Judges, not less than 1/3rd were to be practicing barristers and another 1/3rd were to be from the Covenanted Civil Service. Subsequently, more High Courts were established. A generally uniform system was introduced in each province by The Civil Courts Act between 1865- 1875. The Criminal Procedure Code of 1872 also introduced similar uniformity in the constitution of criminal courts. The British wished to establish a three-tier hierarchical judicial organization with rights of two appeals. However, despite such standardisation, racial distinctions were retained in the colonial legal system.

24.5 RAILWAYS AND ADMINISTRATIVE UNIFICATION

The story of introduction of Railways in India clearly reveals the interventionist project of the Colonial state especially with regard to economic control (policies). A debate had emerged in the British public circles in 1840s that highlighted the direct economic benefits to be derived from the colony such as exploitation of resources of India, development of commerce and indirect effects of their rule (policies) such as increasing social mobility of factors of production and administrative concerns such as deployment of armed forces. A large number of private joint stock companies were formed in London in this age of railways-mania with the purpose of opening of India through railways. The Court of Directors also visualised the impact of railways. At the instance of British Parliament (a committee headed by F. W. Simms was sent to India. Simms Report (1846) favoured the development of railways in India through private enterprise and capital subject to the terms and conditions of the state. From the start, the terms and conditions for railways development and the direction in which lines were to be laid became hotly debated issues. Governor- General Lord Dalhousie's general plan expressed practical concerns, especially commercial and military advantages associated with this project of mass transportation. In his famous Railway minute, Dalhousie wrote:

“.....The establishment of a system of railways in India, judiciously selected and formed, would surely and rapidly give rise within the empire, to the same encouragement of enterprise, the same multiplicity of produce, the same discovery of latent resources, the same increase of national wealth, and to some similar progress in social improvements, that had marked the introduction of improved and extended communication in the various Kingdoms of the Western World.”

Although, the colonial administrators often stressed the potential benefits of railways in stimulating commerce, through unification of internal markets and development of commercial cropping, development of other industries and social mobility, the economic logic of railway development was firmly enmeshed with the colonial motive of controlling India's resources. A few important motives for developing railways were:

- a) It could be an important medium for British capital investment in far flung areas.
- b) As an extraction-channel of raw-produce from vast tracts of India
- c) To develop a market for British capital goods (such as railways engines, steel and iron products) in far off areas.
- d) To provide the linkages to open the markets of India for the manufactured consumer items of British industries.
- e) As a mechanism of administrative control through rapid movements of troops and faster communication network.

The last motive was foremost in the minds of colonial rulers since the desired and successful implementation of economic policies was contingent upon proper administrative networks. Lord Hardinge put it plainly in these words:

“Railways would have an immense effect in facilitating the means of governing the country, by rapid transmission of troops, as well as of instructions from the seat of government.”

In 1849, the colonial state in India entered an agreement with the Great Indian Peninsular Railway Company and the East India Railway Company to construct railway from Bombay to Thane and from Howrah to Raniganj coal-fields. These experimental agreements were then extended to other companies to develop railways in the other parts of the country. They were given a state guarantee of minimum return of 5% on their paid-up capital. The idea of guarantee was to ensure investment in a venture that would be normally perceived as too risky. The guaranteed profits on private capital imposed a huge fiscal burden on the state. Apart from this guaranteed return on their capital, the colonial state arranged land on long-lease for railways and gave a number of other incentives to the private capital in this field. The railway construction in India is often characterised as “private enterprise at public risk” because the risks of private investments that came from Britain were borne by Indians through government taxes. The difference between 5% guaranteed interest and lower rate of profit or even the loss of a private railway company was paid out of public revenues. Railway construction, however, also involved indigenous agency of intermediaries as the British capital delegated the task of actual construction to contractors and sub-contractors. They were supposed to assemble tools, machinery and labour to build a particular line according to certain specification

at a certain cost. It required extra-economic and extra-legal means to command and mobilise labour and tie it to the capital of sub-contractors. The colonial state facilitated this control by passing Workmen (Disputes) Act (X) of 1860. The Act had provisions of fining or imprisoning workers who, having engaged to work for a specific period or to complete a particular task refused to do so.

State intervention in construction of railways began after 1869 as the fiscal burden of bearing the cost of guaranteed profits of private companies increased due to depreciation in the value of rupee and rise in interest rates on government borrowings abroad. The state's direct role in construction by engaging engineers also marked the process of shift from 'broad-gauge' system to 'metre-gauge' to cut down the expenditure of government on railway construction. During 1880s different terms and conditions were spelt out for different private companies. The rate of guaranteed interests was lowered to 4% or less and the colonial state also started buying out some of the private companies. By 1920s, the private railway companies were bought out and now they were owned and managed by the government. The importance of railway enterprise in the colonial economy can be seen from the fact that in 1860s, the total railway route was 838 miles while it was 41852 miles in 1940. It employed about 16,000 people in 1860 while it employed more than one million people in 1940.

24.6 DOCUMENTATION PROJECT OF THE COLONIAL STATE

Colonial conquest was made possible by the acquisition of colonial knowledge. This knowledge encompassed various facets such as information about languages of India, surveys, census, documentation and classification of manuscripts, texts, archaeological specimens, oral histories, customs and local histories, legal codes, gazetteers, etc. The cultural construction resulting from the collection and classification of this kind of knowledge helped the British in preserving their rule in India.

24.6.1 Colin Mackenzie's Surveys and Historical Collections

The colonial project of conquering and governing India required the knowledge about and control over its human and natural resources. Colin Mackenzie spent most of his long career in peninsular India as a cartographer and surveyor, but he also collected every historical record and artefact he could find. He amassed a huge collection, relying exclusively on Indian assistants and informants concerning the social and political history of peninsular India. In the late nineteenth century, Mackenzie's collection was a source of reference for the origin stories of local castes that were documented in the large number of manuals and gazetteers produced by district-level administration. Mackenzie became the first Surveyor-General of Madras in 1810 and he was the Surveyor-General of India from 1815-1821. Even during his early career in the Army Engineers Service, he was frequently deputed to survey the Deccan areas that had been ceded to the Company by the rulers of Mysore and Hyderabad. He mapped and described these territories and collected many authentic local accounts. During his surveying work in the Deccan, Mackenzie was also deputed for military service, which mainly involved use of his surveying and engineering skills to position artillery and act as a technical advisor for assaults. He was in the Great Mysore survey between the years 1799-1809, the most detailed part of

which were his "Memoirs of the Northern Pargunahs of Mysore". In addition to the usual statistical tables or *caneeshamari*, Mackenzie collected numerous historical memoirs of the royal families of each region. Mackenzie and his assistants collected every historical, ethnographic and religious text, tradition and document they could find. They also collected copies of inscriptions, coins, and images and drew sketches. The sketches and drawing reflected a quest for local knowledge, and included sketches of agricultural implements, buildings, landscape and ethnographic drawings, i.e., pictures of 'typical' representatives of different groups, castes and tribes. The career of Mackenzie reveals that colonial conquest was effected (brought about) through the mechanism of surveying which served as a useful tool in acquiring territories and political control over India. The nature of information gathering varied from surveying with extensive statistical tables and classification to acquiring command over the Indian languages and remoulding the legal system etc. and slowly and steadily the company state with commercial motives was transformed into the colonial state enjoying complete political control.

24.6.2 The 'Martial Races' and Military Recruitment Policy

Concerns about military recruitment in the years after the rebellion of 1857 led to a consolidation of various colonial theories about the so called martial races of India. The colonial administrators believed that certain castes and ethnic groups were particularly suitable for military endeavours. As a result of this belief, military recruitment policy became specifically linked to ethnographic classification. The 'martial races' were seen as devoted to military discipline and loyal to the Crown. In the wake of 1857 rebellion, recruitment of Punjabis, especially Sikhs, became important for the colonial army. Subsequently Sikhs and Nepalis, particularly Gorkhas, constituted the core of the 'martial races'. Lord Roberts, Commander-in-Chief of the Indian army from 1885 to 1893 and a leading exponent of the idea of martial races, believed that "the people of Southern India lacked military ability and competence". As a result of this official ethnography, in 1882 eight out of the forty Madras infantry battalions were disbanded. By the turn of the century, their strength was further reduced to 25 battalions. From the late 1890s, martial race theory was codified in a series of official manuals. These handbooks, usually written by British officers with long field experience, guided army recruitment policy until the start of the Second World War. These so called martial races were identified as a group which could provide useful service as soldiers with a deep sense of loyalty and a natural respect for authority and discipline. This, again was a continuation of the policy of divide and rule.

24.6.3 Identifying the 'Criminal Castes and Tribes'

From its inception, the colonial state used surveillance and mechanisms of social ordering and code which defined certain groups as beyond the bound of civility. W. H. Sleeman's "*The Ramaseeana*" or *The Vocabulary of Thug Literature* exemplified this process of depicting certain groups as barbaric. In 1835 a special *Thagi* and *Dacoity* department was set up to investigate and punish gang robberies and murders. Later on an increasing number of people, groups, communities and tribes were stigmatised as 'the criminal tribes'. The legal code of the colonial rule was used to chastise a wide variety of marginal groups who did not conform to the pattern of settled agriculture and wage labour, especially nomadic, pastoral communities and the forest-dwelling tribes. A variety of ideological strands

contributed to the construction of ethnography of criminal tribes and castes. These elements were: (i) the fear of nomadic and wandering groups among the Brahmin subordinates of British, (ii) the cultivators' apprehension of hunting-gathering people and (iii) the high castes' dread of people outside the institutional framework of caste. The British tradition of associating forests with crimes and outlaws also lent support to the 'criminal ethnography' constructed by the British. The belief in the professional and hereditary character of crime was common among the colonial administrators of nineteenth century. The Criminal Tribes Act (1871) provided for registration of all or any members of such tribes who were notified as 'criminal tribes'. The registered members had to report themselves to the local police authority at fixed intervals and notify their place of residence or any intended change of residence. Any contraventions of these legal provisions invited severe punitive measures. After 1857, many castes that had opposed British authority were also declared "criminals".

The identification of certain castes by the British as 'criminal castes' was part of a larger discourse in which caste determined the occupational profile as well as social and moral stature of all its members. The 'criminal castes' were branded simultaneously as typical and deviant. The theories about criminal castes also partake of a set of late-nineteenth century notions of biological and racial disposition of criminality, which in case of India were applied to an entire group. Frederick S. Mullaly, a senior police officer in the Madras police, wrote *Notes on Criminal Classes of Madras Presidency* (1892) on the basis of earlier ethnographic texts prepared by colonial administrators in nineteenth century and various district gazetteers compiled from 1860s onwards. These notes were prepared to guide police officials in dealing with the 'criminal castes'. Anthropometry or measurement of various physical indices such as average height and weight, shape and size of skull, the relation of head size to body size, the relative sizes of different body parts assumed importance in the 1890s under the influence of H.H. Risley. The basic assumption of colonial sociology was that most of the crimes were committed by habitual groups and communities that moved from place to place and were able to conceal their identities. Anthropometry seemed to be the perfect means to pick up the principal suspects. It was, therefore, quickly adopted first in Bengal and then in Madras. In the last decade of nineteenth century, fingerprinting replaced anthropometry as a means of criminal identification as it proved to be error-free, cheap and an efficient method of classifying criminals. Fingerprinting quickly established itself as a universal system of criminal identification. In testing technologies of policing, as in many other areas, colonies served as an important experimental laboratory for the British state. The colonial police and bureaucracy could easily identify and control, by making use of scientific fingerprinting, even the poorest villagers and nomads.

24.6.4 Census and Social Ordering

The census represented another scientific method adopted by the colonial state to classify and numerically represent the population. However, it provided a distorted picture of the social hierarchy. The parameter used to classify the social groups was based on the principle of varna. Thus, the variations in the social structure in the different regions were not taken into account. Colonial description of Indian society was meant to serve British imperial interests. The diversity reflected through the census depicted Indian polity as conflict ridden which required progressive administration. The extraordinary and novel apparatus of decennial census exemplifies ways by which the documentation

project of the colonial state attained unprecedented scope in interpreting the diverse social order of India. The idea of an all-India census was first seriously contemplated in the mid-1850s. Even earlier, there were regional household counts. An attempt was made in 1846 to test population estimates that had been derived from the land-settlement records. The experimental censuses of Madras Presidency took place before 1851. The first all-India census was conducted in 1871-72. It did not cover all regions and was not systematically carried out. The primary method of classification used in this census as well as in the census of 1881 was that of *varna*. Thus, the statistical project was enmeshed with the Orientalist ideology for the delineation of social hierarchy. In this mode of classification, the first rank was assigned to the Brahmins while the majority of the Hindus were indiscriminately put together in the category of *sudra* or servile classes. Such classification ignored regional as well as sub-caste variations among the Brahmins. Moreover, for organising the data the *varna* or ritual markers were used to differentiate and define the 'higher castes', and occupational markers to classify the lower caste groups. Even the use of occupational criterion for differentiating castes was based on shaky and unsound foundations as formal caste titles only rarely indicated true occupations and caste titles, names and other markers of caste-identity were used in an arbitrary and conflicting manner.

W. C. Plowden, the Census Commissioner of 1881, further classified the census data on castes to create artificial larger blocks of castes such as the major agricultural castes, major groups of artisans and village servants and so on. This artificial creation of the differentiation within castes was amenable to administrative concerns like recruitment to the colonial army, branding of 'criminal castes', maintenance of law and order, agrarian policy and legal adjudication. The 1891 census abandoned the *varna* criterion for enumeration in favour of occupational criteria on the proposals of J.C. Nesfield and Sir Denzil Ibbetson. However, from the late-nineteenth century onwards H. H. Risley criticised this scheme and tried to classify Indian people and castes into distinct racial groups on the basis of physical measurement of various bodily traits. As the Census Commissioner for 1901, Risley conceived of a grand scheme for the grouping and categorising of every racial type in India. He also tried to adopt a procedure for organising castes on the basis of 'social precedence' and rank them accordingly. As a result of this, a large number of caste associations emerged to contest their assigned position in the official hierarchy, each demanding higher position and ranking. The census of 1911, therefore, abandoned the scheme of ranking but continued to gather information on castes. Further, census were carried at an interval of every ten years, i.e., in 1921, 1931 and 1941.

24.7 SUMMARY

The quintessence of the colonial rule in India was control of its vast natural and human resources. Military, legal, constitutional and bureaucratic institutions of the colonial state, as per British interests, selectively shaped various spheres of Indian economy, polity and society. Although the chief aim of the colonial state was to safeguard its economic and strategic interests, a variety of activities and mechanisms ensured successful accomplishment of this task. The colonial intervention in the social sphere further led to the classification and categorisation of Indian society into various groupings which helped the British

in controlling India. They created "loyal citizens" in India not only based on their allegiance but on behaviour and attitudes also. In fact, the taluqdars of Awadh can be cited as best examples in this regard. In order to govern a distant land and alien people, the colonial administration tried to acquire knowledge about its people through information-gathering in various forms. Innovations like railways not only assisted the process of economic penetration but also provided better opportunities of governance and administrative control.

24.8 GLOSSARY

- Anthropometry** : Classifying humans according to physical measurement.
- Caneeshamari** : Statistical tables used to gather information.
- Covenanted civil servants** : Civil servants working under the terms of a covenant or formal agreement that is legally binding.
- Criminal classes or tribes** : branding of certain nomadic and tribal communities as hereditary criminals
- Diwani Adalats** : Civil courts
- Dyarchy** : A system of dual government in the provinces introduced through the Government of India Act (1919) in which some subjects called transferred were administered by the governor in consultation with ministers while others called reserved were administered by the governor directly.
- Guaranteed Interest** : Rate of interest guaranteed to the private railway companies by the British Government in India.
- Martial Race** : A belief of the colonial rulers in India that certain communities were more suited to perform military jobs.
- Separate electorates** : A system of representation based on religious considerations.

24.9 EXERCISES

- 1) How did the establishment of railways help in the conquest and administration of India?
- 2) Discuss the importance of the documentation project of the Colonial state in effecting the cultural conquest of India.