



Ruling the district

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Ruling the district

Exactly two hundred years after the District Magistrate took over, a national debate is on with the spotlight focussed upon the 'district'—its logic, its rationale, its efficacy, its advantages and its constraints. Ministers, senior officials, planners and hundreds of district magistrates have met in different cities in the past months in a flurry of activity, introspection, debate and group-discussion. The District Magistrate, as an institution, an office and an instrument of the government, and 'the district', as a unit of administration, are salient in this debate and scrutiny.

That this debate is initiated in the bi-centenary year of the office of the District Magistrate, is a co-incidence which becomes all the more remarkable if one examines those hectic debates and discussions that had preceded the birth of this office 200 years ago and had also continued for several decades.

This paper seeks to examine the origin and historical evolution of the office of the District Magistrate or rather the office of the Collector and District Magistrate, so that its different aspects, functioning and peculiarities can be understood and appreciated. It may be worthwhile to begin by looking first at the district. According to the last count, there were 437 districts in India, with extremely differing statistical contours. While some districts like Lakshadweep and Diu cover an area of only 39 or 40 sq. kms. and Pragjotishpur in Assam has an area of 47 sq. kms., there are other districts like Ladakh in J&K with an area of 82,665 sq. kms, Kachchh in Gujarat with 45,652 sq. kms. and Bastar in M.P. with 39,114 sq. kms. The average district would be in the range of 5,000 sq. kms. Again in terms of population, there are districts in West Bengal like 24 Parganas (before its recent split) and Medinipur where the last population records of 1981 showed figures of approximately 1.67 crore respectively, whereas districts like Diu and Car Nicobar had populations of only 30,000 each.

The districts of course, vary quite widely in size and population because their birth and boundaries were determined, in most cases, by history rather than by plans. Thus, while the present debate on the relevance and utility of the districts as a viable, semi-autonomous unit of administration for the purpose of democratic decentralisation, planning and grass-roots implementation of national and state schemes may continue, it is necessary to go back to the historical factors that shaped the destiny of district-based administration in India and to understand the shaping of the district identity as linked to the evolution of formal administrative and revenue institutions.

The prototype of the present-day District Magistrate and Collector appeared in the Bengal Presidency in 1787, two centuries ago, but his forerunners had appeared on the scene soon after the battle of Plassey which was 30 years earlier. The early years of British administration and its consequent confusion. The process of 'take-over' of the various powers and functions of administration from the indigenous rulers had been a gradual and rather tedious one, spread over decades. The story therefore begins even before the battle of Plassey in 1757, when the East India Company's armed forces defeated those of the Nawab of Bengal. Almost two hundred years ago the functions of financial and juridical administrations had been split at the local level, in the heyday of the Mughal Empire.

Soon after Akbar annexed Bengal to his Empire in 1576, he realised that the most effective method of controlling the affairs of this lucrative but distant province was to divide his own 'rulers' and rule. In 1579 he created the office of the Dewan or finance minister, thereby withdrawing the financial functions from the Subedar of Bengal, who, though known as Nawab-i-Nazim, i.e., the Emperor's Deputy or Viceroy, had to tolerate a Dewan who controlled the purse-strings. Revenue and financial administration and criminal administration were, in effect, separated by Akbar so that no Subedar of Bengal would be powerful enough to take the province away from the Mughal Empire. One may notice the shadows of the future 'collector' and the 'judge-magistrate' in the concepts of Dewan and Nazim.

The separation of powers that Akbar brought about in 1579 was effectively destroyed by Murshid Quli Khan in the closing years of Aurangzeb's reign. In 1701, Murshid Quli Khan became Dewan of Bengal, Bihar and Orissa and in 1704 he combined the post of Naib-Nazim (Deputy Nazim), which meant that a temporary unification of the two functions was caused. In 1713, he combined the posts of Nazim and Dewan of Bengal, Bihar and Orissa, with the Mughal Emperor's reluctant consent and became the *de facto* Governor or Nawab of Bengal. Later Nawabs, including Alivardi and Siraj-ud-dowla, concentrated on

the office of the Nazim and appointed other officers to carry on the functions of the Dewan. The Dewans, in turn, were dependent on the hereditary zamindars (appointed by the emperors) and other native officers like kanungos, to collect rents, dispose of waste-lands and to impose petty taxes, duties and fines.

Prior to the battle of Plassey (1757), the East India Company possessed only the revenue rights of 41 villages, collectively called Calcutta. The zamindari of 24-Parganas was obtained after the victory of Plassey as part of the treaty with Mir Zafar and herein the Company decided to obtain revenue by putting up 'lots' at public auction for three years. The Company simply functioned as a 'corporate zamindar' under the Nawab of Bengal. On September 27, 1760, Mir Kasim Ali Khan, who replaced Mir Zafar as Nawab, ceded the first three 'districts' of Bengal to the British, free of all revenue, to meet the expenses of maintaining their army. These were the districts of Burdwan, Midnapore and Chittagong. Even till this point of time, the Company made it clear that their 'business' was trade and insisted that 'it was not proper to be encumbered with large territory'. Revenue rights and revenue-free lands were, however, considered as part of 'business' and not as territorial sovereignty or responsibility. The Mughal emperor, who was fast losing his grip (and his revenue) from Bengal, personally proposed in 1758 and again in 1761 that the Company should be appointed as Dewan in order to ensure prompt and regular payment of revenue due to him from Bengal. The Company did not resolve on this point until after the battle of Buxar in 1764. In 1765, the defeated Mughal emperor finally granted the 'sanad' (official grant) of the Dewani of Bengal, Bihar and Orissa to the East India Company. The Nawab (Mir Zafar and his successors), however, continued to exercise the powers of Nazim, i.e. of general and criminal administration.

Even after the grant of Dewani, the Company employed Mohammad Reza Khan, a former officer of the Nawab-Nazim as its Naib (Deputy) Dewan. Reza Khan, in turn, appointed his deputies and a host of indigenous Aumils, Tehsildars, etc., for the collection of revenue. To keep a check on the Nawab-Nazim at Murshidabad, the Company appointed a Resident there. The Naib-Dewan Reza Khan's functions were supervised by a Select Committee that was appointed by the Company in Calcutta with Verelst as President. The Dewani arrangement stipulated that a sum of twenty six lakh rupees would be paid to the Mughal emperor and an amount of fifty-three lakh rupees would be paid to the Nazim annually for his personal expenses and for the upkeep of the Nizamat. The revenue collected above this sum of seventy-nine lakh rupees was to be Company's own profit.

This system did not prove satisfactory and it was found that large

parts of the Company's profit were being misappropriated by the Naib-Dewan and his machinery. In 1769 the Company appointed the first British officers, named Supervisors, in the districts but they had to function under the Councils of Revenue established at Patna and Murshidabad in 1770. The Supervisors also failed to improve revenue collection as they were over-burdened with their functions as antiquarians, historians, rural statisticians, etc., and also because they could not effectively check the leakages and corruption. The famine of 1770 which killed at least a third of the population proved the incompetence of the Naib-Dewan's corrupt administration and the ineffectiveness of the British Supervisors. In 1772, the Company revoked the Naib-Dewani of Reza Khan and instead sent out a Committee of Circuit to the districts, led by Governor Warren Hastings, for setting revenue for five years, in many cases with the existing rajas of zamindars. The Supervisors were replaced by the Collectors, but this Collector of 1772 had almost no role in settling revenue and was checked by a native officer called Dewan. The settlement of 1772 was found to be an 'over-assessment', which put a strain on the economy and agriculture. While the Collector was checked there was little check on the other English officers of Calcutta and Murshidabad, who started 'benami' transactions through their native 'banians'.

The conflict between the Collectors and the Company's Court of Directors led to the recall of the Collectors from the districts and a total centralisation of revenue administration. A Committee of Revenue that was set up a year earlier, was strengthened and assisted by an Indian officer, styled Rai Raian. Five provincial Councils of Revenue were set up at Calcutta, Murshidabad, Burdwan, Dinajpur and Dacca. The Collectors were forced to hand over their accounts and charges to their Indian deputies, the Dewans, who were to work through native Aumils.

The replacement of Collectors and the favouring of new contractors over the age-old zamindars led to further confusion and deterioration of revenue administration and to general distress. Hastings realised that the recall of traditional zamindars could possibly improve collection, instead of *ad hoc* mercenary settlements. In December 1776, when the quinquennial Settlement of 1772 had expired, the Governor-General (the Governor of Bengal had been promoted to the rank of Governor-General of India in 1774) appointed a Special Committee with native Amins in all districts to enquire into the resources of each estate. The Amini Commission, headed by Anderson, Bogle and Crofte made valuable suggestions, on the basis of which annual settlements were begun, preferably with hereditary zamindars.

Drastic reforms were now instituted. The Council, imagining that they had now gained sufficient local knowledge, decided on the course

of complete centralisation at Calcutta. The Committee of Revenue, aided by a Dewan, was placed in full control. Provincial Councils were abolished on February 9, 1781, the Collectors were again appointed in the various districts. The re-appointment of Collectors appears to suggest an idea of decentralisation. This, however, was not the case. The Collector was denied powers to interfere with the new settlement of the revenue and 'special officers' were deputed by the Committee of Revenue for this purpose. Even as the collecting agency, the local Collectors were not trusted, and zamindars were encouraged to pay their revenue direct into the 'khalsa' or exchequer at Calcutta. Mufassil 'kanungos' were re-appointed to assist the Collectors, but they were placed under the control of the 'sadar kanungos', who themselves reported to the Committee of Revenue. The settlement of 1781 was made principally with the zamindars for varying periods, not exceeding three years, in different districts. It showed a large increase on the previous annual settlement, but arrears continued to accrue. Annual settlements were concluded for the years 1784 to 1786 by 'special officers' deputed by the Committee. Though figures showed a gradual increase over the settlement of 1781, the defects of this new system soon became apparent.

With the departure of Warren Hastings, experiments in the other extreme began. Officers like Shore, Anderson, Crofte, Grant and others, well versed in the land revenue administration of India, embarked upon a scheme of complete decentralisation. The Committee of Revenue at headquarters (renamed Board of Revenue) was to retain only a general power of supervision and sanction. The native Dewans were abolished, and the 'kanungo' was revived. Under a re-organised scheme, the Department of Kanungo' was overhauled under a chief officer called the Serishtadr, who was to be the keeper of land revenue records.

The basis of the new system, introduced in pursuance of the instructions of April 7, 1786 to the Committee of Revenue was the formation of 'districts' or 'collectorships'. Formerly, the units of revenue administration were fiscal divisions (like parganas or zamindaries) and not defined geographical areas. The earlier Supervisors, the Provincial Councils, or the Collectors, appearing in revenue administration from time to time since 1772, did not have their authority precisely defined over these fiscal divisions. The result was that parganas and other fiscal divisions became disintegrated in the course of time, and scattered.

These new districts numbered 35, with a revenue return of 8 lakh rupees for each. In accordance, however, with Shore's 'Minute of 13th March 1787', the number of these districts was reduced to 23 to make them more compact and economical. The Collector was now installed

as the chief and responsible administrator of his district, to whom the zamindars would look for fair assessment of revenue. The Kanungo's office was also reformed and maintained as an office of information and registry for the Collectors, above the influence of zamindars.

One of the most interesting aspects of the new system introduced in 1786-87 was that the Collector was placed on some sort of a 'permanent footing' and the office of Collector, Civil Judge and Magistrate were united in the same person. "In proposing this union of different authorities in the same person, the Court of Directors were influenced", reports Firminger—in the *Fifth Report on the affairs of the East India Company*, 1917. Vol. I) "by the consideration of its having tendency to simplicity, energy, justice and economy". The concentration of authority in the district officer made him an immensely powerful local authority within his jurisdiction. Besides, in the absence of proper communications, the new District Magistrate and Collector could exercise almost unfettered powers within his own domain. In fact as an English commentator remarked: "The District Officer was a semi-absolute monarch, ruling over a territory as extensive in area and population as some of the smaller countries of Europe".

However, such an arrangement was not only distasteful to Lord Cornwallis but also incompatible with his political ideas. Montesquieu's philosophy and the anti-authority spirit of the French Revolution were sweeping throughout Europe. Thus, the combined office of the Collector-Magistrate-Judge was truncated in 1793, and the Collector was left with only revenue functions, while the control over general administration, police, civil-judicial and criminal-judicial functions were vested in the Judge-Magistrate of the district. Not only was the Collector deprived of his judicial duties—he was now made answerable before the ordinary courts for unlawful acts done by him or his subordinates, even in their official capacities.

This arrangement continued in the Bengal Presidency almost uninterrupted till the offices of the Collector and Magistrate were united once again in 1858-59. The ideas of Cornwallis did not find favour among other civilians like Munro, Elphinstone, Malcolm and Metcalfe in the Madras and Bombay presidencies. This school of district administration which came to be known as the Munro School differed from the Cornwallis system mainly on the question of separation or union of judicial and executive powers at the district level. Protagonists of this school firmly believed that unless authority was concentrated in a single office at the district level and the Collector or Magistrate made the unquestioned ruler of his district, he would not be effective in carrying out the rule of law.

An extreme extension of this principle of unified system of

administration could be seen in the office of the Chief Commissioner and Deputy Commissioners in Non-Regulation districts. British India grew up by accretion from three nuclear points. A district on annexation would be more or less unsettled. Its administration would have to be, for some time at least, of a semi-military character and entrusted to energetic individuals armed with plenty of discretion, who had to decide quickly and be content with maintaining order and enforcing a rough and ready kind of justice. Local ways and customs, which the people understood and were attached to, had also to be allowed to continue in force insofar as they were not clearly against fundamental principles of humanity or public policy. Out of these obvious needs arose the Non-Regulation system of administration, with the Chief Commissioner at its head and the Deputy Commissioner in charge of the district. The developed judicial system under the High Court that existed in the three presidencies, that had come to be called Regulation Provinces (because upto the Charter Act of 1833 whatever laws were wanted had been issued as Regulations of the Governor or Governor General in Council) was also unsuitable for these new annexations until they settled down. The districts to be actually called Non-Regulation, were the Saugor and Narmada territories, annexed in 1818, and the name and the system were henceforth applied to every new annexation until it settled down and was brought under the higher type of administration by laws and regulations. The Deputy Commissioner at the head of each District held all the reins of power and administration, executive, judicial, revenue, police, excise and customs, public works, and even education, in his single hand. These variations of the Cornwallis school or the Bengal type of district administration have been presented mainly to explain the differences in the character and powers of the head of the district that existed in different parts of British India. This paper, however, concentrates its attention mainly on the Bengal Presidency-type district.

Reverting back to the reforms of 1786-87, their importance increased because they paved the way for the 'permanent settlement'. These reforms were evolved by Shore whose Minutes furnish the actual details of the later Decennial and Permanent Settlement. Lord Cornwallis (who took over as Governor-General in 1786) had specific instructions from the Court of Directors of the East India Company to fix permanent revenue on a review of the assessment and actual collection of former years. As Cornwallis felt that sufficient information was not yet available, he commenced upon further investigation. In 1787 and 1788, Annual Settlements of revenue were made by the Collectors, who were also engaged in Cornwallis's investigation. In the winter of 1789-90, Regulations were issued for the decennial settlements of Bengal and Bihar, and in 1793 these settlement were declared Permanent.

The period 1789-93 was marked by hectic debates and controversies between Grant and Shore and between Shore and Cornwallis. We need not get into the details of the controversies except in appreciating the fact that these controversies revealed the depth to which the Company's administrators had gone assessing the affairs of Indian Revenue Administration before taking the final decision. The objects of the Permanent Settlement were:

- 1 To place the revenue-paying agency (zamindars and independent talukdars) on a definite footing, and to expedite and assure the payment of the revenue.
- 2 To ensure a minimum revenue to the government.
- 3 To free the hands of officials for other spheres of administration.
- 4 To promote the extension of cultivation.

Whatever be the ill effects or the advantages of the system, from the historical point of view, the office of the Collector was established on firm ground. The development of this office has to be studied with the growth and development of the judicial or magisterial administration in order to understand the position better.

No description of the office of the Collector or revenue administration in India can be complete without at least a passing mention of the systems that existed in other parts of British India. In the north, the Collector or Deputy Commissioner found it more convenient to settle revenue at periodical intervals with the village as a whole rather than permanently with zamindars or intermediaries. Neither this Mahalwari system of north India nor the Zamindari system under the Permanent Settlement of Bengal found favour in the Madras and Bombay Presidencies, which followed a system of direct tenancy or direct revenue settlement with the Ryot (cultivator) under its own Ryotwari system of land revenue. Thomas Munro initiated this in Madras in the early part of the nineteenth century whereby each cultivator or Ryot made a personal agreement with the Collector from year to year. The Bombay Presidency accepted the system from 1835. It is important, while looking at the Revenue system and the Collector, to bear in mind these differences, so that the present-day differences in approaches to land revenue, land records and land reforms that exist in different parts of India are more fully understood.

Though judicial and magisterial functions have been mentioned earlier in this paper in so far as they related to the Collector, a brief look at the evolution of judicial administration in India, as a stream running parallel to revenue administration, is also worthwhile. We move on to consider now, the offices of the Magistrate and Judge which were unified for the better part of the first century of British rule in India. Innovations in the judicial system of Bengal began when the Company

had resolved "to stand forth as the Dewan" in 1772.

Between the battle of Plassey (1757) and the arrival of Warren Hastings (1772), the East Indian Company had tried various systems of judicial administration. The Dewani rights obtained in 1765 carried with them civil jurisdiction. But Nizamat, i.e., the superintendence of criminal administration and judicature, lay with the Nawab as before. The native Naib-Dewan exercised authority over the administration of civil justice, under the supervision of European Resident till 1772. This system was found unsatisfactory and Hastings was given the task of removing the defects of Robert Clive's Dual Government.

Warren Hastings, on his arrival at Calcutta, had noticed that, in the township of Calcutta, some systematic rules of justice prevailed, while beyond its precincts in the mufasil areas of Bengal, the situation was most disappointing. In the Presidency town, excluding the Company-settlements and its premises, judicial authority was exercised by the Nawab only in capital areas. His Deputy and his Fauzdar dispensed justice in cases of quarrels, frays, etc. while the Mohtsib punished drunkenness and the selling of spirituous liquors and the Kotwal became the peace-officer of the night.

Though the Company had earlier, in 1769, stationed its Supervisors in appropriate districts throughout the country "with directions to enquire into the proceedings of the courts of justice, to restrain iniquitous proceedings, to abolish the 'chout', and where a total charge should appear desirable, to apply to Government for the requisite powers", as also to supervise the native courts, the position was not encouraging. Generally speaking, "the courts of justice in India were instruments by which the powerful performed oppression, at their pleasure, on the weak".

In 1772-73, Warren Hastings started executing his plan of establishing a regular system of courts of justice. On the criminal side, Fauzdari Adalats (headed by a Kazi with a Mufti and two Maulavis) were appointed in the districts. A Sadar Nazamat Adalat at Murshidabad acted as the appellate and superior criminal court with a Daroga appointed by the Nazim at its head, assisted by the Chief Kazi, Chief Mufti and three Maulavis. Hastings brought the Sadar Nizamut Adalat for a period from Murshidabad to Calcutta and presided over it, but he soon realised the inconvenience of the task and transferred it back to Murshidabad in 1775. The President and Council, however, had not much say over this Adalat. The English Collectors were desired to attend the proceedings of the district Fauzdari Adalats in order to ensure that British legal procedures were adopted. But they did not have direct control over these courts, as the District Magistrate would have in the years to come.

On the civil side, Hastings appointed, in 1772, the Muffasil Dewani Adalats which were actually Provincial Councils set up in the six towns of Calcutta, Burdwan, Dacca, Murshidabad, Dinajpur and Patna, supervised by the Collectors or revenue to try civil suits. These Kutchari courts were divested from the Collectors within three years from 1775 and the Collectors were advised to concentrate on revenue collection while Aumils were appointed for the administration of civil justice in these courts. Over the six Muffasil Dewani Adalats was the Sadar Dewani Adalat, presided over by the President of the Council in Calcutta and assisted by the Dewan of the Khalsa (exchequer) and certain other officers of the Kutchari.

Consequent upon the promulgation of the Regulation Act of 1773, a Supreme Court of Judicature, consisting of the Chief Justice and three other Judges (all English barristers) was set up at Calcutta in March, 1774. "The court was to have power to exercise all Civil, Criminal, Admiralty, Ecclesiastical jurisdiction".

By 1781, the Dewani Adalats were made independent of the six Provincial Councils and placed under separate covenanted servants whereupon they started functioning as District Dewani Adalats. In that year the number was also raised from six to eighteen and the civil-judicial functions separated from the fiscal powers of the Revenue Collectors. Intermittent changes were caused by frequent shifts of policy and the different experiments of the Governor-Generals. In 1787, Cornwallis united the offices of the Judge-Magistrate and Collector and they were given considerably wide powers. Even this experiment did not prove successful, as over-concentration of powers and functions made the Collector-cum-Magistrate-cum-Judge unduly burdened.

Between 1790 and 1793, the functions of the Judge-Magistrate were withdrawn from the Collector and Courts of Circuit were established at various cities. Judicial separation was finally achieved in 1793 with the setting up of Zilla Courts. Indian judicial officers were appointed, their pecuniary jurisdiction being upto 50 sicca rupees in the beginning. Over the years, however, as Indians became more associated with the judicial process, this amount was raised to Rs. 5,000. Original jurisdiction was given to the Judges in all suits exceeding Rs. 5,000. Subsequently, the Governor General and Council were replaced by three Judges. The judiciary thus continued to grow, independent of the Revenue Administration. The District Judge, however, continued to be District Magistrate also, except for a brief period between 1831 and 1837. Only after the bitter experience of the Revolt of 1857, would a series of reforms and new enactments follow the Crown's take-over of the Indian Administration. And one of the first steps was to grant 'magisterial powers' to the Collectors, who would henceforth be known

as District Magistrate and Collector. The District Judge, bereft of his magisterial duties, would henceforth be known as the District and Sessions Judge.

The broad pattern of administration established in 1859, with the combination of the offices of the Collector and the District Magistrate, (with the District and Sessions Judge remaining separate) continued almost unchanged till today. From the battle of Plassey in 1757 to the Crown's take over 1858, which marks the first century of British rule, the East India Company thought it best that their Collectors of revenue should concentrate more on revenue functions rather than getting involved in judicial matters. There were two brief experiments in uniting the posts of Collector and Magistrate, the first between 1787 and 1793 and the second between 1831 and 1837, before the final merger of the two offices took place in 1859. Apart from this general pattern of the Bengal Presidency, other arrangements prevailed under the Munro system in the districts of Bombay and Madras Presidencies and under the system of Commissioners and Deputy Commissioners in the Non-Regulation (annexed) provinces.

It would, however, be wrong to presume that the Collector-Magistrate was a simple combination of a revenue post with a quasi-judicial one. Right from the early days of the Collector's posting, a large number of miscellaneous duties were thrust upon him (and also taken away from him, from time to time) that had little or nothing to do with 'revenue collection'. With the amalgamation of the post of District Magistrate and Collector in one person in 1859, the government found it convenient to entrust this officer with all sundry and emergent functions. Thus a third concept of District Officer arose. As C.E. Buckland states, the intention of the government was to make the Magistrate-Collector "the real executive chief and administrator of the tract of territory committed to him, and supreme over everyone and everything, except the proceedings of the courts of Justice" (*Bengal under the Lt. Governors*, Calcutta, 1932, page 537). In theory, and in terms of legal powers and obligations, the three posts of Collector, District Magistrate and District Officer continue, till today, to be separate entities.

As Collector, the officer is responsible for land revenue and land reforms, government dues, maintenance of records, grant of loans, control of minor minerals and such other allied functions. He collects revenue through sale of stamps, from amusement tax and excise over liquor as also through a host of other taxes, cesses, royalties, etc. As District Magistrate, he is the head of the regulatory administration; he exercises supervisory control over the police and law and order, he is responsible for licensing of arms, explosives, petroleum products, cinema halls, etc.; he clears passports and supervises citizenship laws;

he monitors the work of Public Prosecutor and Probation Officers, etc.

As District Officer he is responsible for miscellaneous government duties, co-ordination amongst different departments, enforcement of Acts like the Essential Commodities Act. In brief, he is the principal agent of the Government in the district. In addition, the Collector-Magistrate remains the 'principal officer' under almost a hundred Acts of the Centre and State under many, many different legal nomenclatures like District Election Officer, Returning Officer, Licensing Authority, and Controller of Civil Defence. It is thus made clear that the arithmetic total of two posts led to the formation of a different multifaceted post with multifarious duties and obligations.

The District Magistrate and Collector, thus became the 'kingpin' of district administration. Posts like the Superintendent of Police, Superintendent of Jails, etc., were implicit and contained in the post of the District Magistrate and were only gradually severed from this original post into more independent entities. Over the interim decades, covenanted servants of the Company, who came to be known as Civil Servants (to distinguish them from the Company's Military Servants) and later on, the members of the Indian Civil Service, continued to occupy the posts of Collector, District Magistrate and also Judge. In fact, years after the separation of the police functions from the office of the District Magistrate, the S.P. continued to be from the I.C.S. The origin and development of the Civil Services, especially the I.C.S. and its fore-runners, are of significance to the evolution of district administration in India.

From 1601, the date from which the East India Company began its operations, until 1772, the servants of the Company were almost exclusively engaged in commerce; and even when political power was thrust upon them, trade continued to be their main pre-occupation. In 1765 the Company established a regular gradation of posts. The lowest rank, that of Apprentice was discontinued after a very few years. Next came the Writers—a term which explains itself and which has been traced back to 1645 by Sir William Foster. It survived until 1859, although by that time, the mercantile duties of the office had disappeared. Above the Writers were the Factors, the Junior Merchants, and the Senior Merchants—titles borrowed in the first instance from the Dutch East India Company and officially employed until the year 1842.

The founder of the Indian Civil Service in the modern sense of the word was Warren Hastings; and the builder of the superstructure was Cornwallis. Hastings remodelled the revenue administration and reorganized the judicial system and, incidentally, left his mark on the style of official correspondence. The labours of Cornwallis were embodied in the Charter Act of 1793 which, while it made a close corporation of the

Service, promoted honesty and efficiency by providing adequate salaries and defining the duties of different departments. Five years later, in 1798, Sir John Shore, who had started his Indian career in 1769 as a Writer, was able to assure his successor in the office of Governor-General that he would find as great a measure of integrity, zeal and assiduity in the officers of the Government of India as in any part of the world.

Few of the critics of the I.C.S. probably realised that the total number of its members was just over a thousand—the exact figure on January 1, 1930 was 1014, of whom 367 were Indians—and that the effective strength at any one time, after deductions for officers on leave, varied between 800 and 900. On their shoulders rested the responsibility for the Government of nearly 250 million persons inhabiting an area of over a million square miles.

The next salient name in the history of the Indian Civil Service is that of Wellesley. Although the proposals made by him in 1800 for the establishment of a College at Fort William for the purpose of completing the education of the Company's servants were vetoed by the Court of Directors, they bore fruit in the foundation (in 1806) of the famous East India College at Haileybury. The college at Fort William was suffered to exist as a seminary for instruction in oriental languages and survived until 1854, by which time it had long outlived its usefulness. The compulsory residence of junior civilians in Writers' Buildings during their probationary period ceased in 1835 and after an interregnum of use as mercantile offices, the Writers' Buildings became the home of the Bengal Secretariate.

In 1826, an Act was passed which gave the Directors discretionary power to appoint to Writerships young men between the ages of 18 and 22, without admission to Haileybury, but subject to a qualifying examination being held in 1827 for those nominated in 1826, and the last in 1832: and altogether 83 writers were appointed in this way.

By the Act of 1853, which renewed the Company's charter for the last time, appointments in the Indian Civil Service were thrown open to competition—a principle which was not applied to the Home Civil Service until 1870—and the first examination was held in July, 1855. Twenty-nine of the successful candidates went out to Bengal in 1856, and ten to Bombay, in two batches; none were assigned to Madras.

Admissions to the East India College were not discontinued until January 1856 and the last batch of Haileybury men went out in 1858. Hence we find that the Bengal list of 1856 is made up, in the order named of 27 Haileybury men and 14 'competition wallahs', followed by 9 Haileybury men and 15 'competition wallahs'. In 1857 the proportions were 7 Haileybury men and 12 'competition wallahs'.

In 1861, the Indian Civil Service Act was passed and the first Indian to enter the Service by competition was Satyendra Nath Tagore who passed in 1864 and was posted to Bombay. Three more, who were all from Bengal, were successful in 1871: R.C. Dutt, B.L. Gupta, and Sir Surendranath Banerjee. They were given a public reception upon their arrival at Calcutta, but went through a very different experience on their way out, for they were arrested at Versailles on suspicion of being Prussian spies. The number of Indians in the service steadily increased since then.

In 1886, Lord Dufferin appointed a Commission, which was headed by Sir Charles Aitchison to devise a scheme which hoped to possess the necessary elements of *fidelity* and to do full justice to the claims of Indians to higher and more extensive employment in the Public Services. The Commission recommended that the age limit be raised to 23, as also that the Services be divided into the following three classes: (i) Imperial Service, (ii) Provincial Service, and (iii) Subordinate Service. In 1893, the House of Commons passed a resolution that the Competitive Examination be held in India and England, but it was surprising that the Government of India did not pay any heed to this resolution of the House of Commons. In 1912, a Royal Commission of Public Services was appointed. The Chairman of the Commission was Lord Islington. No action was taken on the report of this Commission, since the situation in India had completely changed by 1917, when the report was published.

The authors of the Montford Reforms, after reviewing the position of the Services, recommended that more and more Indians should be associated with the administration of India. Another important recommendation was that the competitive examination should be held in India and England. The scales of pay of persons in the Civil Service were revised. Their overseas allowance was also increased. The members of the Civil Service came to be better protected with regard to their promotions, transfers, etc.

With the introduction of Dyarchy in the Provinces under the Act of 1919, more safeguards were provided for the senior members of the Services. A number of Europeans retired from Government service, because they were not prepared to serve under 'new masters'—the Ministers in the Provinces. Political leaders in India however, complained that the Indianisation of the Services was not adequate. The Government of India therefore appointed a Commission with Lord Lee as Chairman.

The Lee Commission made very useful recommendations. It recommended that the recruitment to the Indian Civil Service, the Indian Police Service, the Indian Military Service and the Irrigation Branch of the Indian Engineering Service should be made by the Secretary of the

State for India as usual. As regards the other Services, e.g. the Indian Educational Service, the Indian Veterinary Service, and the Indian Medical Service, etc., the control of the Ministers over the services should be complete. However, the officers already in the All-India Service were to retain their status and privileges. The Lee Commission also recommended that the rate of Indianisation of the Services should be increased. The most important recommendation of the Commission, however, was that a Public Service Commission should be established in India for recruiting personnel under the Government of India.

When the Government of India Act of 1935 was being discussed in the British Parliament, members of the All India Services were greatly alarmed. They demanded more safeguards for their protection under the scheme of Provincial Autonomy, where they were expected to work under the 'new masters'—the popular Ministers. As a result of their agitation, more safeguards were provided for them under the Act of 1935. Their existing rights were continued, and it was made obligatory on the Governor-General to look after legitimate interests of the Civil Servants. The Act provided for the establishment of a Federal Public Service Commission in India.

After Independence and Partition in 1947, a large number of British ICS and IP officers left the country and there was an acute necessity of recruiting new All India Services personnel. So, even before the Constitution of India was passed, recruitment to the IAS and IPS (which were considered as successors of ICS and IP) commenced, both through direct competitive examination and by promoting or absorbing senior civil servants and police officers of the Provinces and the Princely States. Over the last 40 years, the All India Services have changed their character vastly in order to meet the demands of a democratic and responsive administration.

The involvement of Indians in the judicial process has been an almost uninterrupted process. As mentioned earlier, the judicial offices continued to remain in Indian hands even after the transfer of political and revenue powers from the Indian rulers to the British Company. But whereas the earlier variety of Indian judicial officers were of the traditional or religious type i.e., Kazis, Maulavis, Pundits, etc., the later judicial officers, especially after the Reforms of 1781 and 1793 (Indian Munsifs were appointed from 1793) were professional Civil Servants.

Regarding the police, the lower functionaries (i.e., Darogas in charge of Thanas, Jamadars, Chowkidars etc.,) continued to remain all along in the hands of Indians. The office of the Superintendent of Police was created in 1808. But this office was abolished in 1853 and its powers over investigation of crimes were made over to the Commissioners of Circuit. At this time, however, 'a Commissioner for the suppression of

‘dacoity’ was created who worked through a system of paid informers known as ‘goondas’. In August 1860, Lord Canning appointed a Commission to formulate concrete proposals for organising the police force in India, which recommended ‘separation of the police’ into an integrated, professional department, though under the overall control of the District Magistrate. In 1861 the Indian Police Act was passed, providing for an Inspector General, 9 D.I.Gs, 25 S.Ps and 99 A.S.Ps. Until the founding of the service known as Indian Police, members of the I.C.S. continued to occupy most of the senior police posts. The growth and later development of the I.P. and its successor, the I.P.S. into a well-knit professional service, is a matter of history.

It is not possible to cover of the origin and development of all the services engaged in the task of ‘district administration’. Suffice it to say that with the increase of tasks and consequent specialisation of functions, different services emerged to tackle these on a regular and professional basis. Sub-Divisions were created in a rather haphazard fashion throughout the early part of the 19th Century. In 1856 we find only 33 Sub-Divisional Officers in the whole Province of Bengal. Re-organisation of the sub-divisions was made in the Reform following the take-over of Indian Administration by the Crown. The Circle Officer was created as a recommendation of the Bengal District Administration Committee of 1913-14 to cover a group of Unions and was in charge of a Sub-Deputy Collector. The intention was to perform the miscellaneous functions of the Tehsildar of the United Provinces and other Indian Provinces. The B.D.O. under the Community Development Programme of the 1950s was the successor of this C.O.

This paper has tried to cover the evolution of the district offices in India from the early days of the East India Company to the present. In doing so, the different streams of administration, viz. revenue, judicial and magisterial, have been seen as running, sometimes parallel, sometimes congruently and at other times even at cross-purposes.

The heritage has not always been one to be proud of. The historical growth of different streams has often led to overlapping or duplication of functions as also to avoidable harassment to the citizen. Yet, since each office draws its power from a separate Act or Rule and has its own history or tradition to fall back on, it would be unimaginable for any office to surrender power or accept a proposition to have a single authority for administering to single subjects. Precedents, rules, forms and departmental independence often become more important than convenience in a tradition-bound administration.

The Collectorate offices have been centred around revenue and this has led to over-caution as the Collector and other officials must ensure that there is no loss of revenue, even if such an attitude leads to

hardships or even to ridiculous situations. Besides, as a regulatory office, the bias is still clearly imprinted in the minds of large numbers of officers and staff who man the collectorates. The British ruler's basic distrust of the 'native' led to an elaborate system of checks, counter-checks and record-keeping, many of which only led to delays and added to the woes of the common citizens. Paradoxically enough, each stage of check later added to, rather than restrained, corruption. This character and legacy of administration has been criticised by successive generations of administrators, social scientists, parliamentarians and other public personalities, with little success. Suggestions have ranged from abolition of the district or the district office to vesting total powers in the District Magistrates.

While appreciating the feelings of those who would like to abolish the concept of Districts altogether, it may not be improper to point out that the administration of a sub-continental polity like that of India requires its division into manageable units, below the level of states, and that Districts are ideally suited to be such units. Extremes or aberrations, in the size and population of districts could perhaps be cut down and rationalised, but here again a word of caution may be necessary. Most of our districts have the advantage of being geographical, economical, linguistic, ethnic and historic units, in addition to being administrative units, and in a tradition-bound society, second thoughts must be given before totally restructuring them. For instance, a Gorakhpuri is proud of his district; a person from Jaisalmar or Agra talks about the rich history of his district while the Sambalpuris feel no less pride. One can conceive of splitting up these districts into manageable units when absolutely necessary, but citizens of these districts would perhaps be horrified if a slice of one district was added to a part of another and joined to a portion of a third to form a new district for administrative convenience. The essence of the British style of district administration was to accept and adapt local institutions wherever they were, to fall in line with their general approach. Thus, we have the Mamlatdar in Maharashtra, the Karnam in Andhra Pradesh, the Tehsildar in U.P. and other parts, etc.

The institution of District Magistrate and Collector has stood the test of time, for over two centuries. The basic task is to see how the power and authority of the office of the district magistrate could be made to work effectively with the forces of democratic decentralisation so that each re-inforces the other. □