CHAPTER I
HISTORICAL BACKGROUND

I: Introduction

In this chapter is given an historical outline of the evolution of the executive, legislative and administrative structure of the Bombay Province up to the commencement of the Government of India Act of 1919. Broadly speaking the problems of the period may be classified as under.

1) Extension and arrangement of the annexed territories that comprised the Bombay Presidency

2) Evolution of the Headquarters Administration which consisted of the legislature, executive and the secretariat organization

3) The question of land revenue settlement in the Bombay Presidency

4) Evolution of the revenue administration of the province at the Divisional, District, taluka and village levels.

5) Organization of the Police

6) Administration of the judiciary

7) Evolution of the provincial departments

8) Local Self-Government

9) Financial Administration

10) Personnel Administration.

In the following paragraphs, the distinctive features of the administrative problems have been analysed. It will
be indicated as to how the administrative structure had undergone changes as a result of the ways and methods the Government of Bombay adopted to solve the problems that arose during the period.

II

Extension of Territories and Their Arrangements

(A) Extension: At the beginning of the 19th century the Bombay Presidency consisted of (1) the town and island of Bombay, (2) the islands in the Bombay harbour, (3) the island of Salsettee, (4) Bankot in South Konkan (Fort Victoria), and (5) the town and district of Surat.

In 1818, as a result of the third Anglo-Maratha War the East India Company annexed all the territories under the control of the Peshwa. The Kingdom of Satara was restored to the king but a Resident was posted to look after the administration of Satara. The conquered territories included (a) the whole of Deccan, (b) the town and districts of Broach, Kaira and Ahmedabad, (c) the whole of Khandesh, (d) the district of Dharwar including Belgaum, Ratnagiri and Kolaba.

In 1822 the Nizam ceded certain villages to the East India Company and in 1838, the Sholapur district was formed mainly with these villages and with the addition of the adjoining villages. In 1839 Aden was conquered. It was annexed to the Bombay Presidency. In 1847 Sind was annexed and it was attached to the Bombay Presidency. In 1848, the Kingdom of Satara lapsed to the East India Company and it
was formed into a separate district. As a result of the lapse of the Satara kingdom, the whole of Bijapur district came into the possession of the East India Company. In 1861, Panchmahals were acquired by the British Government. In the same year, North Kanara was transferred from Madras to Bombay Presidency. The annexations and transfers of territories were complete by this year. ¹

(B) Arrangement of Territories: In Gujarat there were five districts of (i) Broach, (ii) Surat, (iii) Ahmedabad, (iv) Kaira and (v) Panchmahals. Upto 1833 Ahmedabad and Kaira were one district. They were separated in that year. In Deccan Mountstuart Elphinstone created five principal districts, namely, Khandesh, Poona, Ahmednagar, Carnatic. However after the lapse of the Satara Kingdom it became a district. In 1836, the districts of Belgaum and Satara were separated. In 1837 the districts of Khandesh and Nasik were separated. The Konkan was divided into North Konkan (Ratnagiri) and South Konkan (Thana). In the early years of the twentieth century, Kolaba was formed into a separate district. Similarly Khandesh was divided into East and West Khandesh. Thus at the commencement of the Government of India Act of 1919 there were 27 districts in the Bombay Presidency including the districts in the sub-province of Sind. ² (See Appendix A.)
III
Evolution of Headquarters Administration

Absence of Central Control Before 1773

Three Presidency Governments of Bombay, Madras and Bengal enjoyed equal status and power till the Regulating Act was passed in 1773. There was absence of Central control and no formal Central government existed. They were called Presidencies because each was governed by a President and Council. Their appointments were made by the Court of Directors under the authority vested in them by the early charters of the Crown and Parliament. In his administrative capacity the President was styled as "Governor". This designation assumed importance with the conquest of territories. Thus 'Presidency' evolved as a territorial concept. The Governor in Council conducted the Government business by a majority decision of the Council.

Creation of a Central Government

The Regulating Act of 1773 created for the first time a Central Government in India. The Act subordinated the Government of Bombay to the Governor-General in Council at Calcutta. The Central Government exercised control over the Presidency Governments only as far as questions of war and peace were concerned. It had control over diplomatic relations and political relations also.

India Acts of 1784 and 1786

The India Act of 1784 established a regular hierarchy
of political authority from the Home Government in London down to the Local Governments. This Act reduced the number of Governor's Councillors from four to three. By the amending Act of 1786 the Governor was given the power of casting vote. This was necessary because Governor could not carry on the administration if the majority went against him. The power to override a decision of the Council was to be exercised under exceptional circumstances.

Power to Make Regulations

The Act of 1807 vested in the Governor-in-Council the power of making Regulations for the conduct of administration. The only important condition was that such regulations had to be ratified and approved by the Supreme Court and the Recorder's Court.

Withdrawal of Legislative Powers

The Presidency Governments of Bombay, Madras and Bengal lost the legislative powers under the Charter Act of 1833. These local governments could send drafts of their legislative measures to the Governor General in Council. However, the Charter Act of 1833 affirmed the principle "no native of India, nor any natural born subject of His Majesty, should be disabled from holding any place, office or employment by reason of his religion, place of birth or colour".

Further the Charter Act of 1853, provided for one representative from each Presidency to expedite legislative business concerning the presidencies. The representatives
were to attend meetings of the Council convened only for making regulations and Acts.

**Restoration of Legislative Powers**

The Indian Councils Act of 1861 restored the legislative powers to the Presidency Councils. The aims of the Act were three: (i) decentralization, (ii) differentiation of functions, and (iii) to afford better opportunities for obtaining correct information as to the state of affairs.

As regards the first, the restoration of legislative powers of the presidencies marked decentralization of law making powers. As regards the second, the functions of the legislative councils were strictly limited to law making. It is true that the executive councils became the legislative councils by an addition of one law member. As regards the third, the Act introduced the important principle of non-official representation on the legislative councils. The nominated members might be Indians or Europeans. The principle of allowing Indian bodies to nominate their own representatives was not introduced yet.

The tenure of Council membership was two years. The members of the Council were to be four at the minimum and eight at the maximum. The Advocate General was to be a member of the Council for legislative purposes. The non-official element was to consist of half of the total membership. Prior consent of the Governor General was necessary for legislation relating to finance. The Presidency Councils could not
introduce changes in the Acts of the Central legislature and also could not affect any Act of the Parliament.

The Act of 1892

At the first meeting of the Indian National Congress a resolution was passed asking for increase in the size of the legislative councils. It also put forth the demand for admission of members elected by municipalities and district local boards. In addition to purely legislative functions, the right to put questions to the executive on details of administration was also demanded. The Councils Act of 1892 met these demands. It fixed the total membership at not less than 8 and not more than 20. Power was given to members to discuss the budget and ask questions. Only nine members were to be official. Yet official majorities were retained on all the Councils. The non-official members were selected by University Senates, Chambers of Commerce, Municipalities and District local boards.

Thus it will be seen that there was no separate legislative body apart from the Governor's executive council, before the Indian Council's Act of 1909 was passed. There was no elective element in the Governor's Council; even non-official nominations were made by the Governor-in-Council. The Act of 1892 introduced the principle of selection by different bodies. Hence the executive was autocratic and subject to the control of the Governor General-in-Council.
In the coming years there was a constant demand from the Liberal leaders in the country to give representation to the people on election basis. They urged to increase the size of the Council as well as demanded a share in administration. The revolutionary movement gathered momentum. The partition of Bengal caused widespread dissatisfaction amongst all political sections. In these circumstances, Government of India's attention was drawn to the system of election which would secure representation by classes, communities and interests. Especially the representation of the Muhamedans was a special concern. The Indian Councils Act of 1909 was the end product. It increased the number of council members and fixed the maximum number at 50 in the provinces. It was laid down that there ought to be a non-official majority in the provinces. The principle of election was introduced by indirect franchise. There was no representation as such for labour. The councils were given the right to discuss the budget, to ask for division and also to move resolutions. The executive councils of Madras and Bombay were to consist of four councillors and by practice it was intended that one of them should be Indian.

Lord Morley declared that it was not his intention to introduce responsible government or parliamentary institutions in India. Thus the Morley-Minto Scheme did not introduce
franchise in the real sense of the term. On the other hand, the creation of non-official majority made the official block rigid and united. Yet the legislative council became an instrument for the advocacy of provincial autonomy. The liberals welcomed the scheme hesitantly. But the extremists were dissatisfied. Even though the deliberative powers of the council were increased the scheme did not promote responsible government and was no answer to the political problem of the day.9

Factors That Led the Road towards Dyarchy

(1) The most important factor was the outbreak of the First World War which speedily brought about the Reforms. As a reward for India's contribution in the War a further advance of constitutional reforms was to be granted.

(2) The Congress-League pact of 1916 and the Khilafat movement contributed to the solidarity of Hindus and Muslims. The Joint Congress-Muslim League scheme of self-government was the outcome.

(3) The Government of India's despatch of 25th August 1911 urged that the provinces should be given a large measure of self-government until at last India would consist of a number of administrations autonomous in all provincial affairs. In his reply of 1st November 1911, the Secretary of State gave his approval to this view without referring to the future line of policy.

(4) Lord Hardinge in his confidential memorandum of
October 1915 emphatically pressed the Home Government to recognize the principle of provincial self-government as the safest and surest policy.

(5) In Government of India's despatch No. 17 of 24th November 1916 the Viceroy submitted the grant of political concessions as demanded by the nineteen elected members of the Imperial Council. The elected members had asked for the announcement and definition of the ultimate goal of British rule in India. They further wanted to know what immediate steps would be taken in fulfilment of that goal.

(6) In his presidential address at the 1915 session of the Congress Sir Satyendranath Sinha called for the announcement of a goal which would lead to a form of self-government.

(7) Lord Chelmsford, the then Viceroy, pressed for the announcement of the ultimate aim of the British Government in India.

(8) Mr. E. S. Montagu in his speech on 12th July 1917 (at the time of the debate on the report of the Mesopotamian Commission) questioned the efficiency of the Indian Government and demanded its reorganization on a principle leading to the establishment of self-governing provinces.

Announcement of Goal and Montagu's Visit to India

The net result of the working of all these factors was the announcement of the goal of the British rule in India in the House of Commons by Mr. E. S. Montagu on 20th August 1917. The object was progressive realization of responsible
government in India as an integral part of the British empire through the development of self-governing institutions and through the increasing association of Indians in every branch of Indian administration. After the announcement was made, Montagu visited India to study the situation on the spot. The outcome was the publication of the Montagu-Chelmsford report in July 1918.\textsuperscript{10}

**Montagu-Chelmsford Report**

The Report did not recommend the introduction of dyarchy as envisaged in the plan of Lionel Curtis. The authors recommended that steps should be immediately taken to give some measure of responsibility to popular representatives in the provinces on the basis of four principles:

1. Almost complete control over popular local bodies

2. The beginning of some measure of responsible government in the provinces involving a great deal of legislative, administration and financial independence of the Government of India

3. The continuance of the responsibility of the Government of India wholly to Parliament pending experience of the changes to be introduced in the provinces

4. The relaxation of the control of the Parliament and the Secretary of State over the Government of India and over the provincial governments in proportion as constitutional changes take place.

**Appointment of the Committees**

Three committees were appointed to work out the details of the principles laid down by the Joint Report. (1) The
Franchise Committee and (2) the Functions Committee were presided over by Lord Southborough. The third Committee to suggest changes in the constitution of the India Office was presided over by Lord Crewe.

**Joint Select Committee**

The Joint Select Committee of both the Houses of Parliament was appointed to study the draft bill of the Government of India. It suggested certain modifications.

Finally, the Government of India Act (9 and 10 Govt. V.C. 101) was passed accordingly and the Royal assent was signed on 23rd December 1919. The Government of India Act of 1919 came into operation on 1st January 1921.

Thus the constitution of provincial Governments under the Act was a step towards responsible Government in the provinces. Yet the Devolution rules and the statutory provisions were far from satisfactory. They hindered the growth of Self-Government in the provinces. In Chapter II below, the devolution rules and statutory provisions will be examined and their working will be assessed with special reference to the Government of Bombay.

**V**

**Origin and Organization of the Secretariat**

The first instance of the division of Government business into departments was the institution of Public Department. The printed list of the India Office records contained the proceedings of the Government of Bombay in the public department from as early as 1704.
General Department

The secret and political department was formed in 1755. Before this period secret proceedings were retained in the personal custody of responsible officers. In 1821, the name of the public department was altered to General Department. The General Department dealt with Local Self-government, scientific, medical and sanitary matters and generally with subjects such as services and those which were not specially connected with the existing functions of any other department as for instance emigration and explosives.

In 1779 the Revenue department was formed under the orders of the Court of Directors contained in their letter of 1st January 1779. In 1786 the Commercial department was established. It was abolished in 1836 as the Charter of 1833 prohibited the commercial business of the East India Company. In 1788 the military department was formed. It was also abolished on 1st April 1895 on the assumption of complete control of military affairs by the Government of India. The judicial department was established in June 1794.

Separate Department

In 1799, the separate department was formed. The name "Chief Secretary's Special Office" appeared for the first time in the statement of civil establishments on 1st May 1822. It was organized for the purposes of the Chief Secretary's duties in connection with the arrivals and departures of ships, issue of passes and other miscellaneous duties. These
functions were of a minor character. They comprised the
delivery of orders to officers arriving from Europe, the
care of the secretariat building, the management of the
record office, the receipt and delivery of postal matters and
other similar duties (vide Separate Department Circular No. 399 dated 13th November 1916).

**Ecclesiastical Department**

The Court of Directors in para 2 of their letter dated 4th March 1817 informed that the proceedings relating to ecclesiastical department should be separated from the proceedings of the public department. It should be formed into a separate department, to be named as ecclesiastical department. Accordingly on 30th July 1817 it was separately constituted. The despatches relating to ecclesiastical matters were sent to General department, till the beginning of the year 1847. Since then the ecclesiastical department was treated as a separate department.

**Marine Department**

The business of the public department having increased a separate department of Marine was formed on 2nd January 1818.

**Mint Department**

In 1830, the mint department was formed. Matters connected with the Bombay Mint formed one of the subjects dealt with in the financial department. In 1876, the Government of India assumed charge of the Bombay Mint.

**Public Works Department (Railway)**

The Railway scheme was first considered in the General
department between 1844 and 1848. From 1849 to 1860, the subject of railways was treated as a separate branch of the financial department. It was transferred to the Public Works Department in 1860.

**Public Works Department**

Upto 1855, the proceedings connected with Public Works formed part of the proceedings of the General department. It was separated from the General department in 1860 and the Chief Engineer was appointed as Secretary to Government in Public Works Department.

**Education Department**

Originally the subject was dealt with in the General Department. In 1860, the Education Department was formed.

**Legal Department**

When Indian Council's Act 1861 was implemented, this department was formed in 1862 for the making of laws and regulations.

**Public Works Department (Irrigation)**

This department was formed in 1868 to cope with the business relating to irrigation.

**Revenue Department (Famine Branch)**

The Famine branch was formed temporarily between 1896 and 1903 on account of the famine proceedings connected with the famine of 1876-77. It formed a part of the proceedings of Public Works Department.

**Mode of Business**

All papers connected with public business reached the
Government through the Secretariat. In the Secretariat they were properly arranged and submitted to the members of the executive council who were in charge of the departments. All available material for arriving at a decision in the shape of correspondence, acts or resolutions and precedents related to the subject were noted on the case papers. Lastly opinions of the secretary and/or under secretaries etc. were conveyed to the member to facilitate him to take the decision.

Organization

In the beginning, not only the administrative business of Government but also some executive functions were transacted in the Secretariat. Thus at the end of the 18th century one Deputy Secretary was part-time Postmaster General while another was part-time Collector of Bombay. Until the Governorship of Mr. Jonathan Duncan (1795-1811) there was only one secretary controlling all the departments with the help of deputy secretaries. The secretariat was reorganized in 1807 and thenceforth ceased to exercise any executive functions. The Court of Directors then ordered that the departments should be separated. The organization finally sanctioned was:

1. One secretary
2. A deputy secretary in public, revenue and judicial departments
3. A deputy secretary in military and commercial departments
4. A deputy secretary in the secret and political departments.

The secretary had control of the entire secretariat.
After two years, the secretary was converted into the Chief Secretary and the three deputy secretaries into secretaries. In 1821, one post of secretary was abolished and the chief secretary was given one department. This arrangement continued since then.

Again in 1835 a fourth secretary was added. In 1839, the organization was as follows:

1. Chief Secretary - Revenue, Financial and Separate department
2. Secretary - General and Ecclesiastical departments and Railway branch
3. Secretary - Political, Secret and Judicial departments
and 4. Secretary - Military and Marines department.

In 1867, an under secretary was appointed as secretary to the council of the Governor for making laws and regulations.

With effect from 1st April 1895, the Government of India took over direct control of all military work. The post of military secretary was abolished. The organization was then as follows:

1. Chief Secretary - Revenue, Finance and Separate departments (with an Under Secretary)
2. Secretary - Judicial, Political, Secret and Legislative departments
3. Secretary - General, Education, Marine and Ecclesiastical departments
and 4. Chief Engineer as Secretary to Public Works department.

In 1907 a legal department was added. The remembrancer of legal affairs was made secretary. The secretary to council
for making laws and regulations was made assistant legal remembrancer.

This was the structure of the secretariat until the advent of Montagu-Chelmsford Reforms.\textsuperscript{13}

From an account given above, it will be seen that the secretariat organization evolved out of the exigencies and administrative requirements from time to time. The establishment of the Public Works and the Education Departments definitely marked an advanced stage. It pointed to the growing concern of the Governments towards the progress of education and irrigation. The Revenue, Finance and Judicial departments were the primary base of the structure. The constitution of the legal department was associated with the development of the legislative council in the province. Yet all these departments were in a formative stage. Only after the inauguration of the Montford Reforms the complexities of the Government increased. One additional dimension of the secretariat structure since the Reforms was that popular ministers became the chief determinants of the structure of the decision making process.

VI

Land Revenue Settlement

In Bombay Presidency, there existed the Rayatwari system. It was a system of settlement with the cultivators of small holdings whose revenue payments were fixed after careful measurement and classification of the land in their
possession. The holder of the land had the right of occupancy in perpetuity provided he paid the assessment as revised from time to time. The maximum and usual term of settlement was 30 years. This system was introduced in the Madras province first as a reaction against the permanent settlement by Sir Hector Munro. In the Bombay Presidency Elphinstone favoured this system. Prior to the British rule, in the Deccan Villages, there was a class of proprietary tenants called mirasidars with inheritable and transferable rights. Another class of tenants called uparies were mere tenants at will cultivating land at a yearly rent. These villages paid in lump sum the revenue demanded by the Government. The villages had a joint responsibility for the payment of public dues. In the days of Peshwa there was the system of revenue farming: it weakened the corporateness of the village. Even the Mamlatdar's office (district revenue officer) was put to auction. The mamlatdar let out his district at an enhanced rate to the interested parties till it reached village headmen called Patels. Patels in turn distributed the sum assessed upon each village amongst the cultivators and collected the revenue in various ways. The oppressive conduct of revenue farmers broke away all the elements of village unity. The reintroduction of the system of village settlements was practically impossible. Mount-stuart Elphinstone's main object was to preserve as far as possible the practice of the Peshwa Government. He however abolished the system of farming the revenue and introduced
The levy of assessment according to the area actually cultivated. No new taxes were to be imposed and no innovations were to be made in the administrative structure. The general principles were (1) to form vast revenue areas into districts and each district was to be placed under a collector of covenanted civil service. (2) Below the district were the talukas as units to be placed under a native mamlatdar who was a full-time salaried Government servant. Each taluka was to comprise such an area as would yield a revenue of Rs.50 to Rs.70 thousand a year. (3) To levy a moderate assessment as far as practicable on actual cultivation. (4) The foundation of assessment being the amount paid when the people considered themselves to have been well governed. (5) To continue to use existing village headmen in the apportionment of the assessment fixed for the village. (6) To frame field registers containing the area, tenure, rent etc. of each field in a village. (7) To introduce in each village an accountant (talathi and/or Kulkarni). The talathis and Kulkarnis were salaried servants of Government. They were subordinate to village headmen called Patel.

Thus Elphinstone revised the Deccan Official agency and placed it under the control of the European Collectors. However, it was soon found that the old complicated system could not work. It became necessary to devise a new system with an accurate land record and the fixed principles
of assessment. The old system could not be worked properly due to the inexperience of European officers in the matter of actual conditions. In 1827, a special officer Mr. Pringle was appointed as the Superintendent of revenue survey and assessment of the Deccan to work out a new system. Mr. Pringle advocated a ryotwari system of land revenue from his belief in the economics of Ricardo and in the principles of utilitarianism. He believed that the previous solidarity of kunbis resulting from the interdependence due to their collective responsibility to pay the revenue dues was a great obstacle in the progress of the rural society. It was necessary that the position of Jathas, Patils and Deshmukhs should be done away with in the collection of revenue. In their place a legal and rational relationship between the kunbi as a tenant and the state as the supreme landlord should be established. The share of the agricultural produce appropriated by the state would then be the rent payable to the landlord leaving the wages of labour and the profits of capital to the cultivator who tilled the land.\(^{17}\) Robertson on the other hand argued that the idea of state as supreme landlord in India would undermine the prescriptive rights of mirasidars and it would ignite revolution in the rural society.

Elphinstone had a distrust of policies which would result in a social upheaval or would disturb long established rights. Instead of advocating the net produce criterion favoured by Mr. Pringle, Elphinstone suggested that the
survey should be aimed at a different criterion. The survey was to be carried in two stages. In the first place a rough assessment of each village was to be made on the basis of the rents levied in the past. Secondly, this rent was to be apportioned among individual cultivators. The share of each kunbi was to be determined by the productivity of his land.

Mr. Pringle's Survey

Mr. Pringle selected the Indapur taluka in Poona district for survey. His survey failed because the native officers did not furnish information accurately. Hence the survey was inaccurate. On the other hand assessment rates were very high. However Pringle's settlement did away with the old distinction between Upvis and Mirasidars. Again, assessment based upon the value of land meant the disappearance of the older system with its numerous jakats, pattis and cesses. From this time the Record of Rights began to be maintained to determine the rights of the owners and occupants of the agricultural lands.

Mr. Goldsmid and Col. Wingate's Settlement

In 1836, two officers Mr. Goldsmid and Col. Wingate were appointed to work out a fresh system of revenue settlement. They started their operations in Indapur taluka. Goldsmid and Wingate rejected Mr. Pringle's method of fixing the rates of assessment on the basis of the net produce of the land. Mr. Goldsmid and Col. Wingate discarded Mr. Pringle's principle to fix the rates of assessment on the
basis of the net produce of the land. According to them Pringle's attempt to encourage a class of rich peasants was the most serious defect in his revenue policy. The new rates of assessment had raised the rent on inferior and lowered the rent on superior soils. However Mr. Goldsmid and Col. Wingate accepted with minor changes the measurement of fields carried out under Mr. Pringle's supervision. They conducted an inquiry into eighty-six villages of Indapur taluka. But they conducted classification of soils anew. They graded the fields of Kunbis into nine different categories according to the fertility of the land. But instead of calculating the net surplus of each grade of soil and then fixing its rent at 55 per cent of this figure Mr. Goldsmid and Col. Wingate derived their rates of assessment from local inquiry and the experience of qualified persons, without minute investigations into actual produce.

The survey settlement by Mr. Goldsmid and Col. Wingate proved a success in Indapur taluka. Soon the operations were extended to other regions. Improvements were also effected in the technique of the system of classification by Captain Davidson. The three officers later met at a conference in 1847 and drafted the famous joint Report. This report laid down the general principles of revenue assessment. The survey and settlement operations were given a statutory basis. For this purpose, the Bombay Survey and Settlement Act was passed in 1865. This Act was repealed in 1879 when a comprehensive Land Revenue Code was enacted.
The Land Revenue Code was amended from time to time. Besides Government Resolutions and Executive orders supplemented the system of land revenue.

**Effects of Mr. Goldsmid Settlement**

Although Mr. Goldsmid's rates of assessment were less favourable to the mirasidars than the rates of Mr. Pringle, the gulf between the incomes of the poor cultivators and the rich ones widened because the kunbis or poor cultivators had been under heavy economic burden during the days of Peshwas. On the other hand, the contribution of Government dues being fixed for thirty years there was a marked improvement in the conditions of the dominant cultivators when the British officers resurveyed the Deccan during 1870s. They were wonderstruck by the prosperity of the rich farmers. Rich farmers invested their capital surplus in the excavation of wells and tanks for irrigation.

However the conditions of small kunbi cultivators were far from satisfactory. On one hand the rayatwari system disintegrated rural society through the abolition of collective responsibility to pay Government dues. The small kunbi cultivator took loans from Wanis on his individual credit. A majority of the kunbi cultivators were indebted to the Wanis. This often led to friction between kunbis and Wanis. As a final resort the Wanis approached the courts of law. The awards of the courts were based on the concept of equity and legality which favoured the Wanis rather than kunbi cultivators.
Revision of Survey

In such altered conditions, Mr. J. Francis and Mr. W. Waddington, Superintendents of the Revenue Survey and assessment of the Deccan, undertook a revision of the Goldsmid settlement in 1867. They first undertook the survey of the taluka of Indapur to devise a scale of assessment. They agreed to the view that the extension of cultivation which followed Goldsmid settlement indicated a rise in the profits of agriculture. This should justify an increase in the rents levied by the state. Mr. Francis calculated the increase on the net surplus of different soils. He based his assessment rates on the basis of the increase in the price of Jowar during the 1850s. Mr. Goldsmid had assessed 12 annas per acre of the best soil. Mr. Francis raised this rate to Rupee one per acre which constituted a rise of 33 per cent. The total assessment was raised however to 50 per cent.

The Francis settlement increased the economic burden of kunbis. Gopal Narsingh Deshmukh presented a petition on behalf of Kunbis to the Government of Bombay. This petition was signed by 2694 rayats.

The Poona Sarvajanik Sabha took up the cause of the kunbis and appointed a sub-committee to find out the grievances. The report of the sub-committee was presented to the Government in 1873. The Government of Bombay conducted enquiries in response to the report of Poona Sarvajanik Sabha. This inquiry revealed that the illusion of increasing
rural prosperity (which was the background of Mr. Francis' revision of the Goldsmid settlement) had proved false.

The Deccan Riots of 1875

The Government of Bombay resolved that assessment of a taluka or group of villages should not exceed 50 per cent. The rent of a single village should not be raised more than 75 per cent. In spite of these decisions the Deccan riots took place in 1875. The chief factors were: (1) The dislocation of the rural economy by the civil war in America, (2) Revision of the land tax by Mr. Francis, (3) Agitation initiated by Poona Sarvajanik Sabha. (4) The long-standing hostility between kunbis and wanis.

The Deccan Riots Commission was appointed to inquire into the causes and to suggest proposals for improvement. On the recommendations of the Commission, the Government of Bombay passed the Deccan Agriculturists' Relief Act in 1875. The Act made it obligatory on the courts of law to investigate the history of the bonds of loans. The Act was helpful in improving the financial position of the kunbi cultivators.

The fourth survey and assessment work of the districts was completed in 1901. It presented no special problems. The Land Revenue Code of 1879 settled down finally the principles of survey and assessment. The future work of survey settlements was handed over to the revenue departments of the districts. The Joint Parliamentary Committee which considered the Government of India Bill of 1919 recommended to bring the process of revising the land
revenue assessment under closer regulation by statute. Accordingly the question was studied by the Committee appointed by the Government of India in 1924. In the context of these recommendations amendments to the land revenue code were made by the first Congress Ministry in 1939. No action was taken during the period of dyarchy.

Other tenures

1. The talukdari tenure is found in Gujarat. The talukdars were absolute proprietors of their lands subject to the payment of a Government demand.

2. The mehvasi tenure was also found in Gujarat. It was a system of paying revenue in a lump sum for the village. The amount being fixed at the discretion of the collector.

3. Udhad Jamabandi: It was fixed assessment not liable to revision on village or groups of villages.

4. Khoti tenure: It was found in Konkan. It may be described as holding of villages by khots or managers. They were required to conclude an annual agreement with Government. They paid the aggregate survey assessment fixed on all the village lands.

5. Izafat tenures arose from the holdings of hereditary local officers whose services were no longer demanded. These holdings paid the full revenue demand subject to certain concessions.

6. Inams Jaghirs etc: These tenures were wholly or partly free from the assessment. The land was allotted for past services to the state or for religious services in
connection with temples. The Inam Commission appointed in 1852 investigated the claims of inamdars and much of their number was reduced after inquiry into proper claims.

(7) The other sub-tenures were Vanta, Nar vadari, bhagdari, malaki and Sharakati.

In Bombay city and island there were the following tenures: (1) Pension and (2) Tax. Both represented a fixed payment for fee; simple possession in compromise of a doubtful tenure and dates back to 1674. It was not subject to revision. (3) Quit- rent and (4) ground rent assessment represented a tax imposed in 1718 to cover the cost of erecting fortifications and varied from 3 to 5-1/2 pies per square yard. (5) Foras lands were held in payment of a foras or rent paid on lands given out at a low rate to persons willing to improve them. The tenure dates from 1740. At this time, low-lying lands were offered to public for cultivation at a rent or foras of 2 pies per 60 square yards. (6) Toka represented a share of the produce of land. The original payment in kind was subsequently replaced by money payments. In 1879-80 such payments were fixed for 50 years. (7) Leasehold land was held for terms varying from 21 to 99 years. (8) Newly assessed lands were rated under Act II of 1876 (The Bombay City Land Revenue Act). The rates might be raised from time to time. This Act was applicable to only the town and island of Bombay.

Sind Tenure

In Sind the ordinary tenure is the full survey tenure.
The assessment is fixed by the method of irrigational settlement. It is based entirely on the mode of irrigation adopted. It varied in different talukas and in different groups of villages. The Government fixed the period of settlement for 20 years.

Settlement Problems

The different tenures prevalent in the Presidency created problems which assumed importance during the Reforms period. Apart from land revenue settlement, the problem of protection to tenants and agricultural indebtedness assumed much importance during the latter period. How the Government tackled such problems will be accounted for in another chapter.

VII

Organization of Revenue Administration

The modern revenue administration of the Bombay Presidency evolved from the annexation of territories consequent upon the defeat of the Peshwa in 1818. The Bengal pattern was adopted except that the Board of Revenue was not created at the headquarters.

Origin of the Board of Revenue and the Divisional Commissioners

In the year 1786, the Board of Revenue was established at Calcutta. It was a part of the general plan of the court of directors to set up a system of administration by Boards. Two other Boards were the Board of Trade and the Military Board. The Board of Revenue was under the control of the
Government. Its jurisdiction was confined to settlement collection and receipt of revenue. In 1788 the executive details of administration were left to the care of collectors and the duties of the board were limited to deliberation, superintendence and control. Regulation 28 of May 1790 vested power in the Board to act as Court of Review in regard to settlement and title rents. As the territories were conquered, the Board was found inadequate for revenue administration; so in 1807 a Board was created with Commissioners who were vested with the powers of the Board of Revenue.

The need for creating the divisional commissionerships arose because of (1) the great extent of territory, (2) need for effective supervision over the collectors. Thus Regulation 1 of 1829 created posts of divisional commissioners for 20 divisions.

In Madras there were no divisional commissioners. The Board of Revenue consisted of four members. Two of them dealt with land revenue, one with settlements and one with salt, excise, customs, stamps and income tax. In United Provinces the Board consisted of two members. In Punjab, Central Provinces and Burma, there was only one financial commissioner. Thus, the Bengal pattern consisted of the Board of Revenue at the top, the divisional commissioners in the middle and the collectors at the bottom of the hierarchy.
The Bombay Pattern

Mount Stuart Elphinstone was appointed as the Commissioner for Deccan after the annexation of Peshwa's territories. There was no Board of Revenue at the headquarters even before the conquest of Deccan. Compared to Bengal, the Bombay Presidency was small and compact. Even in Bengal, the Boards of Revenue proved inadequate and ineffective. Hence probably the need was not felt to have a Board of Revenue at Bombay even after the conquest of the Deccan. There were only five principal districts into which the conquered territories were divided. Only one commissioner sufficed for the purpose of supervision and effective control over the collectors. As Deccan Commissioner, Elphinstone was given full authority to evolve proper administration.

Evolution of Administration in Deccan

The district collectors were the central pillars of the administrative structure.

Mount Stuart Elphinstone refrained from changes in the existing order until he had examined its working and could judge what reforms were required.27 His fundamental desire was to protect the aristocracy and to follow the Maratha methods of Government. He was convinced that the authority and influence of the village headmen should remain intact.

The collectors were invested with the powers in the matters of revenue, police and justice along with other
duties. Only death sentence was to be sent for confirmation to the Deccan Commissioner. In his circular letter dated 10th July 1818, addressed to the collectors, he instructed that the judicial business should be managed by Panchayats. He authorized the collectors to modify the existing methods and instructions of justice as they found it expedient to do so. The Bombay Code in 1827 defined the duties and powers of the collector in relation to assessment and collection of revenues. The Code invested in him the powers of magistrate in addition to his authority to decide certain civil suits and to try claims to exemption from the payment of land revenue. He was to act immediately under the Government in all matters not specifically provided from the said Regulation.

Mamlatdar

There were mamlatdars or tahsildars who were placed in charge of a taluka or tahsil. They supervised the collection of revenue, managed the police establishment and received civil and criminal complaints and tried petty offences. They were to encourage parties to solve disputes through Panchayats and forward appeals to the collector against the decisions of the Panchayats. Below the mamlatdar was Patel. The Patel and Kulkarni were responsible for the revenue and police administration of the village.

Divisional Commissionerships

Mr. Holt Mackenzie and John Bax were the members of the civil finance committee of 1830. They contended that
as an inspecting agency the individual commissioners were much better instruments of control than the collective Board of Revenue. The main objection to a collective Board of Revenue as an agency of supervision was the absence of clear and direct responsibility. \(^{31}\) In Bombay the first commissionership was created by Regulation V of 1830. According to the preamble of the regulation the object was to have general superintendence and control. A second commissioner was appointed in 1843 under the authority of Act XVIII of 1842. The then existing collectorates were divided into northern and southern divisions. In 1843, a commissioner for Sind was appointed. In 1860 the supervision of police was entrusted to the Commissioners. They were then styled as revenue and police commissioners. In 1877 the third commissionership was created. In 1878 commissioner for abkari revenue was appointed. The Land Revenue Code of 1879 which superseded all regulations recognizes all of them as Commissioners (vide Section 4.5 etc. of Land Revenue Code).

The Decentralization Commission (1907-1909) considered the arguments in favour of or against the institution of Board of Revenue and divisional commissionerships and finally observed that the abolition of Commissionerships would be extremely undesirable. \(^{32}\)

VIII

Organization of Police

In the town and island of Bombay, there was watch and
ward militia from 1673. In 1771 watch and ward were formed into night patrols. In 1779 it was reorganized and placed under the control of the first lieutenant and later on under a 'Deputy of Police'. In 1793, the night patrol force was termed as police force and placed under the Superintendent of Police. There were 28 European constables and 123 native peons. The Regulations of 1812 vested the control of police matters in three Magistrates of Police assisted by a Deputy of Police and Head Constable. Act XIII of 1856 was passed for the future constitution and regulation of police force. A district police officer was appointed. In 1865 the designation was changed as Commissioner of Police. This officer brought crime under control and laid the foundations of the efficient organization of Bombay City Police. In the districts, under the rule of the first six Peshwas the village police were under the control of the mamlatdar. After annexation by the British, the old village police system was retained but transferred all police authority to the collector and magistrate. Elphinstone retained some police powers of mamlatdar and village Patel. The indigenous village police agency proved inadequate. In 1852, the commandants of the various police corps were appointed as district superintendents of police subject to the general control of the collector as district magistrate. In 1860 the general superintendence of police administration was entrusted to two revenue commissioners. The experiment was a failure.
In 1860 itself a Commission was appointed to enquire into the police administration. It recommended the establishment of a well organized and purely civil constabulary supervised by European officers. The village police were to be retained on the existing footing and brought into direct relationship with civil constabulary. On the basis of these recommendations the District Police Act of 1867 was passed. In 1885, the administrative control of the district police was vested in a single official styled as "Inspector General of Police". The Police Act of 1867 was replaced by the Bombay District Police Act of 1890.

Police Commission (1902-1903)

The Police Commission recommended that the police force should consist of (1) a European service to be recruited entirely in England, (2) a provincial service to be recruited entirely in India, (3) an Upper subordinate service consisting of Inspectors and Sub-Inspectors, (4) a lower subordinate service consisting of head constables and constables.

The Police Commission affirmed that the District Police organization was to be placed under the control of the collector and district magistrate. The above account indicates clearly that the police organization was kept under the control of the district magistrate in the matters of law and order. The details of police administration were left under the control of the Inspector General of Police and District Superintendents of Police. For Bombay city, the
police commissioner was the head of the police organization, equal in rank and status to the Inspector General of Police.

IX
Administration of Justice

In Bombay city two benches of justice were appointed in 1670 for the trial of minor disputes and offences. The Deputy Governor and Council constituted superior court. All trials in the superior court were to be conducted by jury. This was the beginning of judicial organization in Bombay. In 1726, the Mayor's Court was established by Royal Charter. This consisted of the Mayor and nine Aldermen. The Charter of 1726 also constituted the court of Oyer and Terminer. It was composed of the President and two or more of the five senior members of the council. They had to hold Quarter Sessions four times a year as Justices of the Peace. In 1753, by a fresh charter a court of request was established for the determination of suits involving small pecuniary amounts. Thus civil justice was administered by the Mayor's Court and the Court of Request while criminal cases were tried by the justices in Petty and Quarter Sessions.

Recorder's Court

In 1798, these courts were replaced by the Recorder's Court. It consisted of the Mayor, three Aldermen and the Recorder. The Recorder was the real judicial authority of the Court. This court was invested with both civil and criminal jurisdiction. This court officially associated
Indians with the administration of law. Hindu Pandits and Muslim Maulavis sat with the Recorder to advise him on the personal laws of Hindus and Muslims. The Recorder's court functioned for 26 years.

**Supreme Court**

By the Charter Act of 1823, the Supreme Court was established in Bombay. It was invested with full power and authority to exercise and perform all civil, criminal, equity, admiralty and ecclesiastical jurisdictions.

**Fight with Governor**

Sir John Malcolm, the then Governor of Bombay issued orders that a writ of the Supreme Court should not be executed and he communicated these orders to the Supreme Court. The judges resented such interference. The government communication was read out in the open court. This crisis was due to sharp differences between the Governor and the Chief Justice Sir Edward West. The functions of the court were suspended for some months. Later on another chief justice was appointed.

**Sadra Diwani and Faujdari Adalats**

The jurisdiction of the Supreme Court was confined to the town and island of Bombay. In 1824 civil and criminal courts called Sadra Dewani Adalat and Sadra Faujdari Adalat were created for the territories outside the town and island of Bombay. Regulation II of 1827 provided for the constitution of District Courts. The Sadra Adalats were the highest court of appeal for all territories except Bombay city. Under
the Bombay Code of 1827, the chief judge of the Sadra Diwani Adalat was to be a member of the council. Below the district judge, were Principal Sadra Amins, Sadra Amins and Munsiffs.** Judicial Powers of the Collectors**

In order to meet exigencies of the rayatwari settlement the Bombay Code of 1827 invested the collector with the original jurisdiction (1) of all disputes regarding the rent of land, (2) of all questions regarding the use of wells, tanks, water courses and roads and (3) of all boundary disputes. He had powers to give immediate possession of all lands, premises, trees, crops and fisheries and all profits arising from the same. He was also empowered to decide upon all the claims to exemption from the payment of land revenue. Appeals against the decisions of the collectors were to be preferred in Sadra Dewani Adalat at the Presidency headquarters.

**Criminal Justice**

The chief court for the administration of criminal justice was Sadra Faujadari Adalat. In Bengal it was called Sadr Nizamat Adalat. It had no original jurisdiction. Its appellate jurisdiction was limited to appeals from the decisions of the sessions judges. To help the sessions judges, Assistant judges who were covenanted civil servants were appointed. In Bombay, as in Madras, the Magistracy as a class exercised revenue, police and judicial functions right from collectors down to village headmen Patels.

**Constitution of High Court**

The Indian High Courts Act was passed in 1861. The
Queen was empowered to establish by Letters Patent High Courts of judicature in Calcutta, Madras and Bombay. Consequent upon the constitution of the High Court at Bombay the old Supreme Court and Sadra Adalats were abolished. The jurisdiction and powers of the abolished courts were transferred to the new high courts. The high courts so constituted were entirely independent of the executive government in the judicial matters. As regards their establishments they were subject to the control of the Government. It was provided that one-third of the judges of a High Court were to be English or Irish Barristers. A civil suit of not less than Rs. 10,000 was generally appealable to the judicial committee of the Privy Council. In criminal cases, if the High Court certified that it was a fit case for further consideration then only appeal could lay before the Privy Council.

High Court's Attitude as Revealed in Judicial Decisions

In the early history of the High Court, there were no difficult problems as regards ordinary civil suits and criminal cases. However its conservative attitude and blindness to English tests of admitting evidence became subject of criticism in dealing with land tenure cases and Hindu law reform. Steadily the British judges reconciled with the Indian conditions. But the Government of Bombay as far as tenants were concerned had to pass the laws to protect their interests.
History of Separation of Executive from Judicial Functions

In the early days of British rule in Bengal all executive and judicial powers were combined in one officer. From 1780 to 1787 the offices of the judge and collector were held by different persons. In 1788 it was resolved that the office of judge should be held by the same person who had the charge of revenue. Thus up to 1793, the several duties of the collector, judge and magistrate were discharged by the collector.

In 1793 Lord Cornwallis separated the collectorship from judgeship by Regulation of 1793. It was called the Regulation system. First in 1807 and afterwards at different intervals the judicial powers of the district magistrate were increasingly restored. The Regulation of 1821 gave legal sanction. In 1837, a committee was appointed with Mr. Bird as its chairman. In accordance with the recommendations of the committee, the separation of the offices of the Magistrate and collector was gradually effected. By 1845 they were everywhere disunited in Lower Bengal except the three districts of Orissa. Lord Dalhousie opposed this pattern. In 1854, he submitted a plan to appoint collector-magistrates. The Secretary of State accepted Lord Dalhousie's plan in 1859.

The Police Commission was appointed in 1860. The Commission conceded the theoretical principles of a complete separation of the two functions, but at the same time opined
that it was impracticable to relieve the Magistrates of their judicial duties. An Act was passed in 1861 to give effect to the recommendations of the Police Commission. This Act continued the union of judicial and executive police functions in the same officer.

In 1886 the Indian National Congress adopted a resolution recording an expression of universal conviction that a complete separation of executive and judicial functions had become an urgent necessity. Similar resolutions were passed in 1887 and 1888. In 1892, the Congress again passed a separate resolution on the question adding to its original resolution a reference to the serious mischief arising to the country from the combination of judicial and executive functions. Sir Phirozshah Mehta moved a resolution in the Bombay Council in 1893. He demanded the handing over of the magisterial work to the subordinate judiciary.

Case For and Against the Separation of Functions

(1) It had been argued that the prosecutor ought not to be the judge. To this charge, it was contended that revenue magistrates had no concern in the detection or prosecution of offences. Their authority over the police was derived from the criminal procedure code and the Local Police Act. The collector exercised command and control over the police for administrative purposes only. Under Criminal Procedure Code and the Police Act, district magistrates had power for the prevention of offences and the preservation of order.
(2) That the separation would entail a heavy expenditure was one of the long drawn arguments. Nearly all provincial governments rejected separation on this ground. Though it is true that expenditure would have increased, yet by incurring a small additional cost a good principle would have been implemented.

(3) Prestige of the collector would diminish if separation was carried. Really speaking prestige depends on service and not on powers. This argument had lost its vitality.

(4) One of the arguments was that collectors as magistrates had no judicial training. Of course the judicial powers of the collector were not of very important nature. Even the High Court judges were covenanted civil servants. As such it was not correct to say that for the lack of judicial training people would not get justice. Moreover people would have preferred appeals against the orders of the collector.

(5) The most important argument is that the executive will not be able to keep subversive forces under control. This argument did not weigh much in the context of democratic government.

In spite of the fact that separation of functions was regarded as an ideal norm yet the Government did not think it a practical measure both on financial grounds and on the grounds of political expediency. The struggle for separation continued throughout the period of Reforms and provincial autonomy. An account of that struggle is included in the chapter on Administration of Justice.
The evolution of the provincial departments was a matter of exigency and dictation from the Central government. In the beginning their organization was a small one having a head and his subordinate assistants. In the early years their functions were quite of a primary nature. The policies of the government were in the formative stage. An outline of the organization of the departments is given below.

(A) **Education Department**

Mount Stuart Elphinstone attempted to bring about changes in the institutions as an instrument of reform in the early years after annexation. He decided to continue the practice of the distribution of Dakshina to Brahmins. Their role before 1818 in the politics of the region was not underestimated. He appointed a committee of five Shastris of Poona to supervise the distribution of bounties to Brahmins. Elphinstone established the Hindu college in Poona for the study of Vedanta, Shastras, Vyakarana, Nyaya, Jyotish and Alankar. Elphinstone was fully aware of the futility of the attempt to start a Hindu college. In cities like Poona and Nasik young men of the upper castes had the opportunity of attending Pathshala. In the rural areas even in the immediate vicinity of Poona there was no provision for education. In 650 villages around Poona which occupied an area of 1758 square miles had between them only 27 schools. Elphinstone
did not overlook the problem of popular education. He thought that if the Hindu College would become popular it could be relied as a means for disseminating Western values. In 1815, the Bombay Education Society was created which concerned itself with the education of the Europeans in Bombay. Elphinstone encouraged the Society to work for the natives. As such the Society opened in 1820 a branch called the Native Education Society. It acquired certain schools and tried to open new ones. The practice of Dakshina distribution was stopped and the Deccan College was established. Elphinstone was anxious to popularize rational education which might remove prejudices and would communicate Western principles of society. This step, he believed, was necessary for the employment of natives in the higher branches of public service. Before he resigned office, an English school, an engineering institution and a medical school were opened in Bombay.

In 1834, Thomas Babington Macaulay was appointed President of the Committee on Public Instruction by the Government of India. Macaulay was the champion of the spread of Western education in India. Macaulay's recommendations facilitated the opening of schools and colleges of Western education. In 1840 the Bombay Education Society and Bombay Native Education Society were merged and a new Board of Education was formed. It received Government grants. Upto 1855 with the assistance of various English and American
missionary bodies it opened schools in Konkan, Deccan and Gujarat. The Board was composed of a president and three European members nominated by the Government. Upto 1855 the Board received annual grants from Rs. 1-1/2 to Rs. 2-1/2 lakhs. This Board directed the educational administration of the Presidency. It had prepared the way for a University by establishing institutions for the teaching of literature, law, medicine and engineering. After the receipt of order from the Governor General in Council, the department of public instruction was formed with a staff of educational and deputy educational inspectors in 1855.

In 1857, the Bombay University was established. In 1865 a grant-in-aid code was introduced for the benefit of primary and secondary schools. Local funds were created in 1860 by means of special All India taxation earmarked for local purposes. In 1863 it was decided that one-third of the local cess should be utilized for maintaining primary schools in rural areas. The provincial government contributed a fixed annual amount of Rs. 2-1/2 lakhs for primary schools. This was increased to one-third of the total cost incurred by the district local boards on primary education.

In 1882, the Education Commission recommended to entrust the management and expansion of primary education to local bodies. Accordingly, in the Bombay Presidency this policy was adopted. In 1903, the Government share of the cost of primary education was raised to one-half of the total cost.
In 1904, the policy was laid down that in each branch of education Government should maintain model institutions in order to uphold high standard of education. Similarly the Government should retain general control by means of efficient inspection. The senate of the University should be limited in size and the University should possess teaching powers in addition to its examining powers. The policy was consistent with the recommendations of the Indian Universities Commission of 1902.

In 1913, the general policy was to concentrate the bulk of available resources on the improvement and expansion of primary education. Institutions for the training of primary teachers and secondary teachers had been established at Poona and Bombay.

Administration

The Department of Public Instruction was set up in 1855. The Director of Public Instruction was the head of the department with headquarters at Poona. He controlled both the Government institutions and the Government inspecting agency. He was assisted by a deputy director and an assistant director of the Indian educational service. There was the cadre of educational and deputy educational inspectors of subordinate service.

(B) Excise Department

In 1837 an Act was passed which imposed a salt-excise duty. Then all salt works outside the island of Bombay
were placed in charge of a collector of continental excise. Salt works in Bombay were supervised by the collector of Bombay. The Collector of Bombay had no separate staff for the purposes of salt revenue. The collector of continental customs was assisted by a deputy collector and five assistant collectors. In 1854, a commissioner was appointed who was in charge of all sea and land customs including salt excise of the Bombay Presidency. He was assisted by three deputy commissioners and ten subordinate assistants. The department was reorganized in 1907. During the period of 1917-1922 the establishments of the departments of salt and excise were amalgamated step by step. Since 1924 again the establishments were separated.

Excise Policy

The excise system was organized by Mr. Pritchard, the Commissioner of customs in 1878. His recommendations were embodied in the Bombay Abkari Act of 1878. Upto 1877-88, revenue collection system was an out-still system. The excise revenue of a particular area was given in farm to the person who would pay the highest price for it. He was allowed to set up shops in specified areas and distill and sell liquor as he liked. This was replaced by the district monopoly system. Under this system the monopoly of manufacture and sale of country spirit was farmed out for a term of three years.41

(c) Co-operative Department

After the Deccan riots of 1875, the credit facilities
for the cultivators became an important problem. Some influential wani and saucars under Raosaheb Mudliar submitted a scheme to establish the Bombay Agricultural Bank. The scheme found support. But finally it did not materialise as the Secretary of State refused sanction. The Government of India's attention was drawn to the rural credit problem in the country. In December 1900 a committee was formed under Sir Edward Law the then Finance Member. The Committee recommended (1) to encourage rural credit societies and (2) state financial assistance. The provincial governments were to determine the forms of state financial assistance. J. McNeill the collector of Poona took the initiative. The Government of Bombay were not much optimistic. Yet the Government of India were eager in this matter. The Co-operative Societies Act was passed in 1904. It was an All-India Act. The Government of Bombay then established the co-operative department.

Organization

In 1904, the Registrar of Co-operative Societies was appointed. In 1907 he became subordinate to the Director of Agriculture. In 1919 the two departments were again separated. There were assistant registrars and special auditors to assist the registrar.

Functions

The statutory functions of the registrar under the Act were (1) to classify and register societies, (2) to
audit the accounts of the societies once a year, (3) to hold inquiries into their working and financial conditions.

Establishment of Bombay Central Co-operative Bank

With the financial assistance from the Government of Bombay, Sir Vithaldas Thackersey and Lalubhai Samaldas launched the Bombay Central Co-operative Bank in 1911. It had a working capital of Rs.7,00,000 which was subscribed by 911 members. The launching of the central bank was an important landmark in the development of co-operative movement. The co-operative movement was making slow progress. Only after the First World War the movement made strides.

(D) Public Works Department

In 1854 this department came to be organized first replacing the old military boards. These boards were meant for the carrying out of military works. In 1866 three separate branches were formed to fulfil the increasing demand for public works, namely, (1) the military works branch, (2) the civil works branch, including irrigation, and (3) the railway branch. In 1870 Public Works accounts branch was added. By 1895 this department became a purely civil department as the Government of India took over the control of provincial armies. Upto 1907 there was a separate railway department of the Bombay secretariat. This department was abolished in 1908 when the railway board took over the executive control of all Indian railways. In 1910, the Public Works accounts branch was abolished as a separate entity; it was amalgamated
with the civil accounts branch. The Public Works Department reorganization Committee of 1916 recommended a gradual transfer of certain works to the District local boards.

**Organization**

The department was headed by two chief engineers one for roads and buildings and the other for irrigation. The senior being Secretary to Government and the junior being Joint Secretary to Government. There was a third post of chief engineer for irrigation in Sind. He acted as Secretary to the Indus River Commission. Besides there were superintending engineers, executive engineers and assistant executive engineers.

**Specialist Branches**

The specialist branches consisted of (1) the sanitary branch, (2) the architectural branch and (3) electrical branch.

**Organization**

(1) The sanitary branch consisted of one sanitary engineer, one executive engineer; one executive engineer in charge of boring works and two assistants to the Boring Engineer.

(2) The architectural branch consisted of one consulting architect to Government, five assistant architects and one quantity surveyor.

(3) The electrical branch consisted of one electrical engineer to Government, one deputy electrical engineer, one
electrical engineer in Sind and one assistant electrical engineer.

The departmental organization lacked unity of command because there were, really speaking, two heads. The second feature was that the two chief engineers were secretaries to Government. It meant policy formulation and execution were not separate. Thus this arrangement violated the sound administrative principle that secretariat function must be separate from executive function. Yet the department did commendable work in the matter of irrigation and roads. 44

(E) Town Planning

In the year 1907 the Government of Bombay felt the urgent necessity for an orderly development of the island of Salsette in order to prevent the growth of insanitary conditions. In 1915, the Bombay Town Planning Act was passed. In the year 1912-13 a consulting surveyor to Government was appointed to advise on town planning and valuation. The Town Planning Act was primarily applicable to the island of Salsette. It was extended to North and South Daskroi talukas of Ahmedabad district and the municipality of Poona etc. Town planning schemes were undertaken by Bandra, Ahmedabad, Poona city and Panchgani. Notified areas of Andheri, Santa Cruz, Vile Parle, Borivli, Kankaria and Ellisbridge (in Ahmedabad district) and Malir (in Sind) also undertook the town planning schemes.

In 1920 the development directorate was created. It
took charge of all town planning work of Bombay city and the suburban area including the development of Salsette island.

**Staff**

The consulting surveyor was assisted by an Assistant consulting surveyor, one deputy assistant consulting surveyor and some senior and junior surveyors. Senior assistants under him were appointed as special land requisition officers in the cases of important and urgent acquisitions. Upto 1920 ten town planning schemes were completed.

**(F) Agricultural Department**

As a result of the recommendations of the Famine Commission of 1881, the department of agriculture was established in 1883. The director of agriculture was the head of the department. In the first instance he organized and supervised the work of land records department which was created to supply the improved statistics as recommended by the Famine Commission of 1881. The departments of land records and registration were separated in 1905. The Famine Commission suggested that systematic agricultural inquiry must be undertaken before any agricultural improvement is effected. Secondly as far as agricultural inquiries are concerned this department must be brought into close contact with the land revenue department. An annual grant of three and half lakhs was given by Government of India to carry on agricultural experiments. The presidency was divided into five divisions. Each division was put in charge of a deputy director. The
deputy directors of agriculture belonged to the Imperial Agricultural Service. For every division there was appointed a divisional superintendent. These officers carried on experimentation work at agricultural farms and stations. They brought to the notice of the cultivators the results of their experiments. This was the beginning of agricultural extension service. These officers supervised the experimentation work and initiated original experimentation work. The farms and stations were managed by under graduate superintendents trained at the Poona Agricultural College. Below these superintendents, there were fieldmen under the superintendents. The work at these stations consisted of (a) the selection of varieties of crops suitable for different types of regions, (b) selection of seeds, (c) hybridization of different varieties to get a strain of superior quality, (d) experiments with different kinds of manures and (e) demonstration of improved agricultural implements of all kinds. The most important work in case of experimentation related to cotton and sugarcane. Pure seeds of selected superior varieties of cotton were distributed for Khandesh, Dharwar and Broach-Surat-Navsari tracts. The experiments in American and Egyptian varieties of cotton were carried in Sind. Foreign high-class seeds for commercial crops like wheat, cotton, groundnuts and potatoes were introduced. Agricultural propaganda was conducted by Deputy Directors through agricultural overseers who were agricultural graduates. Propaganda was also carried out through taluka
associations. Other branches of activities were: (1) Agricultural engineering, (2) Animal breeding, (3) Horticulture and (4) Soil physics.

The agricultural engineer undertook well boring work. His advice was sought in the selection of machinery such as pumping plants, iron ploughs, selection of sites for the setting of pumps.

The deputy director of Animal breeding was responsible for the distribution of premium bulls. He was entrusted with the work of breeding and rearing of cattle and the provision of pure milk.

**Agricultural Education**

The Poona Agricultural College was established in 1907. Professors of Agricultural Botany and Animal Husbandry were appointed for imparting scientific instruction for students. The Bombay University instituted the degree of Bachelor of Agriculture. A short, one year course was also provided by the college of agriculture. The college dairy and farms at Manjri provided the students with practical training. There were six agricultural schools in the presidency for imparting agricultural education for students up to the age of 16 years. The work of the agricultural department proved useful owing to the increase in the cropped area.

**Land Records**

The functions of the land records department were to provide statistics necessary for all matters of administration
connected with land. It was expected that the department should help to reduce, simplify and make cheap the litigation in revenue and civil suits. The most important function was to provide a record of rights for the protection of all landed interests and finally to simplify periodical settlement operations.

The land records staff consisted of a Director of Land Records who was also settlement commissioner. Besides there were superintendents of land records, district inspectors and circle inspectors. The function of the director was limited to inspection and advice. He had been excluded from the control over district establishment. The district subordinates of the department worked under the collectors of revenue. Because of close relations between the registration department and land records department, the single officer was appointed as the director of land records and Inspector General of Registration.

(H) Registration

The Inspector General of Registration was the head of the department. The presidency was divided into districts and sub-districts on the revenue pattern of collectorates and talukas. The collector was the Registrar of the district and the mamlatdar was the sub-registrar of the taluka. In some cases joint registrars were appointed. The main functions of the department were to register the deeds and issuance of the copies thereof on application.
(I) Forests

The head of the forest department was Chief Conservator of Forests. His appointment was first made in 1907. The presidency was divided into four forest circles. These circles were in charge of conservators. The staff was divided into Imperial Service and Provincial Service. In 1920, both these services were reconstituted, 12 1/2 per cent of the appointments in the Imperial Forest Service were regarded as listed posts i.e. open for promotion from Provincial Service. Provincial service was recruited partly by promotion of rangers and partly by direct appointment. Forest administration was the branch of general administration. The Central authority in forest matters was the Commissioner of a division.

Forest officers in charge of circles were subordinate to local revenue officers. The classification of forests into forest proper, fuel and fodder, reserves and pastures was completed. The management of pastures had been transferred to the revenue department.

(J) Stamp Department

Stamp duties were imposed in Bombay for the first time by Regulation No. XIV of 1815. Another Act was passed in 1860. It was replaced by Act XVIII of 1869. The Court Fees Act was passed in 1870 (Act VII of 1870). A more detailed Act was passed in 1879. By this Act the distinction between the nature of the documents was made final. A further Stamp Act was passed in 1899 (Indian Stamp Act II of 1899). Stamps
were manufactured abroad and were stocked on import at the Central Stamp depots at Calcutta, Rangoon, Madras, Bombay and Karachi. Each depot was placed in charge of a Superintendent of stamps and he had subordinate assistants. The central depot at Bombay used to supply stamps to the treasuries. The treasuries in turn supplied stamps to sub-treasuries.

(K) Medical Department

The Surgeon General was the head of the department. He controlled all hospitals and medical establishments belonging to the Army in addition to that of the institutions and establishments of the civil medical department. He was responsible to the Commander-in-Chief for his duties connected with the Army. He was also responsible to the Government of Bombay for his sanitary and medical duties connected with the civil medical department.

The Grant Medical College was established in 1845 with the object of "imparting through a scientific system, the benefit of medical instruction to the natives of Western India". The institution was originally under the joint control of the educational and medical departments but later on it was put in charge of the medical department. In order to provide suitable men to hold independent charge of dispensaries in the mofussil, the department started medical schools at Poona, Ahmedabad and Hyderabad (Sind), in 1879. Previously vernacular courses were given at the medical college. The
Bombay Bacteriological Laboratory was originally started by the late Sir. Haffkine for the manufacture of anti-plague vaccine in 1899. Later on it undertook the manufacture of anti-rabic, anti-tetanic and other vaccines and research work. Port health departments were started in 1884 at Bombay and Karachi. The College of Physicians and Surgeons was started in 1911. It introduced diploma course (L.C.P.S.) for medical practitioners who could not afford a University career.

The Bombay Medical Council was established under the Bombay Medical Act VI of 1912 for the registration of private medical practitioners and to secure co-ordination of private medical practice.

Organization

Under the Surgeon General were civil surgeons of the Government district hospitals. The medical organization was essentially a hospital organization with ancillary specialist sections. The civil hospital was the centre of the official system of medical relief. There were government-aided dispensaries in taluka places and small towns. All the heads of ancillary sections and civil surgeons were subordinate to the Surgeon General. The Surgeon General corresponded with the Secretariat and was responsible to the Government for the administration of the department.

(L) Department of Public Health

In the beginning there was the Sanitary Commissioner as the head looking after the health problem. On 26th October
1895 the Government of India proposed the abolition of the sanitary departments. The Government of Bombay declared the sanitary commissioner as subordinate to the Surgeon General, by a resolution of 23rd June 1900. The Fraser Commission in 1898 stressed the necessity for the appointment of district officers of health. The principle of this recommendation was not accepted by the Government of Bombay. Since 1911, the position of the Sanitary Commissioner was made independent and he was not subordinate to the Surgeon General. At this time the department of public health was created. The Sanitary Commissioner's designation was changed as Director of Public Health. Five assistant directors of public health were appointed. The chief duties of the department were (1) to look after the sanitary conditions of the people, (2) to record all vital statistics, (3) to report prevalence of diseases and epidemics and to take preventive measures, (4) to advise local bodies and Government regarding eradication of diseases and epidemics and prepare schemes thereof.

XII

Local Self-Government

The local self-Government institutions in the presidency consisted of the following types:

1. The Bombay Municipal Corporation
2. Municipalities
3. Local Boards
4. Village Panchayats
5. Notified Areas
Functions

The functions of the local bodies consisted of civic nature only. Their role in welfare or productive functions was precluded.

(A) Bombay Municipal Corporation

The functions of the Bombay Municipal Corporation according to the City of Bombay Municipal Act of 1889 were broadly as follows:

(1) Roads cleansing, repairing and maintenance
(2) Public health
(3) Supervision of registration of births and deaths
(4) Vaccination
(5) Water supply
(6) Main drainage
(7) Primary Education
(8) Fire Brigade
(9) Establishment of and maintenance of central hospitals, central markets and public parks
(10) Weights and measures
(11) Adulteration of food
(12) Town planning and improvement schemes
and (13) Collection of rates and taxes.

(B) Functions of Municipalities

Under Act XXVI of 1850 the functions of municipalities consisted of:

(1) to maintain roads, drains and tanks
(2) lighting of streets
(3) water supply
(4) drainage.
By Act II of 1862, Municipalities were given additional functions:

(1) Construction, support and maintenance of hospitals and dispensaries
(2) Opening of schools.

By Act III of 1901 Municipalities were given power to appoint school committees for managing the schools maintained by them. Municipalities were given power to cope with the eradication of epidemics.

(C) Functions of District Local Boards

The duties of the local boards were prescribed by the Act of 1884. They were as under:

(1) Construction of roads and other means of communication
(2) Construction, maintenance and repairs of hospitals, dispensaries, markets, etc.
(3) The construction, maintenance and repair of public tanks, wells and water works
(4) General development and extension of primary education
(5) Public vaccination and sanitary works and measures necessary for public health
(6) The planting and preservation of road side trees.

Discretionary

(1) Construction, management and maintenance of light railways and tramways.

(D) Functions of Village Panchayats

The duties of Village Panchayats were as follows:

(1) The supply of water for domestic use in the village
(2) The cleansing of the public roads, drains, tanks and wells

(3) The construction, maintenance and repair of minor roads

(4) Sanitation

(5) The maintenance and regulation of public buildings and grazing lands

(6) Supervision of village schools

(7) Supervision of the labour employed by local boards on works within the village

and

(8) Manage and maintain cattle pounds.

The above functions were prescribed under Sections 18 to 24 of the Village Panchayat Act of 1920.

The functions of Notified areas, sanitary committees and sanitary boards were alike those of municipality and local boards. The main problems of local self government were that powers were inadequate to discharge functions and secondly sources of finances were far short of the required extent.

Early Form in the Town of Bombay

The Charter Act of 1793 authorized the Governor General in Council to appoint three justices of peace in the Bombay Presidency. The justices of peace were empowered to take measures for cleansing, watching and repairing the streets and to make assessments to cover the expenses. The Bombay Government appointed justices of peace who united in them municipal and magisterial functions as a pattern of urban government. The body of justices was supposed to control
the staff for the collection of rates and an engineer was appointed who was in charge of the roads and conservancy. In Bombay additional tax was levied on carts and carriages. The revenue so derived was spent on roads. The Act Xl of 1845 created the Board of Conservancy consisting of seven members. Five members were elected by the justices of peace and two were ex-officio members. A council of three commissioners was constituted by Act XIV of 1856 of the Government of India. Residents were not associated in the administration. With divided responsibility, the three members were unable to work together. Financial chaos was the result. There was no check on accounts, no contracts for works, while three and a half lakhs of rupees were unaccounted for. By the Act of 1865, the justices constituted a body corporate with control over the budget. A special controller of accounts was appointed. Mr. Arthur Crawford was the first municipal commissioner. All executive power was vested in the municipal commissioner. Other officers were the executive engineer and the consulting officer of health. The functions of financial control and audit were vested in the Finance Committee.

The Act III of 1872 created the Municipal Corporation of the City of Bombay consisting 64 members out of which 32 were to be elected by rate payers, 16 members were to be nominated by Government and 16 were to be elected by justices of peace who were appointed by the Government of Bombay. The qualification for voting was that (1) a person paying annual
rates and taxes of Rs. 50 was eligible for voting, (2) he must be 21 years of age, (3) a person who is a fellow of University. The second body was the Town Council of 12 members. Eight were elected and four members were nominated by the Government. This Act was severely criticized by the leaders of Bombay. For the first time the elective principle was introduced. Yet its treatment was unsatisfactory.

The function of the Corporation was to exercise a general control over all municipal affairs. The function of the Town Council was to keep watch over the administration of Municipal fund. The Government appointed the chairman. It was a type of Finance Committee. It controlled expenditure and prepared annual budgets. The Municipal Commissioner in fact was vested with all the executive administration of the Corporation. He was appointed by the Governor in Council for a term of three years. The appointment of executive health officer and executive engineer was handed over to the Corporation itself. The entire police force and its establishment were paid and maintained out of the Municipal Fund.

The Government of India Resolution of 18 May 1882 had set the norms and it had given the directions on the local self Government policy. This was the real landmark in the development of local self Government in India.

The City of Bombay Municipal Act (No. III) of 1888 defined the municipal authorities. These consisted of (1) A municipal corporation, (2) A standing committee (in place
of Town Council) and a municipal commissioner. The Municipal Corporation consisted of 72 councillors of whom 36 were chosen through ward elections, 16 members were to be elected by the justices of peace; 2 members by the fellows of the University of Bombay and 2 members by the Bombay Chambers of Commerce. The remaining 16 were to be nominated by the Government. Persons who paid Rs. 30 as general or wheel tax were eligible to vote and women were disqualified from becoming councillors. No seats were reserved either for Muslims or for any other community.

Growth of District Municipalities

Before 1850 local self government in the modern sense of the term was completely absent. The Act XXVI of 1850 provided for the establishment of municipal agency in any town or suburb on the application of its residents. The agency was the Magistrate assisted by a committee of members appointed by the Governor-in-Council. By Act IX of 1862, it was laid down that all collectors, assistant collectors, Mamlatdars should be ex-officio members of every municipality within the area of their jurisdiction. Certain other Government servants were also made ex-officio members. It was laid down that the number of ex-officio members should not exceed the number of non-official members. Bombay Act VI of 1873 authorized the Governor-in-Council to direct that the whole or any part of the non-official members should be appointed by election. It was however only in 1882 that the elective
element was introduced. Municipalities were made body corporate.\textsuperscript{50}

In May 1882, Lord Rippon issued his famous Resolution on Local Self Government which shaped the Government policy towards local self government.\textsuperscript{51} A supplementary Municipal Act was passed in 1884. It increased the element in all municipalities. One-half of the total membership of ex-officio memberships were abolished. Not more than one-half of the nominated members were to be salaried Government servants. The qualification for voting was liberalized.\textsuperscript{52} The distinction between town and city municipalities was abolished. The President was to be one of the municipal members and appointed by the Government. The Vice-President was to be elected from among the members of the municipality.

After some years, the Bombay District Municipal Act was passed in 1901. The elective element was fixed at minimum one-half. It was left to the Government to increase by executive orders the elective element. The Act also empowered Government to permit any municipality to elect its own president. The distinction between city and town municipalities was revived in part. The Act laid down that large cities require scientific systems of sewerage and water supply. For this purpose more elaborate office organization was required. Hence the executive municipal bodies of large cities should be given special powers. Power was given to city municipalities to appoint a chief officer, a health
officer and an engineer by the Act itself. In 1908, by executive orders it was decided that two-thirds of the members of the city municipalities should be elected. In 1917 Government decided for the first time to adopt the principle of communal representation in case of municipalities located in the Sind districts.

In September 1920, the Government took liberal measures under executive orders. (1) The amount of qualifying tax for the voter was reduced. (2) Number of councillors was increased. (3) The proportion of nominated members was fixed at one-fifth. (4) To adopt multiple-seated constituencies with a cumulative right of voting. However the Government's measures did not much contribute to the steady growth of the municipal Local Self Government.

Origin of District Local Boards

In 1860, some districts levied a cess of one anna in a rupee of land revenue for local purposes. It was intended to use the fund for establishment of schools, dispensaries and the construction of roads. It was not originally sanctioned by any statute or executive order or rule. In 1861, Honourable Mr. Laing, Financial Member of the Viceregal Council made an announcement that the Government of India intended to transfer £5,00,000 from Imperial to local budgets to be provided for local taxation.

After the Finance Member's budget speech the Government of Bombay sanctioned the establishment of Local Funds in the Presidency. The Local Fund consisted of (1) the local
cess on land (one anna for every rupee of assessment of land revenue), (2) all toll and ferry funds, (3) the surplus cattle pound fund, (4) such other items as the Government might from time to time direct to be added. The cess revenue was to be divided for expenditure in the proportion of one-third for education and remaining two-thirds for roads, repairs to village wells and public buildings; planting of roadside trees and other objects of public utility.

By Bombay Act III of 1869, levy of the local cess was legalized. District Local Funds Committees were established under the provisions of the Act. There was no provision for the formation of the taluka committees. Yet the rules issued under the Act allowed the formation of taluka committees. Actually some committees were established. These committees were chiefly consultative or advisory bodies. They had no powers of appropriation and distribution of local funds. Each Taluka Committee consisted of three official members, three landholders appointed by the Government and one elected Inamdar.

The District Local Board Act of 1864 made a further advance. Each district had a local board and for each taluka a board was provided. The collector was ex-officio President of the District Local Board. The Mamlatdar was President of the Taluka Board. But Section 27 only provided that the president should be one of the members of the board appointed by Government. The boards had to elect one of its members as Vice President. For district boards and taluka boards it
was provided that the number of elective members should not be less than one-half of the Board membership exclusive of the President. Amongst the nominated members not more than one-half should be salaried Government servants. Directions were only provided partially for Taluka Local Boards.

From June 1918, the policy of appointing non-official presidents of district local boards was pursued. The District Local Board Acts did not encourage popular participation on a broad based franchise. The result was that there was no enthusiasm among the people to have a share in Rural Self-Government. Yet useful work was done by the District and Taluka Local Boards. In this context, the views of Decentralization Commission are noteworthy.

Village Panchayats

The Bombay Village Sanitation Act, 1889, provided for the establishment of sanitary committees and sanitary boards. The duties of these bodies were confined merely to looking after the sanitation of the villages. The establishment of sanitary committees did not provide sufficient inducement to villagers to participate in local affairs. However village Panchayats did judicial work. Their income was very limited and they could not undertake any public work of importance.

The first definite suggestion regarding the formation of Village Panchayats came from the Decentralization Commission. The Commission laid down the following suggestions as regards Village Panchayats: (1) Panchayats should be under
the control of district authorities and not that of the district and taluka local boards. (2) The unit of Panchayat should be individual village. (3) The headmen of the villages should be ex-officio chairmen. (4) The appointment of other members should be by informal elections in the villages. (5) Duties and functions should be conferred on Panchayats with great caution. (6) They should be endowed with civil and criminal jurisdiction in petty cases. (7) Panchayats should be entrusted with sanitation and minor public works. (8) They should be provided with sufficient sources. (9) Non-interference by low Government subordinates is an essential condition for their success. Mr. V. G. Joshi had submitted a broad-based list of functions for Village Panchayats in his memorandum submitted to the Decentralization Commission. As far as village self-government was concerned it can be safely said that the suggestions of the Decentralization Commission were conservative and not progressive. The Government of India felt that the performance of Local Self-Government on the whole was satisfactory (vide Government of India Resolution in Education Department No. 55-77, 1915, para 2).

**Bombay Village Panchayat Act of 1920**

Under this Act, the commissioner of a division on application from the district local board might declare any area to be a village for the purposes of the constitution of the village panchayat. The Panchayat was to consist of not less than five members. The exact number was to be determined
by the district local board. The headmen were to be members of the Panchayat. The members had to elect one of them as Sarpanch. The entire executive power of the Panchayat was vested in him. Every adult male resident was qualified to vote. The term of office was three years.

**Notified Areas**

Notified areas were intended to meet the needs of the areas which were intermediate in size between the village and town. They were constituted under Section 187 of the Bombay District Municipal Act of 1901. No place could be declared as a notified area unless it contained a town which was the headquarters of a taluka, or was within a distance of one mile from a railway station. There were 12 notified areas with a population of 66,661 in the Bombay Presidency.

**Sanitary Committees**

The sanitary committees were constituted under the Bombay Village Sanitation Act of 1889 for the purposes of improving the sanitary conditions of the villages. The collector selected three residents with their consent to form a sanitary committee. One of them was Police Patel. Sanitary boards were constituted for similar purposes under the same Act in the areas to which provisions of the Act were extended. In spite of limited authority, some useful work was done by them.

**XIII**

**Financial Administration**

The Charter Act of 1833 introduced the centralization
of the provincial finance. Hence there was no provincial scheme up to 1870. Before that period Government of India had control over revenues of India. The local governments only sent annual estimates of budgets for central approval. This centralization had led to the constitution of accounts into a separate central service.

After the Indian War of Independence in 1857, the need was felt for delegating financial powers to the provinces. Lord Mayo’s resolution of 1870 introduced the process of functional financial devolution from the centre to the provinces. In 1871 subjects like Education, Medical services, and Jails became provincial subjects. The income from these departments plus assignments from the central revenue were to form the provincial resources. During 1877-82 Sir John Strachey’s idea was implemented by transferring the following revenue heads to the provinces: (a) Excise, (b) Stamps and (c) License Tax. In 1882, the proceeds of land revenue and income tax came to be shared between the Centre and the provinces. This system of shared revenues was made permanent in 1912. In spite of this decentralization the Centre exercised detailed control over the budget estimates, taxation, expenditure and borrowing relating to provinces. The provincial estimates were incorporated in the Central budget. Provinces had no inherent legal right as the Acts of 1853 and 1858 gave the Government of India complete control over them. In matters of expenditure relating to the details of
administration Central Government’s code of instructions exercised detailed control. There were no independent powers of borrowing because they were not masters of their revenues. The most important control of the Central Government was that of (a) accounts (b) audit (c) cash balances (d) ways and means and (e) resource operations over the provincial governments.

The Decentralization Commission of 1909 suggested no radical measures to improve the situation. They were of the view that the system of divided heads did not permit much change.

In this way at the time of the introduction of the Reforms, even though financial devolution was effected to a certain extent, yet the control of Central Government over financial operations was minute which required radical departure.

XIV

Personnel Administration

For the first time in 1892, the covenanted civil service (Imperial service of Indian Civil Service) and uncovenanted civil service (Provincial Service) came to be distinctly demarcated. The provincial service came to be designated after the name of the province (for example, Bombay Civil Service). These provincial services came to be recruited in the province only. Certain appointments of all
India character were reserved for transfer to the provincial services. One-third of the offices of district judges and one-sixth of the offices of district magistrates and collectors were reserved for transfer to provinces. The posts of deputy collectors, assistant collectors, subordinate judges and mamlatdars came to be recognized as provincial service. This separation and transfer to provinces of reserved posts resulted in a separate cadre with salaries commencing from Rs. 250 to Rs. 800 per mensem. The provincial service opened the doors for Indian citizens for employment to higher services.

As regards appointments to higher posts of provincial departments the same principle was adopted. In addition the principle of promotion based on seniority and merit was extended. The interference of the Government of India mainly related to direct appointments to the posts of higher grades in the provincial service.

As a result of the recommendations of the Decentralization Commission of 1909 the Governor General delegated his power to make recruitment rules for the provincial services to provincial governments. The Government of Bombay included the cadre of mamlatdars in the provincial service. In department rules, special examinations were abolished for promotion to higher posts in the provincial civil service. The tenure system of posts was followed in the case of collectorships and deputy and assistant collectorships of Indian Civil Service. The tenure ranged from three to five years.
Another class of special services was called All India Services. Appointments under this category were controlled by the Secretary of State who also regulated the service conditions of service and pay scales. The superior posts under this branch were transferred to provinces according to needs. These were: (1) Indian Police Service (2) Indian Forest Service (3) Indian Education Service (4) Indian Agriculture Service (5) Indian Veterinary Service (6) Indian Medical Service (7) Indian Service of Engineers. The subordinate services under this category were constituted as provincial service. In spite of these developments Indian employment to these posts were far from satisfactory. The question of Indian employment received exhaustive treatment at the hands of the Lee Commission in 1924.

Conclusion

Thus an outline of historical background is given to have a complete picture of provincial administration. It will be quite clear that as far as the Headquarters Administration was concerned the Presidency Government had no powers to take the initiative and make reforms. The control of the Central Government and through them that of Secretary of State was exercised even in the details of administration. In revenue administration Mountstuart Elphinstone's authority prevailed. The Central Government and the Secretary of State allowed local variations in the general scheme of the
structure. Administration of justice from the Sessions level was beyond the control of District administration; subordinate magistracy had to toe the line of district magistrate. High Court of Bombay's decisions in land tenure cases were unpopular while its decisions in cases relating to Hindu women's rights were progressive. Rayatwari land revenue settlements resulted in the Deccan Riots of 1875. A relief measure for the kunbi tenants was taken in the passing of the Deccan Agriculturists's Relief Act of 1878. The Land Revenue Code of 1879 brought to an end the settlement question. In the first decade of the 20th century the co-operative movement was inaugurated and it made some progress. In the matters of provincial departments and local self government, the Government of Bombay lacked sufficient political will to bring about changes in connection with reorganization on democratic lines. Yet the achievements of the Education department, Agricultural department and Public Works department were really praise-worthy. The Central Government's control and through it that of the Secretary of State over the financial and personnel administration was an elaborate one. The efficacy of the provincial administrative machine can be gauged only during the period of Reforms and Provincial Autonomy. During this period popular Ministers framed the policy and the official agency implemented it with the people's participation. How far the framework of the provincial Government under the Reforms Act and also under the Act of 1935 was conducive to the fulfilment of the given tasks is the question which is examined in subsequent chapters.
REFERENCES


2. The districts of the Presidency were:
   II. Gujarat: (i) Ahmedabad, (ii) Kaira, (iii) Broach, (iv) Surat and (v) Panchmahals, total 5 districts.
   IV. Karnatak: (i) Belgaum, (ii) Bijapur and (iii) Dharwar, total 3 districts.

   Memorandum submitted by the Government of Bombay to the Indian Statutory Commission of 1928, Chapter I.

3. The Court of Directors appointed two council members. These members were selected usually from among persons having 12 years' service in a high position in India. The third member was usually the Commander-in-Chief. The Act of 1893 abolished the membership of the Commander-in-Chief as the Bombay army was disbanded.


4. Upto 1833, Government of Bombay possessed a Code of Regulations which had authority throughout the Presidency. Mountstuart Elphinstone brought out his first code of regulations of 1827.

   Report of the Select Committee on Affairs of East India Company 1832.

5. "It must be admitted that when in 1858 the Crown took over control from the reluctant and protesting hands of the East India Company, very little effort had been made to associate men of Indian birth in the
administration of their own country. Lord William Bentinck (1828-1835) had passed measures by which Indians could rise to judicial positions of greater responsibility and carrying higher emoluments than they had hitherto enjoyed. It was in his time that the meagre funds granted by the Company for education were devoted to the teaching of European literature and science. All the constitutional developments, all the high claims to freedom and self-government that have been put forward, were potential in the decision to introduce Western culture into India. Lord Macaulay remarked that Bentinck had infused into oriental despotism the spirit of British freedom."

P. E. Roberts, Fellow of Worcester College, Oxford in his article on "The Indian Constitution, its origin, development and evolution into the Reform Scheme of 1919".

6. The Bombay and Madras Governments enjoyed a special treatment by the Central Government throughout the period. In non-financial matters they could write directly to the Secretary of State. They could appeal to him against any order of Government of India. They could make appointments freely for important posts at their discretion. Even as regards forest and land revenue, the Central Government gave them much freedom. This was due to the fact that from early times these presidencies enjoyed an independent position.


7. A preliminary announcement was made in the proclamation issued by King Edward VII in November 1908 on the fiftieth anniversary of the assumption of the Government of India by the Crown. The proclamation said, "From the first the principle of representative constitutions began to be gradually introduced, and the time has come when, in the judgement of my Viceroy and Governor General and others of my counsellors, that principle may be prudently extended."

P.E. Roberts in his article on "Indian Constitution, its origin, development and evolution into the Reform Scheme of 1919".

8. The composition of the Bombay Council was as follows:

1. Ex-officio members of the Executive Council
2. Advocate General
3. Nominated members out of which 14 members were to be officials
The Montagu-Chelmsford Report of 1918 pronounced that the Reforms of 1909 afforded no answer and could afford no answer to the Indian political problems. While Governments found themselves far more exposed to criticism than hitherto, those questions and criticisms were uninformed by a real sense of responsibility such as comes from the prospect of having to assume office in turn. ... Parliamentary usages have been initiated and adopted in the councils up to the point where they cause the maximum of friction but short of that at which by having a real sanction behind them they begin to do good."


"On 6th September 1918, Mr. Surendranath Bannerjee moved the resolution in the Indian legislative council to recognise reforms proposals contained in the Montagu-Chelmsford report as a genuine effort and a definite advance towards progressive realization of responsible Government in India. The Governor-General should appoint a Committee of all non-official members to consider Reforms report and make recommendations to the Government of India."


A detailed account of the origin of the departments is described by A. F. Kindersley, I.C.S. in his work "Bombay Government Records". (Bombay : Government Central Press, 1921), Ch. III.

14. Alexander Rogers points out that mirasidars were the hereditary occupants or proprietary tenants of the Deccan. They were like narvadars and bhagdars of Gujarat.

The Land Revenue of Bombay, 1892, p. 9.

15. Mountstuart Elphinstone wrote thus: "If a ryot refused or was unable to pay his revenue, the Sebundy (revenue collecting peon) pressed him for it, confined him in the village chowky (lockup), exposed him to the sun, put a heavy stone on his head, and prevented his eating and drinking until he paid. If this did not succeed, he was carried to the mamlatdar (or chief native officer in the district - in the farming days the farmer himself probably), his cattle were sold, and himself thrown into prison or into irons."

Quoted by Alexander Rogers. The Land Revenue of Bombay, 1892, p. 4.

16. Mountstuart Elphinstone's letter to Adam dated 11th June 1818 (Poona): "I am convinced that the Maratta plan, if cleared of abuses and vigorously acted on, will be very well for the people. The country ought not to be made over to the regular government until we have determined by experience how it ought to be governed."

Dr. R.D. Choksey. Mountstuart Elphinstone : The Indian Years 1796-1827. (Popular Prakashan, Bombay, August 1971).


18. These categories were: (i) First black, second black, third black. (II) First red, second red and third red. (III) First Burud, second Burud and third Burud.

19. Goldamid observed in his letter to R. Mills dated 27 June 1835 (A.D. Vol. 44/660 of 1835) thus: "It is absolutely necessary that in assessing the land every field should be visited, and its soil and situation carefully assessed (by the European Superintendent of the Survey). For although I can place no confidence in the native officials of the class we can afford to employ still I should entertain four natives, unconnected with the districts, whose duty it would be to prepare statements of the quality, quantity and situation of the land; and although
not probably wholly present in the very fields in which the carcoons are present, I should take care to be so near at hand ... as to prevent the possibility of fraud on the part of the native subordinates."

Ravindar Kumar. Western India in 19th Century, Ch. III, "The Utilitarian Deluge", p. 119.

20. In the second year of the Indapur settlement the Revenue Commissioner reported to Government that "The sum actually collected has never been so great except during the first four years of our occupation, when it is generally acknowledged our demands were much too high" and again, "the outstanding balances have never yet been so low at the end of the official year as they were last year. A marked extension of cultivation was one of the immediate results of the settlement, nearly 68000 acres of the waste land having been brought under the plough by the end of the second year. Besides more than 3000 acres was reclaimed by immigrants from other districts attracted to Indapur by the revived prosperity of the taluka."

Report of the Land Revenue Assessment Committee (Bombay, 1926), Chapter II.

21. Ravinder Kumar. Western India in 19th Century (Toronto: Routledge and Kegan Paul, University of Toronto Press, 1968), Ch. V.

22. The late Justice M. G. Ranade observed, "Whenever its effects on the credit of the ryots and the economical prosperity of the country are considered, then three characteristics of the Act, namely, that is an experiment, a compromise and one of several administrative reliefs which were to have simultaneous operation, should not be lost sight of. A too sanguine or exaggerated view of its beneficial effects is necessarily doomed to disappointment."


23. The following extract from a Government Resolution reviewing the last progress report of the survey commissioner in 1901 shows the nature and importance of the work of the survey department.

"But it has not been only as a revenue producing instrument that the survey department has proved its usefulness. The system to which the valuation of soils has been
reduced is in many respects unique and has resulted in a record of that valuation complete for innumerable small parcels of land. Probably no other province or country is possessed of any similar record. Its chief and immediate value for administrative purposes is that it enables field operations to be entirely dispensed with in all future settlements. The change of assessment can be decided for a whole tract on a review of its economic conditions and revenue history and the people are saved from all the uncertainty and harassment consequent upon inquiry into the circumstances of individual holdings. The greatest credit attaches to the founders of this system which has stood the test of experience and practical application in a most satisfactory manner."


24. Area under different tenures on the eve of Reforms inauguration:

<table>
<thead>
<tr>
<th>Name of the tenure</th>
<th>No. of estates or holdings</th>
<th>No. of villages</th>
<th>Area in acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rayatwari</td>
<td>2,174,076</td>
<td>23,685</td>
<td>30,519,942</td>
</tr>
<tr>
<td>2. Talukdari</td>
<td>416</td>
<td>502</td>
<td>1,266,276</td>
</tr>
<tr>
<td>3. Mehvasi</td>
<td>136</td>
<td>65</td>
<td>120,402</td>
</tr>
<tr>
<td>4. Udhad Jamabandi</td>
<td>78</td>
<td>40</td>
<td>153,134</td>
</tr>
<tr>
<td>5. Khoti</td>
<td>15,151</td>
<td>1,433</td>
<td>2,193,177</td>
</tr>
<tr>
<td>6. On lease</td>
<td>29</td>
<td>64</td>
<td>130,519</td>
</tr>
<tr>
<td>7. Revenue free Inams and Jaghirs</td>
<td>14,687</td>
<td>28,016</td>
<td>43,913,554</td>
</tr>
</tbody>
</table>

It is to be noted that acreage of revenue-free Inam lands was greater than the acreage under Rayatwari system even though number of holdings in rayatwari tenure was much higher than the number of holdings under the Inam tenure.


27. In his letter to Mr. Strachey dated 28-2-1819, he wrote: "The maintenance of law and order, the collection of the revenue and the administration of justice; these functions were so closely woven into the fabric of Indian
village life that any change in them might not merely change its texture but even tear it apart."


28. Elphinstone writing to Samuel Davis on 17 June 1819: "The Panchayets do not as yet answer so well which is very unlucky. The members cannot be got to attend and when they do meet their inexperience prevents their getting rapidly through business. The great judicial duty of the collector and his assistant is to keep the Panchayats moving and when by dint of constant messages and expostulations they keep a Panchayet together; the danger is that members get weary and readily sign their names to any sort of decision which one of their number (perhaps bribed into activity) may draw up."

Kenneth Ballhatchet. Social Policy and Social Change in Western India, pp. 110-11.

29. Bombay Regulations 16 and 17 of 1827.

30. Elphinstone from Camp Toka on 14th July 1818 sent a circular letter to collectors containing instructions to mamlatdars as follows: (1) Mamlatdars to have the superintendence and immediate charge of revenue and police of their talooks. (2) The bara bulotee and other village servants must also obey the orders of the mamlatdar. Generally in obtaining or issuing orders to each village, the mamlutdar is to do it through Patail and the Kulkurnee to the farmer. (3) Mamlutdars to be instructed to meddle as little as possible in civil suits or complaints regarding private property further than advising the parties to appoint a Panchayet for its decision. (4) Mamlutdars/monthly with their accounts a list of all crimes committed in their talook; also a list of petty offences with the punishments awarded under the authority given to them."

R. B. Choksey. Early British Administration 1817-1836. (Published by the Author in October 1964: Irwin Road, Poona 1), pp. 29-30.

31. In his minute of 1st October 1830 Holt Mackenzie made it clear that the divisional commissioner should be a directing and remedial authority whose rapid course in the administration of affairs may not admit delay. He can never be overtaken by the slow progress of an elaborate investigation conducted by the collector or Government. His directing and remedial power was according to
Mackenzie to be exercised as an authority of general control for the purpose of maintaining general principles and of watching and reporting upon general results.


32. The Decentralization Commission further noted that such abolition would inevitably lead to increased centralization in the secretariats. The Commission desired that the utility of their office should be increased by assigning many executive functions which they could beneficially exercise, with consequent relief to headquarters authorities and a more expeditious disposal of public business, especially in relation to technical functions of specialized departments which had in the past grown considerably and must inevitably continue in future. The Commission therefore wished to have "a local co-ordinating authority and recommended that this function should be assigned to the divisional commissioners.


33. The Police Commission thus observed, "The Superintendent must recognize that the district magistrate was the head of the district, responsible in that capacity for the whole district administration including the work of the police of which the superintendent is the head. His paramount authority and responsibility in regard to criminal administration in the district, it emphasized, must be maintained."


34. Sir Edward West declared, "The Court would not allow any individual, be his rank ever so distinguished or his powers ever so predominant, to address it in any other way respecting its judicial and public functions, than as the humblest suitor, who applies for its protection. Within these walls, we know no equal and no superior, but God and the King."

High Court at Bombay 1862 to 1962 (Published by Bombay High Court, Printed at Government Central Press, Bombay, 1962), p. iv of the Introduction.

35. The Munsiffs had original jurisdiction in all suits upto the limit of Rs. 5000. The limit of suits in the case of Sadra Amins was Rs. 10,000. The Principal Sadra Amins had no limit whatsoever. In the large towns like Poona civil justice was in the hands of Amins who were empowered
to grant Panchayats and try cases referred to them by the collector. In Khandesh a kind of jury was assembled which questioned witnesses and pronounced on the guilt of the accused. In Satara, the political Agent summoned respectable residents to serve as assessors at the trial.

Bombay High Court from 1862 to 1962. Introduction.

36. Land Tenure Cases: "The first thing that strikes us in the judicial decisions is how in dealing with cases between landlord and tenant, our judges trained in English Jurisprudence and borrowing their ideas from the feudal laws of England leant more on the side of the landlord than of the tenant. If a landlord sued his tenant in ejectment, the judges acted on the English laws of land and evidence and so the tenant in nine cases out of ten lost however long his possession. The remedy lay in legislation and that accounts for Section 83 of the Bombay Land Revenue Code of 1879. It provided that if a tenant were found by himself and his ancestors to have been in such long possession that the origin of it could not be known the court should hold him to be a tenant in perpetuity. So the tenant with long possession is more secure now than he was in the earlier days of the court."


37. An era of Hindu Law Reform ushered in the Presidency due to the legal genius and broad vision of Sir Michael Westropp, Chief Justice from 1870 to 1882 and of Sir Raymond West Puisne judge from 1871 to 1887. It is in their times the Bombay High Court led the way for itself and other High Courts in India in affirming boldly that women are as much entitled to rights of inheritance under Hindu Law as men.

Article by Late Mr. Justice Chandawarkar published in the Times of India, 8th August 1912.

38. In 1893 the Resolution carried by the Congress was thus: "That this Congress having now for many successive years vainly appealed to the Government of India to remove one of the greatest stigmas on British rule in India, one fraught with incalculable oppression to all classes of the community throughout the country, now hopeless of any other redress, humbly entreats the Secretary of State for India to order the immediate appointment, in each province of a committee (one-half of at least of whose members shall be non-official natives of India) to
prepare such a scheme for complete separation of all judicial and executive functions in their own province."


40. Growth of Primary education during the decades preceding the Primary Education Act of 1923:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Schools</th>
<th>No. of Pupils</th>
<th>Cost to Government including cost to local bodies</th>
</tr>
</thead>
<tbody>
<tr>
<td>1903-04</td>
<td>7,033</td>
<td>349,469</td>
<td>Figures not available separately</td>
</tr>
<tr>
<td>1913-14</td>
<td>11,217</td>
<td>668,671</td>
<td>30,35,798</td>
</tr>
<tr>
<td>1923-24</td>
<td>12,546</td>
<td>832,994</td>
<td>1,10,28,017</td>
</tr>
</tbody>
</table>

Reviews of Administration, Bombay Presidency 1933, p. 516.

41. The Indian Excise Committee of 1905 was of the view that the auction system was the most suitable in regard to articles which paid no duty and the only mode of taxing which was by means of vend fees. But in the case of articles which paid a direct duty (e.g. still head duty) the auction system should be gradually supplanted by the fixed fee system. Since 1912, the fixed fee system was adopted throughout the presidency by Government of Bombay.

Reviews of Administration, 1933, Chapter XVII. Excise Department, pp. 664-65.

42. McNeill pointed out, "Official guidance is necessary if village banks are to be widely instituted. Perhaps official guidance might be adequately supplied by requiring that the Assistant Collector or the Mamlatdar should be members of the managing body of any village banking association, assisted by Government capital. Their position as members of the managing body would enable them to examine the workings of the bank and to put a timely check on any irregularities."


43. In the year 1912-13 there were only 515 societies of all kinds with a membership of 46,537 and a working capital of 50 lakhs. On 31st March 1922, the number of societies was 3,611 with a membership of 328,000 and a working capital of 4 crores and 35 lakhs.

Reviews of Administration 1933, Chapter XVI.
44. In Sind, the construction of Begari Canal, the Jamorao canal deserve mention. The Sukkur Barrage Project with its attendant perennial canals received the technical sanction of the Secretary of State for India at an estimated cost of Rs. 18 crores. In Sind the irrigated area in 1880 was 1-1/2 million acres. In 1920 the total had reached 3,482,266 acres. In Deccan, first in 1874-75 Lake Fife and Butha canals were constructed. In 1885-86 Bhatghar dam and Nira Left Bank Canal were constructed. On the recommendations of the Report of the Indian Irrigation Committee of 1903 an investigation was made and the programme of construction was prepared. As a result Darna dam, Godavari canals, Chankapur dam and Girna canals were constructed. The construction works of Bhandardara dam, the Pravara canals, the Lloyd Dam and the Nira Right Bank Canal were also undertaken. These works were completed during the Reforms period. These works were estimated to cost Rs. 9 crores and to irrigate 410,000 acres annually. In 1880 the total irrigated area was 179,000 acres, it increased to 403,047 acres in 1920. Similarly the total cost of the buildings constructed by Public Works Department exceeded Rs. 32 crores. It maintained nearly 10,000 miles of roads.


45. The following table shows the comparative progress in the increase of cultivated areas (in thousands of acres):

<table>
<thead>
<tr>
<th></th>
<th>1902-03</th>
<th>1920-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total cultivated area</td>
<td>24,400</td>
<td>48,719</td>
</tr>
<tr>
<td>Total irrigated area under different crops</td>
<td>710</td>
<td>1,105</td>
</tr>
<tr>
<td>Area under Jowar</td>
<td>632</td>
<td>8,402</td>
</tr>
<tr>
<td>&quot; Wheat</td>
<td>140</td>
<td>1,106</td>
</tr>
<tr>
<td>&quot; Rice</td>
<td>25</td>
<td>1,906</td>
</tr>
</tbody>
</table>

Annual Administration Reports of 1902-03 and 1921-22, p. 30 and pp. 62-64 respectively.

46. The total area under forest at the end of 1920-21 was 14,930 sq.miles of which 1,044 sq.miles were protected forests. Out of 14,930 sq.miles, 12,571 sq.miles were in charge of the forest department and 2,359 sq.miles were in charge of revenue department.


47. The information regarding medical and public health departments was compiled from Reviews of Administration, 1933, pp. 747-48 and 777-78.
"Thus with the minimum of popular representation the Act combined the maximum of Government control. The Times of India characterized the new element of popular representation as the 'spart thrown to the well' and the Advocate General ridiculed it in the course of the debate in the legislative council as a 'homeopathic dose of the popular elective principle and an overwhelming dose of Government supervision'."


49. The Municipal Corporation had no voice in the determination of the salary of the Municipal Commissioner or his removal. In the removal even of superior officers the Corporation had to seek the approval of the Government of Bombay.

Reviews of Administration, 1933, Chapter XIX, pp. 697-710.

50. Upto 1882 there were ten city municipalities, namely, Poona, Sholapur, Ahmednagar, Ahmedabad, Broach, Surat, Karachi, Hyderabad, Shikarpur and Sukkur. It was decided that in each of these municipalities one-half of the total number of members should be elected. Each town was to be divided into wards which were to elect one member each.

The qualification for vote was the payment of any direct tax whether Government, Local or Municipal. Municipalities having 10,000 population was called city municipality and Municipality containing less than 2,000 population was called town municipality.

Memorandum by Government of Bombay, Ch. IV, p. 103.

51. Lord Ripon's Resolution of May 1882 was as follows: "The object of Local Self-Government is to train the people in the management of their own local affairs and that the political education of this sort must, in the main, take precedence of considerations of departmental efficiency. It follows from that that local bodies should be as representative as possible of the people whose affairs they are called upon to administer, that their authority in the matter entrusted should be real and not nominal, and that they should not be subjected to unnecessary control, should learn by making mistakes and profiting by them."

Memorandum by Government of Bombay, Ch. IV, p. 105.
52. Under section XII of the Act of 1884, all fellows and graduates of a University, all pleaders holding sanads from the High Court, all Jurors and assessors, all honorary magistrates, all persons paying municipal taxes up to a limit were eligible voters.

53. The following table indicates the advance of municipal local self government since 1884-1885:

<table>
<thead>
<tr>
<th>Year</th>
<th>Population within municipal limits</th>
<th>No. of ex-nominated members</th>
<th>No. of officiated members</th>
<th>No. of elected members</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1884-85</td>
<td>1,897,367</td>
<td>162</td>
<td>552</td>
<td>1,190</td>
<td>155</td>
</tr>
<tr>
<td>1895-96</td>
<td>2,260,046</td>
<td>169</td>
<td>-</td>
<td>1,477</td>
<td>903</td>
</tr>
<tr>
<td>1907-08</td>
<td>2,349,138</td>
<td>159</td>
<td>475</td>
<td>852</td>
<td>880</td>
</tr>
<tr>
<td>1918-19</td>
<td>2,374,895</td>
<td>156</td>
<td>354</td>
<td>781</td>
<td>1,087</td>
</tr>
</tbody>
</table>

Memorandum by Government of Bombay, p. 163.

54. In his speech Mr. Laing said, "I am as strongly as ever in favour of the principle of local taxation for local objects. In fact, if this great Empire is ever to have the roads, the schools, the local police and other instruments of civilization which a flourishing country ought to possess, it is simply impossible that the Imperial Government can find either the money or the management."

Memorandum of Government of Bombay, p. 121.

55. The composition of the District Local Funds Committees was as follows: (1) The Collector as President. (2) The First Assistant Collector. (3) The Second or other Assistant Collector in charge of talukas. (4) The Executive Engineer. (5) Educational Inspector (for matters of education only). (6) The Husur deputy collector. (7) An Inamdar or holder of an alienated village in the district to be elected by holders of the alienated villages. (8) Six proprietors or holders of land to be appointed by the Revenue Commissioner of the division.

Memorandum of Government of Bombay, p. 121.

56. The district local board was to consist of the following elected members: (a) One member from each taluka board, (b) One member from each municipality having not less than 18,000 population. The municipal members were to elect their representative, (c) One member to be elected by the holders of entire alienated villages. There was no direct election in the district local board. The
elective members of the taluka local board were to consist of (1) one member from municipalities, the members of the municipalities were to elect. Such municipalities must have 5,000 population. (2) One member to be elected by holders of entire alienated villages of the taluka. (3) One member for each of the several groups into which villages in the area were divided by the Governor in Council. Qualifications for voting for Taluka Local Boards was as follows: (1) Every voter must be 21 years of age. (2) He must be a holder of land assessed at Rs. 48 per annum. (3) Owners of immovable property within the taluka worth Rs. 5,000 or more. (4) Government pensioners in receipt of at least Rs. 50 per mensum. (5) Honorary magistrates. (6) Revenue or Police Patels. (7) Such other persons as Government might notify from time to time in the official Gazette.

Memorandum of Government of Bombay, p. 123.

57. In the Administration Report for Bombay Presidency for the year 1860-61 (Appendix A to Judicial Report, p. 97) mention is made of the work of civil justice by Panchayats. These Panchayats did excellent work in this connection.

<table>
<thead>
<tr>
<th></th>
<th>1856</th>
<th>1857</th>
<th>1858</th>
<th>1859</th>
<th>1860</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil suits instituted during the year</td>
<td>74</td>
<td>28</td>
<td>32</td>
<td>37</td>
<td>9</td>
</tr>
<tr>
<td>Cases decided on merits</td>
<td>74</td>
<td>28</td>
<td>32</td>
<td>37</td>
<td>9</td>
</tr>
<tr>
<td>Balance</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
</tbody>
</table>

58. "While we do not go so far in suggestion for the change as many who hold the views that the municipal and local boards are not effective instruments of Local Self Government due to excessive control from outside, we recognize that their assertions contain a large element of truth. At the same time those who expected a complete revolution in existing methods in consequence of Lord Ripon's pronouncement were inevitably doomed to disappointment. The political education of any people must necessarily be slow, and local self Government of the British type could not at once take root in Indian soil. ... We recognize, however that much has already been done to carry out the objects, which Lord Ripon had in view, and the added experience of a quarter of a century now renders it possible, we think, to attempt a further practical development of local self government."


Ibid., p. 208.

<table>
<thead>
<tr>
<th>Year</th>
<th>Notified areas</th>
<th>Income</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1905-06</td>
<td></td>
<td>1,712</td>
<td>2,367</td>
</tr>
<tr>
<td>1912-13</td>
<td></td>
<td>58,550</td>
<td>61,911</td>
</tr>
<tr>
<td>1919-20</td>
<td></td>
<td>3,72,423</td>
<td>3,79,198</td>
</tr>
</tbody>
</table>

Constitution of Chairmen of Sanitary Committees and Sanitary Boards:

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of sanitary committees and sanitary boards</th>
<th>Elected non-official</th>
<th>Elected official</th>
<th>Nominated official</th>
<th>Nominated non-official</th>
</tr>
</thead>
<tbody>
<tr>
<td>1916-17</td>
<td>403</td>
<td>17</td>
<td>3</td>
<td>278</td>
<td>102</td>
</tr>
<tr>
<td>1917-18</td>
<td>452</td>
<td>14</td>
<td>3</td>
<td>311</td>
<td>118</td>
</tr>
<tr>
<td>1918-19</td>
<td>486</td>
<td>4</td>
<td>3</td>
<td>144</td>
<td>117</td>
</tr>
<tr>
<td>1920-21</td>
<td>703</td>
<td>13</td>
<td>13</td>
<td>401</td>
<td>132</td>
</tr>
</tbody>
</table>

Memorandum of Government of Bombay, pp. 191 and 192.

The Court of Directors' despatch of 10th December 1834, (Paras 80-81) on the Charter Act of 1833 gave attention to the demarcating line between the functions of a local subordinate government and those which should belong to the general government ruling over the superintending the whole. This despatch gave powers to (1) control provincial revenues, (2) to regulate provincial establishments, (3) to bring under his purview the entire system of provincial audit and accounts.

The following table in relation to Bombay Province shows the inadequate number of Indians appointed for superior posts as on 1st January 1921.

<table>
<thead>
<tr>
<th>A: Special Posts</th>
<th>Europeans</th>
<th>Indians</th>
<th>Percentage of Indians</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Public Works Department</td>
<td>14</td>
<td>3</td>
<td>17.6</td>
</tr>
<tr>
<td>2) Revenue Department</td>
<td>4</td>
<td>4</td>
<td>50</td>
</tr>
<tr>
<td>3) Home Department</td>
<td>5</td>
<td>2</td>
<td>33</td>
</tr>
<tr>
<td>4) General Department</td>
<td>4</td>
<td>4</td>
<td>50</td>
</tr>
<tr>
<td>5) Medical</td>
<td>1</td>
<td>16</td>
<td>99</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B: General</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6) Indian Civil Service</td>
<td>149</td>
<td>22</td>
<td>13</td>
</tr>
<tr>
<td>7) Indian Police Service</td>
<td>74</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>8) Indian Service of Engineers</td>
<td>65</td>
<td>40</td>
<td>38</td>
</tr>
<tr>
<td>9) Indian Educational Service</td>
<td>35</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>10) Indian Forest Service</td>
<td>23</td>
<td>4</td>
<td>15</td>
</tr>
<tr>
<td>11) Indian Agricultural Service</td>
<td>5</td>
<td>3</td>
<td>37-1/2</td>
</tr>
<tr>
<td>12) Indian Veterinary Service</td>
<td>4</td>
<td>Nil</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Civil List, January 1921, Bombay Province.