CHAPTER I
DISTRICT OFFICER IN BRITISH INDIAN ADMINISTRATION

The institution of the District Officer was in tune with the time honoured Indian system of territorial organization which entailed repeated sub-divisions of area with graded levels of administration, each entrusted to the charge of an official of the central government. The District which was in origin a land revenue division, became, over a period of years, the fundamental administrative unit, on whose framework were built Civil, criminal and police jurisdictions and also those of welfare and technical services provided by special departments of government.¹ The district Collector was the nucleus of the system and the district its key-link and the centre of life in the Indian empire.²

The rudiments of the system of territorial administration might be traced to the times of the Mauryan Kings. The imperial agent sufficiently important in the hierarchy who corresponded to the District Collector was the Rajuka. Though essentially, a revenue official, the Rajuka

² E. Lee - Warner, The Citizen of India, p.34.
exercised judicial functions also. He collected revenue, maintained roads in proper condition, promoted trade and industry and carried out Public Works like irrigation, etc. Similar territorial units of administration existed under the Guptas. The empire was divided into Visayas, roughly corresponding to a modern district. The Visayanpati was responsible for maintaining law and order and collecting taxes and revenues.

Muhammedan rulers also followed the system of territorial administration. Under the Delhi sultanate, the empire was divided into a number of Provinces and tributary states. With the growth of provincial administration, it was found necessary to divide the provinces into Shiqs which were put under Shigdars. When the empire decayed and provincial dynasties were established, the Shiqs emerged as sarkars. But Shershah divided the empire into sarkars, Sarkars into Parganas. The latter became the basic unit of fiscal administration, and former stood for an administrative unit of no real consequence. The Pargana was administered by an Amin, a revenue officer, who was assisted by a Fotadar, a treasurer, and a shigdar who was a military officer. His administrative system served as

6. R.C. Mazumder, The History and Culture of the Indian People, p.453.
a model to Akbar's revenue minister, Raja Todarmall, and might also be said to have formed the basis of the British system of revenue settlement. 7

The administrative system of the Mughals was based on delegation of power to the man on the spot, followed by a system of vertical control and one of internal checks and balances. 8 The empire was divided into Sub as, Sub as into sarkars, and sarkars into Parganas. The sarkar was the counterpart of the present day district. 9 The Amalguzar or Amil, in addition to his duties as revenue collector of the sarkar, was required to punish robbers and other miscreants in order to protect the peasantry. He was authorised to advance loans to the peasants, recover them gradually, to supervise the work of Khazandar, the treasurer, to send periodical reports of receipts and expenditure to the court and to remit the revenue of the Sarkar to the royal treasury. 10 His revenue functions were, in large measure, identical with those of the District Collector under the British, unlike the latter, he did not represent the might and majesty of government, which, indeed belonged to the Fauzdar. 11 Thus, the Mughal fiscal system adhered closely to the old practice, procedure and

9. Ibid.,
10. Sri Ram Sharma, Mughal Government and Administration, pp. 243-245.
even tradition of the country and might be traced back to the days of the Mauryan rulers in the same manner as the British gathered the Mughal administrative tradition and stamped them into their own image.

This native model appeared to be convenient to a foreign government in realization of the two-fold objective it had set before itself, namely, the collection of revenue and the consolidation of its authority in an alien land. The Indian tradition of territorial organization and the concentration of powers in the hand of local agents was blended with the notion and practice of centrally appointed professional and covenanted civilians. This resulted in the imposition of bureaucratic superstructure upon a monarchical foundation. The British District Officer came as an agent of centralization armed with powers as extensive as those of his mughal prototype. Indeed, he became the Anglo-Saxon reincarnation of manasbdars - the embodiment of an oriental principle of government that there should be one officer in each of administration who should represent the government in that area and who should be responsible for it.

The collectorate system which the British introduced in India was analogous to the French system of Intendant.

that worked from 1660 to 1789. During the period, the Chief administrative district was the "generalite" which was governed by an Intendant appointed by the king and responsible to him alone. He exercised police and judicial powers, controlled finance, and was the local sovereign of municipalities. Indeed the whole economy of the "generalite" came under his control and care, as the representative of the king, he secured the observation of the regal edicts, the administration of civil and criminal justice and all other things that concerned the prosperity and security of the subjects placed under his charge. The system of local administration re-organised by Napoleon in 1800 retained the foundations of the pre-revolutionary French administration. In the new system, the prefect, under absolute control, became the modern equivalent of the Intendant of the ancient regime. France practised this pattern of local administration in her colonies in Asia and North Africa. This system of local administration came to be followed by such countries as Spain, Belgium and Poland in their colonial possessions in parts of Asia and Africa. Britain, too, had to adopt it for her colonies because she did not then possess a comparable system of local administration within her own

Reforms of her local government system could not be completed before the late years of the 19th century.

The creation of the district as an areal unit of administration and the appointment of the District collector therein served as a strong administrative chain with which the British held their Indian administration. The system made it possible and convenient for a small number of foreigners to rule a vast, sprawling sub-continent. The old hierarchy of feeble local officials and institutions gave place to new administrative tools and practices and professional, careerist administrators. But the authoritarian and personal element in the administration remained basically unaffected. This pattern of local administration acted as a model for the governance of colonies subsequently acquired by the British in other parts of Asia and Africa.

The grant of Diwan-i to the East India Company in 1765 marked the beginning of British revenue administration in Bengal, Bihar and Orissa. The old and time worn Muhammedan system of administration was, however, allowed to continue with slight modifications, for it was most politic and expedient to do so, until 1869 when the Company

20. Ibid., p.651.
launched upon its scheme of English supervision over the native collecting agency. The scheme, notwithstanding its shortcomings - it represented the system of indirect rule - formed the nucleus of the British system of administration and laid the ground-work for later administrative developments. This having failed, the Court of Directors determined to stand forth as Diwan and nominated the supervisors as collectors vesting them with the executive power of management and collection of revenue and in addition to their power of enquiry and investigation. A Regulation of 14 May, 1772 made district the unit of judicial administration and provided for the appointment of collectors in every district. These collectors were later embryonic District Officers.

This arrangement, too, was shortlived and there soon followed a period of centralisation of revenue administration. It was decided to manage the whole business of revenue at the presidency. European collectors were withdrawn and districts were again left in the hands of

21. On the 16th August 1769, the Select Committee passed the Resolution "in every province or district, a gentleman in the service be appointed with or without assistance, in proportion to the extent of the district, whose officer or department is to be subordinate to the resident at the Darbar" (vide The Cambridge History of India, vol. V, pp. 206-207).

22. A.K. Ghosal, Civil Service in India under the East India Company, p. 174.

native Diwans in January 1774. The Board of Revenue was constituted in Calcutta. This experiment came to an end on 13 January 1782, when John Shore restored the power of the collector combining in him the duties and powers as were under the Mughals exercised by the Amalguzar, the Fauzdar and the officers of justice taken together. In 1786-87, the administration of revenue, Civil justice and magistracy were united in the office of the collector, which brought simplicity and efficiency in the administration.

But the combination of judicial and executive functions in one and the same functionary was not only unfamiliar to Lord Cornwallis but was also incompatible with his political conviction. Accordingly, he separated, in 1793, the revenue and judicial functions and placed them in different hands. The former was assigned to the collector and the general administration, police, Civil-judicial and criminal-judicial functions were vested in the judge-Magistrate. The collector became a mere fiscal agent and the judge-Magistrate assumed the power as the head of the District.

24. Sudesh Kumar Sharma, Deputy Commissioner in Punjab, p. 15.
25. BRC/ 18th May, 1985, pp. 393-400.
In contrast to this, there was the Munro School of district administration, perfected into a working system in the first decades of the 19th century, in such provinces as Madras, Bombay and North-Western provinces under the influence of Munro, Elphinstone, Malcolm and Metcalfe. There was a unity of thought in this group of men which made it possible to speak of them as founders of a School of district administration distinct from the Cornwallis School of thought. They were pragmatists in politics and administration, and were critical of innovation and fanciful theories founded on European models. They were, accordingly opposed to upsetting the ancient custom and constitution of the country, as they saw them under which the officer who was in charge of the land revenue administration was vested with extensive judicial authority as well. The visible achievement of this School was the riotwari system of land settlement and general administration under which the collector combined both the judicial and executive powers.\(^{30}\) This was the paternalistic or the patriarchal system of district administration under which the concept of the duties of the District Officer was comprehensive in character, requiring the constant exercise of his faculties and making him active, alert and dynamic.\(^{31}\) He was practically


\(^{31}\) \textit{Ibid.}, p.653.
a local governor, exercising a wide range of superinten-
dence over his district and regarded by its people as
their helper and ruler.

On the other hand, the province of Bengal, under
the cornwallis system, did not have such a representative
of government in its districts who could occupy a position
of pre-eminence and primacy and watch over and promote
the general welfare, from every point of view, of the
people committed to his charge. Indeed in a Bengal dist-
RICT, there were normally two heads of the district admi-
nISTRATION. None of these officers had the over all
responsibility for the control of official business and
policy within the district.

Meanwhile, the Munro system or the patriarchal
concept of the office of the District Collector was being
gradually appreciated by British authorities, both in
India and England, because it was supposed to be most
intelligible to the oriental people. But even more
important than this was the realization that the patriar-
chal system made for the concentration of responsibility
in the District Collector, stimulated his energy and
precluded the possibility of obstructions to good govern-
ment, which could arise where authority was divided among
a multiplicity of officers. The system embodied a simple
but vigorous type of government, depending for its virtues
upon the qualities of the individual.

The instructions of the Court of Directors of 9th November 1814, prescribed a radical change in the Bengal system of district administration. The pressure on the civil courts: the difficulties found in administering criminal justice and in the regulation of the police demanded that the collectors should once more have magisterial powers, and be responsible for the superintendence of the police. The recommendations in the Despatch were denial of Cornwallis' principles in several respects. Accordingly, the collector was given some judicial functions relating to revenue, and in a Regulation of 1821 it was laid down that they might be authorised to act as magistrates and in 1831 collectors generally took over the magisterial work of the judge. The repeated pressure of the Court of Directors did not obtain an answer to their despatch until 22 February, 1827. In 1829, Bentinck attempted for a while to restore the vigour of the administration by creating commissioners with general authorities over both revenue and judicial functions in groups of districts and combining executive and judicial powers in district collectors. But in 1837 the theory of separation of powers once more began to be governing

factor and for a time many districts had three separate principal officers - a Judge, a Magistrate, and a Collector. This was, however, a very temporary retrogression, and, a little later, power began to be concentrated again in the hands of the collectors. Just after the Mutiny, which had perhaps revealed the weakness of the previous organization, the modern system, under which revenue, magisterial and police functions were united under the control of the collector, while major criminal matters were reserved for the District Judge, came into effect. The collector or, Deputy Commissioner as he was called in the newer provinces, became the 'Ma-Bāp' of the District, while the District judge rightly assumed a position of aloofness which is due course of time did much to strengthen public faith in the courts.

District administration, at the time of the Mutiny, was of three types. In the non-regulation provinces and districts the Commissioners and Deputy Commissioners resembled the old pre-British officials of Mughal times. They carried out all administrative orders, tried criminals, collected revenue and decided civil cases. They had a rough criminal code, but Civil cases were settled by a

mixture of custom, common sense, and a reference to standing orders. The system was probably well suited to the rural districts. As Johiev Lawrence stated in 1856:

We have a procedure without any pretension to exactitude; but a procedure which provides for the litigants and their witnesses being confronted in open court, for a decision being arrived at immediately and for judgement being delivered to the parties then and there.

The first duty of the Deputy Commission was to be accessible and there was no form of public activity which was outside his purview.

In the older Regulation provinces of Bengal, Madras, Bombay, and Agra the District Officer had a very jealous rival in the District Courts. These administered an elaborate series of regulations to which had been given the authority of law. The collector was far less of an autocrat than the Deputy Commissioner in the Punjab, but in the ryotwari Districts, of Bombay and Madras his duties took him into every village, and his powers were various and comprehensive. In the Zamindar areas the collector-Magistrate was still more limited in his activities. In revenue matters he dealt through the Zamindars and usually knew little of his district. The Bengal and Punjab system

39. Lawrence quoted in Ibid., p.477.
thus represented the extremes of the rule of law and the rule of men respectively.\textsuperscript{41}

"The Mutiny had a more subtle effect upon district administration. This led to a reaction in favour of the direct or personal system.\textsuperscript{42} The appointment of Sir John Lawrence as Viceroy, in 1864, compelled the triumph of this school of thought. From 1860 the general policy was to build up a strong cadre of British officials, encouraging them to tour as much as possible. The decade which followed the Mutiny was the heyday of the paternal system.\textsuperscript{42} The new government ruled according to European ideas without any serious attempt to gauge educated Indian opinion, depending for knowledge upon the District Officer, who was almost invariably a British covenanted servant. The District collector became the "District Officer", his means of information greatly increased, so did his powers of action. In this paternal system of administration, the personal elements became the most important determinant, and success or failure depended very largely on personal equation. Thus during the hundred years between Plassey and the Mutiny the wheels had turned full circle and the company had come back to the old Mughal view that all executive power must be concentrated, in the hands of the


\textsuperscript{42} Ibid., p.476.
local representative of the government. However, much the theory of checks and balances had been retained in the higher levels of government, in the sphere of district administration it had been completely discarded. In spirit and principle there were indeed great differences between British rule in the 19th century and that of the Hindu and Muslim emperors. The rule of law had been established in place of arbitrary power, toleration for all the religions was accepted as a principle of state; and the equality of all men before the law was declared to be the guiding principle of the British administration. These were indeed fundamental changes; but in the machinery of district administration which was distinct of the spirit of Government, the company had to a great extent restored the systematic and efficient administration of Akbar.

Inspite of Lawrence's Predilections, the supremacy of the District Officer was never complete, and was soon curtailed. Pouring the twenty years which followed the Mutiny there was a rapid process of assimilation and unification throughout British India, certain differences had never been eliminated, but the rule of law was soon established throughout the provinces. Subsequently the

44. Ibid.,
various activities of the District Officer were further whittled away by the establishment of highly centralised departments, and later still by transfer of certain powers to such elected bodies as District Local Board, Municipalities & etc. The District Officer had remained an important part of the administrative machine. He was responsible for the preservation of order, controlled a large revenue establishment, and still wielded considerable influence and patronage, but the subadari system in its more extreme form was only extended to a fraction of British India. By the end of the 19th century, the executive authority and the discretionary powers of the District Officer had been materially reduced. Lord Curzon's efforts to increase the importance of "men in the district" and the proposals of the Decentralization Commission (1907-1909) to make the District Collector pre-eminent in the district tended to boost up his declining authority temporarily. Even the Reforms of 1909 could not make him that effective to govern his district, though they increased his office work. He was still the supreme head of the district and the sole representative of government in the field. He was the only channel of Communication between the people and government, and was more than a primus inter pares in respect of all other governmental functionaries.

working in the district. He was identical with the Government itself.\footnote{Haridwar Rai, \emph{Op. cit.}, p.655.}

The Reforms of 1919 introduced, for the first time, political elements in the administration. The Government of India Act introduced a new system of administration in the Indian provinces, known as Dyarchy. This new system pushed the District Officer into the background, the views of the legislative council and local politicians\footnote{Ramsay MacDonald, \emph{The Government of India}, pp.96-98.} came to carry more weight. The decisions on both questions of policy and matters of local importance came to be governed by considerations of political expediency. After the passing of the Government of India Act, 1935, the position of the District Officer was further reduced considerably as the government machine in the district. He could have expected no real and effective control over other departments in the district.\footnote{Report on the working of the Reformed constitution in Bengal (1921-27), p.187.} The probability that the ultimate destiny of the District Officer was to be reduced as a mere custodian of law and order and tax-collector which must have weighed heavily on his mind*\footnote{Report of the Bengal Administrative Enquiry Committee, (1944-45), para 65, p.18.}

\textbf{DEPUTY COMMISSIONER IN BRITISH ADMINISTRATION}

The arrangements of districts with a population of...
from one to three million of inhabitants and an area of from two thousands to ten thousands square miles, over which a single officer presided; in whom all authorities were centralised; by whom the working of all Departments were controlled and brought to a common action; to whom the Civil Surgeon, the District Superintendent of Police, the Engineer, and a large staff of Assistants and Deputies exercising magisterial, executive and revenue functions, were all carefully subordinated with almost material precision; who was himself the hand and eye of government; upon whose resources, efficiency, and presence of mind often depended the happiness of multitudes of human beings—this was indeed a vigorous and attractive administrative ideal, a monument to the organising ability of those who devised it. It was, however, a form of administration adopted only to autocratic rule. It had been perceptibly dying out from its inherent inapplicability to an environment where changes were becoming rapid. Several desperate attempts were made to galvanise it into life, specially by the administrators like Sir George Combell and Sir John Strachey. But they failed, as every one must fail who would try to withstand the advancing tide.

52. ASR, HP(A), November 1900, No. 125; Minuted of Cotton, C.C. of Assam on the question of the separation of judicial and Executive functions in India, dated the 19th October, 1900.
Notwithstanding these facts, throughout British India the District/ technically so called, was the unit of administration. In the details of District organization there were great variations in different provinces, but the general principles on which the administrative system was based were much the same everywhere. In India, where an absolute government was administered by a small body of foreigners, the most essential condition of safety to the rulers/ and of good government to the people/ was that authority should be strong, and authority could not be strong unless it was concentrated. In every district of British India the government had its representative in whom all executive Civil authority centred. The District Officer, whether known as collector-Magistrate or as Deputy Commissioner, was the responsible head of his jurisdiction.

As collector/ his primary concern was the collection of the land revenue/ the duty which gave him the name. He also was the authority to collect other forms of revenue; he was responsible for the district treasury into which all public receipts were made and from which public payments were disbursed. Certain revenue appeals were tried by him. As Magistrate, he had first class powers but he used to try few original cases. He dealt/ however,

with appeals from the Magistrates subordinate to him, and supervised the work of all magisterial courts. Above all, he was responsible for the prevention and suppression of crime and the preservation of peace. In one capacity or other, he possessed all the authority necessary to make him, in the eyes of the people, the representative of the Executive Government.

As District Officer he had many executive duties, of which it would be impossible to give a complete list, varied from place to place and from season to season. Police, Jails, education, forests and mineral resources, municipalities and local government, roads, sanitation, dispensaries, the local taxation, and the imperial revenues of his district were to him matter of daily concern. He used to control the large revenue establishments, from sub-divisional officers to patwaris; compiled returns of prices, crop forecasts and weather reports; made loans for agricultural purposes on behalf of government; kept the government informed of the condition of his district, and of all notable occurrences therein, from meetings of the Indian National congress to cattle fairs. In some districts he had to manage large government estates; in many districts, he looked after the private estates of minors and other disqualified persons that were held in

trust by the court of wards. He was constantly consulted
by the various technical departments/ which required his
local knowledge to supplement their expert knowledge.
For a considerable period he happened to be the main
working force at the head of the local bodies. When he
had no longer any direct connection with these, he still
watched their proceedings, and advised them. He was,
ex-officio either patron or president of any local asso­
ciation or committee that might he formed for any purpose.;,
whether it be a league for combating sedition, a reception
committee, a district Olympic association, a new social
or sports club, or even a tennis tournament etc. etc..
Since 1920, when the Montague Chelmsford Reforms came
into force, he had to provide the government with material
to answer questions and resolutions, in preparing
electoral rolls and managing elections.

In every day internal administration there was no
office so important as that of the District Officer. He
was the main stay of British dominion in India. Whatever
the trouble might be, the District officer must see to it.
In the old Roman formula, he must take care that the state
suffered no harm. He must prevent the trouble,

\[\text{if he can; if he cannot then he must alleviate it, or quell it, or pacify. He may divide the work, but he cannot divide his responsibility. That is his.}\]

In a day,

the District Officer will spend some parts
of his morning in outdoor inspections and
interview: but the former are more varied,
the latter are longer, more numerous, and
more important. He, too, must go to Court,
but his hours are relatively short: the
volume of his peshi and his Sawalkhana may
be greater, but he has much less case work,
Either before or after court, he must deal
with his correspondence in the seclusion
of his own study: and there are meetings
and functions which he must attend, and they
cut into his time.56

various changes, resulting from modern progress, have both
increased his work, and modified his methods of doing it.
In many cases where he would formerly had acted on his own
initiative, he must ask for orders, since the telegraph
and telephone had enabled him to obtain them. The multi­
plication of codes and manuals, with their many correction
slips, had fettered his discretion. Again, the formation
of technical departments had added to his mail: for whilst
in former days he made or mended his own roads, drains,
culverts and buildings, he must consult now this depart­
ment or that : obtain plans and estimates, together with
technical, administrative and financial sanctions, before
he could cut a sod or engage a coolie. Government evolved
more schemes of improvements, on which he must express
opinions: members of legislature would ask questions and
move for resolutions, to which he must supply answers and

refutations. It all meant more work in office and less in camp, which was all to the bad, since it was chiefly in camp that he got to know the people, and was able to gauge and test the work of his subordinates.

In camp, he sees with his own eyes, hears with his own ears, and smells with his own nose and thereby gains much useful information.57

It might be possible, by a description of a District Officer's duties, to convey to the reader some idea as about of what he used to do. But it might be much more difficult to convey an idea of what he was, and what he meant to the people. There were some 250 district officers in British India. Each was in charge of an area which averaged 4,500 square miles: the average area of an English county was about 1,000 square miles. Each was responsible for the collection and custody of hundreds and thousands of rupees of Public money. Each was responsible for the welfare of a population averaging about a million. And this population was by no means homogenous. It included primitive jungle-dwellers, and highly civilised townsmen; fierce warrior tribes and peaceful cultivators; rich territorial magnates and poverty stricken tenant farmers; ignorant and unlettered rustics and well-educated and sophisticated politicians. It had many beliefs, spoke

many languages, and observed many strange customs. An officer who had to deal with so great a variety of human types must be endowed with no small variety of human virtues, of which sympathy, candour, disinterestedness and right-judgement were perhaps the most important, especially when they were reinforced by a sense of humour and an ability to suffer "fools gladly. The District Officer was a man, and must regard all humanity as his kin. 58

Upon the energy and personal character of the District Officer depended ultimately the efficiency of British Indian Government. His own special duties were so numerous and so various as to bewilder a person; and the work of his subordinates largely depended upon the stimulus of his personal example.

His position has been compared to that of a "French perfect" but such a comparison is unjust in many ways to the Indian District officer. He is not a mere subordinate of a central bureau, who takes his colour from his chief and represents the political parties or the permanent officialism of the capital. The Indian collector is a strongly individualised worker in every department of rural well-being, with a large measure of local independence and of individual initiative. 59

A District Officer was often called the backbone of the administration, and as Blunt observed, for many years to

59. W.W. Hunter, The Indian Empire, p.513*
come/ by whatever constitution India might be ruled, no
government would be able to do without the District
Officer. As the name of collector-Magistrate implied,
his main functions were two-fold* He was fiscal officer,
charged with the collection of revenue from the land and
other sources; he was also a revenue and criminal judge,
both of first instance and in appeal. But his title by
no means exhausted his multifarious duties.

He does in his smaller local sphere all
that the Home Secretary superintends in
England, and a great deal more, for he
is the representative of a paternal and
not of a constitutional government.6*

He was expected to make himself acquainted with every phase
of the social life of the natives, and with each natural
aspect of the country. He would be lawyer, an accountant,
a financier, and a ready writer of state papers. He ought
also to possess no mean knowledge of agriculture, forestry,
Political economy and *Engineering.62

All this signified, not that he was expected to be
omniscient, C but that the Magistrate and Collector was
the principal officer of government in every branch of
the executive administration of the District. As the local

62. Ibid.,
representative of the government, through whom all the orders and measures of the ruling powers were issued and made known to the people/ and on whom the Government depended for information of every serious matters that occurred, he held a position of great and exceptional importance. At the sametime/ it must not be supposed that he had any irresponsible and arbitrary power. All his more important duties were strictly regulated either by law or by rules laid down by the Government/ and all his proceedings were subject to the supervision and, when necessary, to correction. 64

The mental power of an Indian peasant was not sufficiently developed to enable him to think in abstract terms. Such concepts as activity, force/ power/ energy, were to him meaningless, except as attributes of personal being/ divine or human/ who consciously used them. Thus Brahman meta-physicians, having arrived by dint of thinking at the idea of an all-pervading divine energy which they called 'Brahma' in the neuter, were forced, for the comprehension of their followers, to turn it into a personal god whom they called Brahma, in the masculine. It was this habit of mind which explained the Peasant's conception of government. To him an abstract authority, operating in Delhi, or in Whitehall meant nothing.

He clothed government in a man's shape - that of the 'collector sahib', who tried his family law suit last year, who only yesterday was discussing with him the condition of his wheatfield, and who this very morning cursed him roundly because there was a cesspool outside his door. In short the District Officer, to the people of his district, was not merely the representative of government; he was government personified, and was often addressed as Sarkar, its vernacular equivalent. In the discussion on the Financial Statement £ot 1902-03, which took place in the council of the Governor-General, on 26 March 1902, one of the most enlightened and respected among the native gentlemen of India, Syed Hussain Bilgrami, made an interesting speech, in which he referred to the position of the District Officer:

The viceroy represents the might and majesty of the Empire, but the viceroy is not so potent as the District Officer who has found his way to the hearts of the people by taking an interest in their affairs, listening to their little grievances, and treating their faults and shortcomings with that of good humoured tolerance which is one of the characteristics of born rulers of men. The Indian people love an autocratic official provided he is sympathetic and just. They even prefer a high handed man if he is accessible and kind. Above all, they love a gentleman, and will do anything for him. Many an 'English administrator has left behind him a name which is a household word in our villages and towns, and is written indelibly on the hearts of the people.

NON-REGULATION SYSTEM

The provinces in British India were classified into 'Regulation' and 'Non-Regulation'. The former were the older provinces, governed by laws made under various charters, which laws, until 1834 were called Regulations. The others were the newer Provinces did not bow down to the letter of the Regulations, but were governed after a ruder and simpler fashion by an executive composed partly of civilians and partly of soldiers, upon a mixed system, into which the spirit of the Regulations was infused in such a manner as to cause it to harmonise and blend itself with all that was good in the spirit of native institutions, and to be respected in the local usages of the country.

Under Bengal presidency the non-Regulation territories were the sagar and Nurbudda territories; Jaloun and Jhansi, Mairwarra, Assam, Aracan, and the Tenasserim; Goalpara; the districts on the South Western frontier, as Sambalpore, Ramgarh, and etc. the Cis-sutlej States, including Ambala, Ludhiana, Khytul, Ferozapore, and the territory held by the protected sikh chiefs and the whole country of the Punjab. These were subject to the

68. Ibid., pp.433-34.
controlling authority of the Governor General, or the Governor of Bengal and were administered by officers appointed by them. Under the government of North Western Provinces were the Dehra-Dun, Kumaon and Garwal, the Butty territory, Ajmeer, Nimaur, Jaunsar, and Bawur. Under the Madras Government were Ganjam, Vizagapatam; Kurnool. And under the government of Bombay were colaba, Sindh, and satara.

As Sir Patrick Fagan observed -

the type of administration adopted in Non-Regulation areas was characterised by simple and more direct methods of procedure and by the greater accessibility of the officials to the people; but chiefly by the union of all powers - executive, magisterial and judicial - in the hands of the District Officer, here termed Deputy Commissioner, subject however, to the appellate and supervisory jurisdiction of the commissioner of the division in all branches of work. The system was paternal rather than formally legal though legal principles were by no means set aside and it largely depended for its success on the personal character, initiative, vigour and discretion of the local officers.

Thus the Deputy Commissioner was under the control of the Divisional Commissioner, whilst the province generally was ruled by a Chief Commissioner, assisted by a Financial Commissioner, whose duties were those of a Board of Revenue in a Regulation province, and a judicial Commissioners who was the chief court of appeal. The rule of the

Deputy commissioner was personal and paternal; and though he was ordered to conform as far as possible to the Principle of the regulations, he could use his own judgement in cases which were not covered by any applicable law.71 One of John Lawrence's Punjab maxim was:

> do a thing regularly and legally if you can do it as well and vigorously it that way as irregularly and illegally.72

The distinction between a Deputy Commissioner and a Magistrate-Collector was such that as late as 1877, Mrs. Moss King wrote:

> Robert ... is to take up the post of collector at Meerut, it is much the same as a Deputy Commissioner in Oudh, save that the work is less and the pay more... All Civil and all heavy criminal cases, both of which came before him in Oudh, are here tried by independent judge...73

It must not, however, be assumed that because this less elaborate and less costly administration had answered every purpose of government, in the provinces to which the British had set at work in the Regulation had been altogether a mistake. The fact was, that the extension of British empire had brought the government closer and closer to the outskirts of civilization, and that having

to deal with a "ruder" people, the British had expedi-
dently subjected them to a "ruder system" of government.
It was hard to imagine how the British officers could
have made those Regulations effective which the ablest
lawyers in India Pronounced to worthy of Justinian. What
a people suddenly finding themselves under the sovereignty
of a new set of rulers most required, was a government
very little advance of that from which they had been
transferred. All abrupt and violent changes were as
injurious to the constitution of a nation as they were to
the constitution of a man. 75

Further, some of the new provinces were required
to be pacified before these could be brought under any
stable form of government, by the suppression of the
robbers and disbanded soldiers who overran them. The work
was more suitable to the army than to the Civil service,
which in any case, had not enough men for all the work
involved. 76 Accordingly, it became the common practice
to appoint military officers to Civil posts in the non-
regulation territories, and the posts in these territories
had not been included in the schedule of appointments
reserved for the company's covenanted service. 77

75. Ibid.
This rough and ready kind of rule happened to be a result of reaction in the minds of a group of British administrators against the over-legalistic system which had been developed in Bengal, Madras, and Borribay and which had not altogether yielded the happy results predicted by Lord Cornwallis and those of his school of thought. Lord Elenborough disliked civilians, and Sir Charles Napier saw at once that too much civilianism would be the ruin of Sind. 78 He left the entire management of the country to the hands of the soldiers. He could not see that there might be danger in too little civilianism. Hence all the evil in the administration of Sind was traceable to the exclusiveness of the system. The administration of the Aracan and Assam territories had been almost exclusively in the hand of the soldiers; but it had not been an essentially military government in the sense that Sind was to be so regarded under the rules of Charles Napier. 79 But all the experiments of government which had been made, the greatest was that which had for its seat in the country beyond the sutlej. 80 The form of administration best suited to the Punjab was one embracing a judicious inter mixture of the Civil and military elements.

The superiority of the administration which was

79. Ibid.,
80. Ibid., p.53.
so marked in the non-regulation territories towards the close of the East India Company's Government ceased before many more years had passed. Improvement in the older provinces went on rapidly, and, although differences in the form of the administration still existed, the distinctions between Regulation and Non-Regulation provinces had been much less important than they were. A few comparatively "wild" tracts alone remained outside the pale of the codes of law and Procedure which applied to the whole of British India.  

The non-regulation system which had its origin in the Regulation X of 1822 for the administration of the Garo areas of North East Rangpur imperceptibly extended into Assam territories. Assam territories were to be governed by an executive composed partly of civilians and partly of soldiers upon a mixed system into which the spirit of the regulation is infused in such a way as to cause it to harmonise and blend itself with all that is good in the spirit of the native institutions.

Accordingly, the Commissioner of Assam was to administer under the principles and spirit of the existing Regulations.

To a thoroughly devastated country the non-regulation

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83. ASR, HP(A), August 1877, William Wards "Note on Laws in Assam", Para 33.
system unfettered by the letter of the law might well be adopted, all the more, when owing to their imperfect knowledge of the affairs of Assam, the supreme Government could not furnish any other instruction to the man on the spot.

The term 'Non-Regulation' never had any very precise definition, and had always been used in the vague sense of more or less exempted from the operation of general laws; but it was never decided to what extent 'non-regulation' districts were exempted from the operation of general laws until the Scheduled District Act was passed in 1874. William Ward, an erudite scholar on the Assam affairs considered that the scheduled District Act of 1874 introduced in Assam a Non-Regulation system in the limited sense, <~h>upto 1860, the officers of the Assam Administration were guided by no other rules than those specially laid down in the Assam code of 1837, and in matters not provided by the code, but for which some sort of legal provision was necessary they followed what they called the 'spirit' of the general laws. Not only was this rule followed by the officers when acting in their judicial capacity, _they_ adopted the same cule when acting executively, seeing that the code

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85. ASR, HP(A), August 1877, Op.cit., para 19,
86. Ibid., para 44.
referred to, being a purely judicial code, afforded no guidance to them whatever in the performance of their executive duties. The Assam code having been repealed in 1860, the officers of the Administration were strictly speaking, after that year no longer authorised to administer what they called the 'Spirit' of the old Regulations and Acts, and as no one complained, the spirit of the laws continued to be invoked, and where that failed to supply what was required, "equity and good conscience**, and "long established custom", were freely quoted in support of all procedure of doubtful legality. The officers of the Assam Administration had always been insisting that Assam was a non-regulation province, in the sense of not being subject to the general laws, a view which appeared also to have been encouraged at one time by the Government of Bengal. The fact was that Assam being a non-regulation province was exempted from the operation of all laws not specifically extended to it by the Scheduled District Act, 1874.

The Chief Commissioner of Assam reported in 1896 that the old idea of the province being non-regulation had long since been abandoned, as the most important department of administration, viz., the Land Revenue Department, was being carried on a complete legal basis which

88. Ibid., para 53.
89. Ibid.,
it never had before the year 1886, when the Assam Land and Revenue Regulation came into force, and it was already settled about the position of the province in regard to the enactments in force in it, which was brought out as the Assam code at a later date. The same correspondence stated further that a complete set of Manuals, containing rules for the guidance of officers in every department of administration similar to the Manuals issued in Regulation Provinces had been in force in Assam or would have been in force shortly in Assam. Thus, at the close of the 19th century the process was almost complete in the transformation of Assam from a non-regulation to a regulation province excepting in the matter of the commission not being composed exclusively of officers belonged to the Indian Civil Service. Even that disqualification was removed in 1907 when the soldiers ceased to be employed in the Assam commission.

The developments in Assam had corresponding impact on the Khasi and Jaintia Hills District. The situation took a new turn in the Khasi and Jaintia Hills when the Government of Bengal extended to this district the Act XXII of 1869, and by a notification issued rules for the administration of justice and police for the district.

93. Ibid., 1872, p.84.
The Khasi and Jaintia Hills District being detached from the mainstream of Assam administrative system was controlled in a deregulationised fashion. Only a portion, at a later date, was brought back to the Assam stream and finally as late as 1937 declared to be 'included' or normal unit of administration as in Assam proper.94

FORMATION OF DISTRICTS IN ASSAM

After the retreat of the Burmese from Western Assam, the Governor General in Council felt it necessary, pending permanent arrangements, to hold the territory under military occupation.95 The general management of the area was entrusted to David Scott whose jurisdiction had in the meantime been extended to the whole of the North-East Frontier. He was, of course, not to interfere with Lt. Col. Richards, the officer commanding the troops in matters of purely military nature but to afford him the most cordial and jealous support on all questions of general interest.96 After the capitulation of Rangpur in Assam, on January 31, 1825, the valley of the Brahmaputra was practically cleared of the Burnuse. As a temporary measure, a Joint Commissioner ship was then constituted. In addition to his military duties, Lt. Col. Richards was to hold the Civil charge of the areas

95. BSPC, February 20, 1824, No.15.
96. BSPC, July 2, 1824, Mo. 16.
commonly known as Upper Assam; while Scott remained in charge of the Western division or the Lower Assam. The Government, however, felt that the times ripe enough for the transfer of the general administration of Upper Assam to the Civil authorities. The Agent to the Governor General was, therefore, directed on March 7, 1828 to relieve Lt. Col. Cooper, who had been officiating as the Junior Commissioner since the departure of Col. Richards on furlough in December, 1825. The operation of the Martial law would also cease, it was added, with effect from the date on which Lt. Col. Cooper made over charge of his civil duties. Col. Cooper was relieved of his civil duties by Capt. Neufville, the newly appointed political Agent, Upper Assam; since then the office of the Junior Commissioner was also abolished. To discharge the duties of Civil and Criminal justice, revenue settle­ments and multifarious activities in the extensive frontier, Scott had the assistance of only one European officer, namely Capt. White, in addition to the political Agent Upper Assam. He was obsessed with the idea that the existing state of revenue did not justify additional hadds and, therefore, he always hesitated to demand an increase in the establishment. After the death of David Scott

97. BSPC, April 5, 1825, No.24.
98. BPSC, 7 March, 1828, No.8.
99. BPSC, 29 August, 1828, No.1.
and a short tenure of office of Cracroft, I-r. Robertson took over the charge of the North East Frontier of Bengal. He proposed that the territories under him were to be divided into a number of districts, and each to be placed under a permanent incumbent, an Assistant to the Commissioner vested with powers and responsibility of the Magistrate and collector.  

Up to 1833 the Government of India was yet to take the final decision to retain Assam an permanent occupation or not. The Government arrived at a final decision as to the administrative re-organization of the territories on 27 March 1833 when Lord William Bentinck accorded his approval to the proposals made by the local authorities to the effect that the territories on the west of the river Dhansiri were to be divided into five districts, as under:

(1) North East Rangpur or Gowlapara;

(2) Six Parganas, roughly the subdivision of Barpeta including Nagarberra;

(3) Lower Assam with twenty parganas, mostly on the north, and the nine duars on the south;

(4) Central Assam comprizing Naduar, Charduar and Darrang (Desh Darrang) on the North, Nowgong and Raha on the South of the river Brahmaputra;

(5) Biswanath, from river Bharali to Biswanath on the North together with the territory known as Morung, extending from Kaliabor to the river Dhansiri.

101. BPC, 30 May 1833, No.93.


103. BPC, 30 May 1833, No.110.
In each district, it was provided that an officer designated as the Principal Assistant to the commissioner be placed, who was to be aided in his duties by a Junior Assistant. Within a few years, the conventional designations of the districts assumed popular names.

Upper Assam (Sibsagar and Lakhimpore) was, in 1833, placed under native management. In October 1838, however, it was found necessary to resume this territory in consequence of the misrule of Purunder Singh, and to place it under the direct management of British officers. Sibsagar and Lakhimpore Districts at first received their instructions through the commissioner of Assam from the Government of India in the political Department. The arrangement, however, having been found inconvenient, the Government of India issued a proclamation annexing this territory to Bengal from August 1, and, after dividing it into two districts, with headquarters at Lakhimpore and Sibsagar. The British portions of Khasi and Jaintia Hills were transferred to the Assam commission in March 1854 and the said territory assumed the shape of a District under

<table>
<thead>
<tr>
<th>Old Division</th>
<th>New Division</th>
<th>Headquarters</th>
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<tbody>
<tr>
<td>North East Rangpur</td>
<td>Gowardha</td>
<td>Gowardha</td>
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<tr>
<td>Lower Assam</td>
<td>Kamrup</td>
<td>Gauhati</td>
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<td>North Central Assam</td>
<td>Darrang</td>
<td>Mongaldoli</td>
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<tr>
<td>South Central Assam</td>
<td>Nowgong</td>
<td>Nowgong</td>
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name - Khasi and Jaintia Hills District. Naga Hills District, with headquarters at Samaguting, was formed in 1866. The Notification (No. 508 dt. the 22nd January 1867) of the Government of Bengal creating the district declared that it should be administered by a Deputy Commissioner under the control of the Commissioner of Assam. Garo Hills were formed into a district in 1869. Cachar was incorporated as one of the Districts of Assam under the Home Department Notification No.300 of 6 February, 1874 of the Government of India. By a similar proclamation under the Home Department Notification No. 2343 of 12 September 1874 the Government of India attached Sylhet with that of Assam. Lushai Hills as a District emerged at the close of the 19th century and was duly incorporated in the Assam administration.

The officers of the Assam administration having charge of a District were known as Senior or Principal Assistant Commissioners. They were thus designated in the Assam code of 1837. In 1861 the designation of Senior or Principal Assistants was changed to Deputy Commissioner. The designations so changed in 1861 in Assam were not authorised by any legal enactment nor, apparently by any legal enactment.

110. ASRHP(A), August 1877; Op.cit., para 162.
112. Ibid.,
113. ASR, HP(A), August 1900; From Secy. Govt, of India to C.C. Assam, Dt. 14-2-1900, No.107.
rules or orders having the force of law. These
designations were adopted in 1861 by a notification of
the Government of Bengal with the sanction of the Governor
General in Council; and this notification was modified
by a further notification in 1862. The Indian Councils
Act only gave legal effect to executive orders issued by
Governor General in Council, or by the Lt. Governor of
Bengal, prior to the 1r August 1858. it did not therefore,
legalise the Notification of 1862.  

The revenue and magisterial-executive powers which
were exercised by the Deputy Commissioners in Assam
appeared also to have no legal basis. Generally speaking
all Deputy commissioners were exercising the powers of
Magistrate-Collector of a district in Bengal, but it
could not be discovered that they had ever been formally
vested with those powers either legally or otherwise.
In spite of a reference of a letter from Commissioner of
Assam to the Registrar of sadar Court No. 62 of 25 April
1835 that

Assistants exercise the usual powers of
collectors in the province under the
authority of Mr. Secretary Swinton's
letter of the 5th June 1829.  

The Commissioner of Assam in a letter No. 70 of 27 March

116. ASR, HP(A), August 1877; Op. cit., para 123.
117. Ibid., para 124.
118. Ibid., para 124.
119. Quoted in Ibid.,
1862 to the Deputy Commissioner Kamrup expressed his doubts as to the legality of the Deputy Commissioners of Assam as the Collectors, in the Bengal Sense. However, there was no doubt that whenever a Regulation or Act was adopted in Bengal, Deputy Commissioner used to exercise all the powers conferred by such regulations or Acts either upon a Magistrate or a Collector of a District. But the legal basis, as to the position of the Deputy Commissioner of Assam in conformity with the jurisdictions, powers, functions and duties of the Magistrate-collector of Bengal, had been provided only when the Chief Commissioner of Assam notified in 1898 to the same effect.

120. Cited in Ibid.
121. ASR, HP(A), April 1898, Nos. 21-24, Notification No. 884 J of the 16th March 1898.