STATUS OF COMPANY'S ARMY

The army officers of the East India Company were often employed for civil administration of conquered provinces. Their experience made them assume powers which were unknown to the army officers in England. The sanction of force behind the new empire gave the Company's officers unlimited powers, which did not have, however, the sanction of the British tradition. In England the army had been kept in a subordinate status to the civil government; the Commander-in-Chief's power was greatly overshadowed by that of the civil government. Wars came as the result of political arrangements; the Commander-in-Chief had no concern with such political decisions; his responsibility was confined to being the Commander of an expedition and providing equipment and manpower for service; and the real responsibility rested with the government or the War Minister who was the real Commander-in-Chief in times of war.

The status of the Company's army in India was determined partly by the British tradition at home. It is highly significant that of the fourteen Commanders-in-Chief in India between 1792 and 1852 ten resigned before the expiry of their term; of those who did not, two were themselves Governors General. Resignation by a Commander-in-Chief as a result of disputes with civil powers was by no means peculiar to the Indian situation. Sir Ralph Abercrombie had resigned his command in Ireland in 1798.

because of his disagreement with the civil government; General Fox resigned the same command in 1803 because of his differences with Lord Harwich. From the early days of the army of the East India Company, the Court of Directors had noticed disputes between the Governor General or Governors and their Commanders-in-Chief at the Presidencies. In order to put an end to such disputes the Court of Directors had granted in 1774 a special Commission to the Governor General and Governors at the Presidencies, constituting them Governors and Commanders-in-Chief of the fortress and garrison of their respective Presidencies.1 Orders within the garrisons, excepting those which related to regimental detail and military discipline, were given in the name of the Governor General or Governor; even the other orders were submitted to the Governor General or the Governor for his approval or disapproval. The military authority vested in the Governor General or Governor was allowed to be suspended only at the time of an attack on the fort and garrison and the Governor General or Governor was allowed to be the sole judge in matters of resumption of civil authority on expiry of military action. Even during the suspension of the Governor General or Governor's military authority, the Commander-in-Chief was subjected at all times to the orders of Governor General and Council. The rule did not restrict to the four walls of garrisons but extended over troops within or without the four walls.2

1. Court of Directors' instructions to Governor General dated 29 March 1774, vide Military Proceedings dated 13 November 1829, Paras 40-44
2. Military letter from Court dated 2 March 1831, Para 20
Thus all authority of the Commanders-in-Chief within the towns of Calcutta, Madras and Bombay, was taken away from them.

In the Council at each Presidency, the Commander-in-Chief held a status next to the civil head by virtue of being a member of the Council next to the civil head; but he was not allowed to assume an independent authority in matters of civil government in the absence of the civil head. When the vacancy of the office of the Governor General or Governor fell vacant, no Commander-in-Chief took over the charge of the government unless he had been officially appointed to fill that vacancy; that vacancy was filled as a rule by the Counsellor next in rank to the Commander-in-Chief. Thus, the Commander-in-Chief was permanently barred from assuming civil authority unless the government desired him to do so. The subordination of the military head to civil government was clearly intended.

However, though numerous rules and regulations were aimed at making the army head subordinate to civil government, the results could not be achieved without a series of disputes arising from the actual exercise of authority. Major Stringer Lawrence, who organised the Madras army in its infancy and earned the name of the father of


The East India Company Act 1793, dated 11 June 1793 (33,Geo, c52) Section XXX, vide statutes at large from the thirteenth year of the Reign of King George III to the thirty-fourth year of the Reign of King George III inclusive. 12th Volume of Hunnington's edition and 16th of Ruffhend's edition.
the Indian army, had many differences with the civil authority on the strategical movements of the Madras army.  

The major's subordination to the civil government was obtained by the Council of Fort St. George Madras by making him obey the orders of the Court of Directors that 'when any military designs and operations are under consideration of the Council', Major Lawrence was to lay before them 'such plans and explanations thereof' as may enable them to give proper order for the more effectual carrying them into execution and that, he was to be governed by such orders as he received in writing from the Court of Directors for the time being and from the President and the Council.  

Insubordination of the officers of the Company to the civil government was not to be tolerated. Already on 7 June, 1756, the Court had recorded: 'We hear the military in general have lately started many idle objections and make a doubt whether they ought to obey the orders of the honourable Company's convened servants at any of their settlements ...' The Court of Directors clearly specified the Company's powers through an order which enforced strict obedience. The management of all the Company's affairs, civil and military, by their constitution was vested in the Court of Directors, and the Court of Directors invested their President and Council at all the several Presidencies with

1. Puthanaswamy, Some Influences that made the British Administrative System in India, Madras 1939, p.132  
2. Loc. Cit.  
absolute powers. The Court made the army a subordinate department of the government, for:

Without such subordination the entertaining of military force would be useless and dangerous. It would be transferring the government and direction of the Company's settlements and property into the hands of the military. We can not relax or dispense with this condition, we require our strictest attention to it and for that purpose we do order and direct you upon receipt of this to acquaint all the military officers in our pay with these our sentiments, and thus you do ask each of them whether they are willing to continue in our service upon these terms. If any of them refuse to declare our submission thereto, you are, without distinction of rank or person, instantly to dismiss and discharge from our service every such officer who shall not explicitly signify his submission to these our orders. And let the officers you do dismiss be sent home at our expense by the first ship that shall sail from your settlements.

The Court also ordered:

If in future any officer of our forces shall refuse to pay all due obedience to your orders of such as act under you, we do require and order you to dismiss and discharge from our service and send home every such officer, and to fill up the vacancies with such other persons as you shall think proper.

Clive, no doubt a soldier first, did not lose sight of the necessity of keeping military of the Company on a subordinate status to the government. He was aware that at the back of Indian empire there must be physical force, but that force was only one of the factors in the foundation of Indian empire. He too supported the principle that the army should be subordinate to the civil power. He wanted the civil authorities that if at any time the army should

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1. Court of Directors instructions to Presidency Councils, vide Military letter from Court to Bombay, dated 5 July 1758.

2. Loc. Cit.
struggle for superiority, the Governor and the Council must strenuously exert themselves ever mindful that they were the trustees for the Company and guardians of public property under civil constitution. He exercised his superior civil authority when he put down the mutiny of Bengal officers in 1766.

The first half of the nineteenth century was marked by disputes between the military commanders and the civil authorities. A dispute arose, for instance, between Lord William Bentinck (when he was Governor of Madras) and Major General Sir John Craddock, Commander-in-Chief at Madras, in 1804. The Commander-in-Chief argued that 'military patronage’, that is the appointment of officers and their promotion, had nothing to do with the Governor General’s powers in the Bengal Presidency, and that those powers had been vested in him merely by virtue of his high position in political matters and for vesting in him a general control over the King's and Company's troops in all Presidencies. Craddock argued that promotions in the Madras army should originate with the Commander-in-Chief, because interference by the civil authorities in these matters encouraged the military officers not to care for the military authority.


A gross insubordination occurred on account of orders issued on 1 January 1766, that 'Double Bhatta' should cease. Many army officers were court martialed and sent home under the charge of insubordination when they mutinied against government's orders.
This was particularly important because the Governor General could appoint army officers to civil posts without consulting the Commander-in-Chief.¹ The Commander-in-Chief felt so strongly about his own position on this point that he threatened to resign if the patronage was taken away from Governor General's hands. The Court of Directors, however, sided with the civil authority and framed rules to enable the Governor General to exercise his superior powers as before.²

In 1809, another quarrel arose at Madras between the Commander-in-Chief, Lieutenant General Macdowell, and the civil government. General Macdowell had put his Quarter Master General, Lieutenant Colonel Munro, under arrest because 'tent contract', an allowance to officers in field, was discontinued by the government on a suggestion of Lieutenant Colonel Munro.³ The proposed measure of annulling the tent contract was not liked by many officers of the Madras army who requested the Commander-in-Chief to put Lieutenant Colonel Munro under arrest. The Commander-in-Chief put the Lieutenant Colonel under arrest in spite of the fact that the government, having carefully considered the measure, had directed that it should be carried out. The Council at Madras reminded the Commander-in-Chief that the act on which the charges against Lieutenant Colonel Munro had been

¹ Military Consultation, dated 25 July 1805, No.31.
³ Parliamentary Paper (subsequently abbreviated as PP), (Microfilm), Vol.2, P.85, House of Commons (subsequently abbreviated- Commons) No.300 of 1810
founded, was the act of the government, having been approved and adopted in the most public manner. The government sought the opinion of the judge advocate who opined that he had no doubt of the right of the government to interpose its authority if necessary, by discharging Lieutenant Colonel Munro from arrest. The government recommended Lieutenant Colonel Munro’s release, but the Commander-in-Chief refused to release him; he instead charged Munro with the additional offence of having submitted an appeal to the government without the permission of the military authorities. By a resolution of the Council and the Governor, Lieutenant General Macdowell was kept out of seat in the Council, and the government having found the Commander-in-Chief adamant and not caring for their recommendations, ordered Lieutenant Colonel Munro’s release. The Commander-in-Chief had to release Lieutenant Colonel Munro, but he issued the following order:

The immediate departure of Lt. General Macdowell from Madras, will prevent pursuing the design of bringing Lieutenant Colonel Munro, Quarter Master General, to trial for disrespect to the Commander-in-Chief, for disobedience of orders, and for contempt of military authority, in having resorted to the power of the civil government in defence of the judgment of the office at the head of the army, who had placed him under arrest on charges preferred against him by a member of officers command- ing Native Corps, in consequence to which appeal direct to the honourable the President in Council, Lieutenant General Macdowell has received a positive from the Chief Secretary to liberate Lt. Colonel Munro from arrest. Such conduct on the part of Lt. Colonel Munro being destructive of subordination, subversive of military discipline, a violation of sacred rights of the Commander-in-Chief, and holding


out a most dangerous example to the service, Lieutenant General Macdowell, in support of the dignity of the profession and his own station and character feels it incumbent on him to express his strong disapprobation of Lt. Colonel Munro's unexampled proceedings, and considers it a solemn duty imposed upon him to reprimand Lt. Colonel Munro in general order, and he is reprimanded accordingly.

The Council at Madras considered the act of the Commander-in-Chief as one of deliberate disrespect to the civil authority over the military, they decided to remove him from the command of the army, in fact through a general order of the government:

It has recently come to the knowledge of the Honourable the Governor in Council, that Lieutenant General Munro Hay Macdowell did, previously to his embarkation from this Presidency left to be published to the army a general order dated 28th instant, in the highest degree disrespectful to the authority of the government, in which that officer has presumed to found a public censure on an act adopted under the immediate authority of the Governor in Council, and to convey insinuations grossly derogatory to the character of the government, and subversive to military discipline, and of the foundation of public authority ... Lieutenant General Macdowell is accordingly hereby removed from the station of Commander-in-Chief of forces at Fort St. George.

The Governor also ordered that the general order left by the Commander-in-Chief be expunged from every public record as it was in the highest degree disrespectful to the authority of government.

Again, in 1831, the Commander-in-Chief Dalhousie (obviously not the Governor General Dalhousie) had a difference of opinion with the Governor General on the question

2. PP(Microfilm) Vol.7, P.201, Commons 95 of 1810-11.
of military appointments. The question related to Captain Fitzgerald who was at that time a Brigade Major. Reduction took place in the number of Brigade Majors and Captain Fitzgerald was removed from his post, though he was not the junior most officer on the establishment. When questioned by the Governor General as to why the junior most officer did not vacate the office, the Commander-in-Chief explained that he had ordered Fitzgerald back to his Regiment on grounds of incompetency. The Governor General accepted this explanation by the Commander-in-Chief. ¹

At about the same time, some vacancies occurred for the appointment of Brigade Major and the Governor General rejected some of the recommendations made by the Commander-in-Chief. He complained that the Governor General had interfered in a department over which the Commander-in-Chief alone had held control; and he considered the interference unnecessary and uncalled for. ² The Commander-in-Chief wrote to the Council at Calcutta that his recommendations in making appointments should have been final and the Governor General's approval should have been a mere formality; by rejecting some of his recommendations, the Governor General had diminished the respectability and the authority of his office.

Sir C.T. Metcalfe, the Vice-President in Council, reviewed the representation of the Commander-in-Chief and

1. Military letter to Court dated 21 November 1831, Para 5-8. An enquiry subsequent to Captain Fitzgerald's removal revealed that he was an efficient officer and his removal from the office of the Brigade Major was unjustified (Minute by C.T. Metcalfe, Military Department Consultation dated 13 January 1832, No. 58).
2. Military Consultation, dated 13 January 1832, No. 57
opined that throughout the course of events, the Governor General's action was well considered and judicious. Metcalfe's own view was that the action taken by the Governor General had in no way diminished the respectability of the Commander-in-Chief's office. He wrote to the Court that though the Commander-in-Chief would like his recommendations to be accepted as a matter of routine, this was not Metcalfe's own view. He wrote:

I cannot bring myself to believe that the rules, which established that as a necessary form, were devised for the purpose of its being entirely negatory, or that it was intended that the superior authority should be merely the instrument for announcing the orders of inferior ... if the government is responsible, it must exercise its judgment, and if it is neither responsible nor at liberty to exercise its judgment, it would be better (that ) the mere form of submitting recommendations should be abolished. But if any responsibility attaches to the government for what becomes its own act, there cannot it seems to me be any cause of remonstrance on the part of the Commander-in-Chief.

Dalhousie found it difficult to continue in his office in the face of this studied support from the Vice-President in Council to the civil authorities against the Commander-in-Chief. When the case was put up before the Court of Directors, they also favoured the civil authority. Dalhousie was obliged to vacate his office.

The new Commander-in-Chief too came to have difference with the Governor General. The office was given to Sir Edward Barnes, who would not yield easily. Soon a

1. Minute by Vice-President in Council Sir G.T. Metcalfe, vide Military Consultation dated 13 January 1832, No.58.
controversy arose between Commander-in-Chief, Barnes, and the government. The officers of the Company's army were required to pay 'Commission Money' on their promotion to a higher rank and on first appointment. Their seniority appears to have been affected by the mode of payment of the Commission Money. The Commander-in-Chief objected to the method of collection adopted by the government as it caused to some officers a loss of seniority and pay. He asserted that the government had no right to interfere, for he had the authority vested in him by a warrant of His Majesty to adopt methods of collecting fees and to grant commissions direct to the Company's officers. The Commander-in-Chief threatened the Council that if they did not agree to his proposals concerning the collection of fees, he would grant his officers King's Commissions from his Military Secretary's office until the government made provisions to grant the same.¹

The Commander-in-Chief went a step farther and declared his intention of resigning if the government did not agree to his proposals: "if I should ever be found swerving to the right or the left", he wrote, "to serve one service at the expense of the other, or sacrificing in any degree the interests of either, collectively or individually, to promote any private interest or sordid views, I shall instantly be

¹. He wrote to the government: "I trust the government will see the propriety of seconding my views in this respect and relieve me from the necessity of compelling officers to take out their King's Commission from the Military Secretary's office, and at the same time to restrict all officers in the Company's service to the comparative rank with the King's officers which the law assigned to them unless they are in possession of King's Commission. (Military Consultation dated 17 September 1832, No.18).

². Military Consultation dated 17 September 1832, No.18).
prepared to surrender into your hands the commission which I have been honoured with by the Court of Directors, and return to England to lay at the foot of the throne that which has been confided to me by the King.

The Council was not to be intimidated in this manner. They re-asserted:

they could not allow that there was any matter of public interest in India, over which the government was without control and that the King's troops, the Company's troops, the King's Commander-in-Chief, the Company's Commander-in-Chief forming altogether the army in India were entirely and completely under the power and authority of the government.

Furthermore, the Vice-President in Council, Sir C.T. Metcalfe, made a complaint to the Court of Directors regarding the abnormal and independent posture adopted by the Commander-in-Chief. Eventually, the Commander-in-Chief was dismissed by orders of Her Majesty. But before the orders of his dismissal reached India, another controversy had arisen between him and the government.

This time differences arose from the Commander-in-Chief's views regarding the mode of correspondence. He wanted his Military Secretary to be the medium of general correspondence with the government. The government reminded the Commander-in-Chief of the Court's orders which prohibited the Military Secretary to be the medium of correspondence except on important matters, and desired that all

1. Military Consultation, dated 17 September 1832, No.23
2. Military letter from Court, dated 30 July 1833, Para 1
correspondence should be conducted through the medium of the Adjutant General, as was the custom and rule of the service. To evade the orders, the Commander-in-Chief commenced an unprecedented mode of correspondence by sending all letters under his signatures, instead of sticking to the mode of correspondence previously in vogue. The Council wrote to the Commander-in-Chief that it could not be conceived that he was superior to the government; if he was subordinate, which they thought was unquestionable, he could not have the right to dictate to the government, or compel its submission to his will. His attempt to do so was 'subversive of the natural and proper order of things!' The government rejected all correspondence under the Commander-in-Chief's signatures and ordered it to be sent back to the Commander-in-Chief. The Commander-in-Chief promptly sent it back to the government for acceptance. This correspondence shuttled between the government and the Commander-in-Chief for some time. The Commander-in-Chief, at last, wrote a conciliatory letter to the government in which he stated that 'being most sensible of the necessity of preserving the best possible understanding with the government, both for the public good, as well as individual gratification, I now enclose remodelled letters, corresponding with those which were originally under my signature, but which are now signed

1. Military letter from Court dated 26 August 1818, Para 135-200; The letter contains orders prohibiting Military Secretary to be the medium of correspondence except on important military matters.

by the Military Secretary. These, if the government pleases, it can hand to its Secretary in the Military Department, and the original letters can be returned to me, and the whole of the correspondence which has gone through ... but in making this proposal in the full spirit of conciliation I beg that it may be most distinctly understood, that I do not relinquish the right of addressing the government upon any subject I may deem necessary, making myself the judge of the importance thereof, and to receive direct answers thereto from the government.  

The Vice-President in Council appreciated the Commander-in-Chief's conciliatory spirit but attacked his right of choosing the method of correspondence according to his wish. He informed the Commander-in-Chief that whilst it always had been the government's endeavour to exercise the utmost consideration towards him, it was his duty to maintain the government's authority, and disallow any attempt at dictation on the part of a subordinate functionary, however high in rank and office; and on these grounds regretted to recognise the Commander-in-Chief's assumed right to alter, and regulate at his pleasure the form of the correspondence.

The Commander-in-Chief did not care for the Vice-President's communications and resumed to the irregular channel of correspondence. The Council thereupon wrote to the Court of Directors to advise the Commander-in-Chief in

1. Letter from Commander-in-Chief Edward Burnes to Sir C.T. Metcalfe, Vice-President in Council dated 4 August 1831; vide Military Consultation dated 27 August 1832, No.10.
the best interest of public welfare to submit to government. But before the Vice-President's complaints reached England, the Crown had already ordered dismissal of the Commander-in-Chief, Edward Burnes, on charges previously preferred against him. The Governor General Lord William Bentinck, was appointed Commander-in-Chief of all the forces in the territorial possessions of East India Company in place of Sir Edward Burnes.

In Indian government, the status of the Commander-in-Chief was only second to that of the Governor General of India but he felt very strong because in addition to his being the head of the army, he had the Horse Guards behind him. The numerous instances of dispute between the military and civil authorities prove that the Commanders-in-Chief did not very much care for the Governors or Governor General. Their struggle could end only if one was made clearly subordinate to the other. Since the military force in the last resort was the final and sometimes the only arbiter in the territories where no orderly tradition of power had yet been established, the Indian government decided to settle the question of supreme authority once for all by ascertaining the status of the army as one of a subordinate department of the supreme government by an Act of Parliament in 1833.

1. Despatch to Public department in Bengal dated 29 May 1833; vide William Bentinck Papers (Microfilm) Reel 32.
2. Letter from Horse Guards dated 16 May 1837; vide William Bentinck Papers (Microfilm) Reel 32.
3. Evidence of Mr. Travelyn; vide Select Committee on the East India Finance, 1873.
This was confirmed by the Indian Government's Acts of 1853 and 1858, which vested the superintendence, direction, and control of the whole Government of India, civil and military, in the Governor General in Council.¹

Much improvement in civil and military relations resulted from the act of 1833, but it could not stop the struggle. Between 1833 and 1858, there are two classic examples of struggle during the Governor Generalship of Lord Auckland and Lord Dalhousie.

In 1838 Lord Auckland issued some directions with respect to the organisation of the Indian army in support of Shah Shuja for operations in Afghanistan. Sir Henry Fane,

¹ Government of India Act, 1833 (3 and 4 Will 4, C 85) dated 25 August 1833; vide the statutes of the United Kingdom of Great Britain and Ireland with notes and references by R. Simons Vol.13, London 1835. The following articles are important:

Section 39, P.437: The superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be and is hereby vested in the Governor General of India in Council.

Section 65, P.441: The said Governor General in Council shall have and be invested by virtue of this Act with full power and authority to superintend and control the Governors and Governors in Council of Fort William in Bengal, Fort St. George Bombay, and Agra; in all points relating to the civil or military administration of the said Presidencies respectively, and the said Governors and Governors in Council shall be bound to obey such orders and instructions of the said Governors and Governor General in Council in all cases whatever.

Section 39 and 65 in effect placed the administration of the Indian army under the Governor General in Council. Articles 73, 74, 75, 78, 79 and 80 also relate to army.

* Provision had been made in the Charter Act of 1833 for dividing the overgrown Presidency of Bengal into two distinct Presidencies of Fort William and Agra respectively, but the enactment was suspended by statutes of 1835 and 1853.
the Commander-in-Chief, regarded these directions by the Governor General as interference with his command, and objected strongly in a letter to the Governor General:

'I have the honour to acknowledge the receipt of your despatch... to require my acquiescence that the civil government shall dictate to me the organisation of a force placed under my command, for a specific object. He then added, 'I think the principle is so entirely at variance with what is right, and such a precedent once established, so calculated to tend to future evil, that I feel it my duty at once to protest against it.' The Governor General was, however, in a better situation to deal with the problem than previously and reminded the Commander-in-Chief that his position had been elevated to one as representing the supreme government, the legislature had confided to him the superintendence, direction, and control of the whole civil and military government of India. The Governor General argued that in directing the organisation of Indian army, he had political as well as military points in view and that he would have abstained from giving his directions if the scheme had been military alone. The Commander-in-Chief had to submit to the directions and arguments of the Governor General and he agreed to modify the organisation of the force. This was a decided victory of the civil

1. Foreign Secret Consultation (subsequently refer to as For. Sec. Cons.) dated 17 October 1834, No.24
2. For. Sec. Cons, dated 17 October 1839, No.25
3. Loc. Cit.
4. For. Sec. Cons, dated 17 October 1839, No.30
over the military authorities and can be attributed to the Act of 1833 as well as to the considerate temperament of Auckland. It was unfortunate that the Commander-in-Chief did not get along well with the Governor General even when a major difference on account of organisation of an operational force had been settled amicably. Sir Henry Fane, who was to have taken charge of the Bengal troops and to have proceeded with those of Bombay to Afghanistan, had to decline the command.\(^1\)

There is yet another instance of a quarrel between two renowned personalities of Indian history, Lord Dalhousie and his Commander-in-Chief, Sir Charles Napier. Napier, was a very strong man and a seasoned soldier, who had been especially selected for the appointment by the Duke of Wellington when during the Second Sikh War, the Company's army had been unsuccessful in many battles and the empire appeared to be at stake. Unfortunately for him, the war ended by a miraculous victory before he assumed the command of the army. He was thus trapped into doing peace-time duties, which were not suited to his temperament. In the first interview on his appointment, Lord Dalhousie told him that he had been warned in letters from England against his (Napier's) endeavouring to encroach upon his (Governor General's) power, and that he would ensure that Napier would not. Soon after the assumption of his appointment, Napier

\(^1\) Evidence of Sir Willoughby Cotton; vide Report of Commissioners, Question (subsequently Q) 4584.
discovered that in making civil and military appointments of army officers he had very little power; two-third of those appointments in Bengal had been made by the Governor General or by the civil authority without any recommendation from military chiefs, and the rest one-third emanated from the Commander-in-Chief, who however could only recommend. 1 We find Napier making complaints to the Duke of Wellington against Dalhousie's attitude towards him when he had disbanded a Battalion of Native Infantry, 2 and transferred a Regiment of Gurkhas into the vacancy, without consulting the supreme council at Calcutta, thinking it to be an entirely military matter. 3 Even though Napier had taken this step owing to the Native Infantry Battalion having been in mutinous spirit for some time, and he wanted to set an example, the civil government did not view with sympathy the action of the Commander-in-Chief.

Thus for some time tension had been created, and which it was followed by a severe blow to the idea of the army's superiority or equality with the civil government. The contest arose out of an increase in the pay of troops at Wazirabad by orders of the Commander-in-Chief on the recommendation of Brigadier J.B. Hearsey, commanding at Wazirabad. 4

2. Mowson, Records of Indian Command, Calcutta 1851, P.101
3. PP (Microfilm) Vol.9, P.103, Commons 247 of 1857
The compensation was granted to make up for the rise in price of the whole rations, which was to be calculated by the Commissariat. The Government of Lord Hardinge had ordered in 1844 that money compensation to the native troops, for high prices of provisions, should be allowed on aggregate of the price of all articles composing the ration of the Sepoy, and not upon each article of food. This order had been violated by the Commander-in-Chief without any reference to the government and without enquiring into the recommendations of Brigadier Hearsey, which came out to be erroneous; and the Commander-in-Chief was accused of having assumed the functions of the supreme government. The Commander-in-Chief explained that he had no option but to increase the pay of troops at Wazirabad because the orders of the government had produced an unprovoked state of insubordination in some Regiments and that being confident of support of the supreme government he had undertaken those measures respecting pay.

Lord Dalhousie did not think it appropriate to reverse the orders of the Commander-in-Chief in view of his explanation of the circumstances under which he had to increase the pay of the troops but he conveyed to the Commander-in-Chief: "for the future guidance of His Excellency, that the Governor General in Council will not again permit

1. Military letter from Court dated 28 May 1850, vide Discussions.
2. Loc. Cit.
the Commander-in-Chief, under any circumstances, to issue orders which shall change the pay and allowances of troops serving in India and thus practically to exercise an authority which has been reserved, and most properly reserved, for the supreme government alone. The communication of the Governor General was pungent enough and the Commander-in-Chief took it to be a personal insult to have been reprimanded in strong words. He wrote a memorandum, in which he argued in support of the just exercise of his own authority and against the unjust reprimand of the Governor General. Napier blamed Dalhousie for not supporting him when he was faced with the mutiny of troops and declared that he was not sure of the support of the Governor General if such a situation re-occurred; and on these grounds he gave out his intention to resign from service. The Governor General condemned the acts of the Commander-in-Chief. He argued that there was no mutiny among troops as the Commander-in-Chief had himself circulated the order that 'I have seen most of the armies of the world, and I have never seen one that is better paid and better disciplined'. It was evident that there was neither a mutiny nor a pressing need to increase the pay of troops, and his claim as Commander-in-Chief of the army to power to alter the pay and allowances of troops under his command, if conceded, would amount to

1. Minute by Governor General of India Lord Dalhousie dated 13 April 1850; vide PP Vol.47, P.197; Commons 80 of 1854.

2. Memorandum by Commander-in-Chief to Governor General dated 22 May 1855; vide Discussions.

giving two masters to the empire of India and would render the sure administration of the government plainly impossible. The Governor General also pointed out that he was responsible for the financial administration of the empire and that the finances could not be placed under the control of its Commander-in-Chief and that doing so would mean making the civil government subordinate to the wishes of the Commander-in-Chief.

The Duke of Wellington, though a valient soldier himself, supported Lord Dalhousie and established the supremacy of the civil authority. The Duke remarked that Lord Dalhousie's proceedings were right in giving his directions even when there was a mutiny among troops because it was not unusual to instruct a Commander-in-Chief on the terms offered to the mutineers, and that the Commander-in-Chief had no right to increase the pay of troops without having given such an opinion to the President in Council. The Duke supported the action of the Governor General and was of the opinion that he had done his duty in expressing his disapprobation of the act of the Commander-in-Chief who had repealed the orders of the government and also recommended to the Crown to accept his resignation. The Court of Directors also supported the action pursued by the Governor General and dismissed the accusation of the Commander-in-Chief that the Governor General did not render the support

1. Memorandum by the Commander-in-Chief for Governor General dated 22 May 1855; vide Discussions.

required of him. The Crown accepted the resignation of the Commander-in-Chief and thus vindicated the authority of the civil government.

The above mentioned instances established the position and status of the army as one of a subordinate department of the government, which was in no way superior or equal to it. This is not to suggest, however, that the importance of the army of the East India Company was any the less for being technically subordinate to the civil authority. The subordination of the army was not obtained out of jealousy, but the very existence of a class of men set apart from the general mass of a community trained to particular uses, formed to peculiar notions, governed by peculiar laws, marked by peculiar distinctions poses problems of profound political importance. Thus, the subordination of the army to the civil authority was regarded as a political necessity. The peculiar position of the East India Company as well as the English tradition dictated this subordination.

However, the army of the East India Company was often given the importance it deserved, particularly in matters for purely military considerations. For example, a difference of opinion arose with respect to the organisation of the armies of India for Afghanistan between the Commander-in-Chief, Fane,

1. Military Despatch from the Court of Directors to the Government of India dated 7 August 1850; vide Discussions.
and the Governor General, Auckland. The Governor General wrote to Fane that, had the effect of the Commander-in-Chief's scheme been military alone, he should scarcely have ventured to press his opinion in opposition to that of the Commander-in-Chief. The Governor General implied of course that he did not wish to violate the principle of non-interference in the internal administration of the army; he justified his intervention only on the grounds that the proposed action went much beyond the military sphere. Again, when in the battle of Moodkee, on 21 December 1846, the British were in a critical position after having suffered greatly at the hands of the Sikhs, the Governor General was careful to ensure that he did not interfere with the command of Lord Gough and therefore placed himself second-in-command of the operations. As the Governor General he could have assumed the command of operations but, by placing himself subordinate to the Commander-in-Chief, Hardinge demonstrated the need of overall control by military chief in a situation which was entirely military in nature. It was on such an assumption that Lord Gough ignored the suggestions of the political agent, while conducting the operations against the Sikh army at Chillianwala.

1. For. Sec. Cons., dated 17 October 1839, No.25.
3. Major Mackeson was appointed Governor General's political agent to the Commander-in-Chief. Mackeson was entrusted with the duty of obtaining intelligence and for conducting political negotiations. Mackeson's advice was sure to have weight as he obtained authority direct from the Governor General. But the Commander-in-Chief considered his advice unsafe and rejected his suggestions. (Calcutta Review, Vol.XV, P.292).
Notwithstanding the attitude of the Duke of Wellington with respect to Napier-Dalhousie controversy, he believed that the exclusion of the army from politics could be effective only if the civil government did not interfere with the matters of discipline and organisation of the army.\textsuperscript{1} Already in 1812, in a despatch to Viscount Melville, dated 12 March, he had written:\textsuperscript{2} "it is my opinion that all authority civil and military must be vested by the law in Governor in Council. The law must recognise no authority in the state". At the same time he underlined that: "the Company may and ought to instruct the Governor in Council, first to leave all matters of discipline solely and exclusively to the Commander-in-Chief, and to interfere in them in no manner, excepting when the safety of the state should require it".

Thus, we observe that there had been a constant struggle between the army authorities and the civil government and almost every time the conflict ended in dismissal or resignation of the Commander-in-Chief. Normally, however, the Governors General gave liberal powers to the Commanders-in-Chief in matters of entirely military nature. In the early days of the Company's rule the army commanders had extensive powers, for the Company existed on sheer physical force. But by 1833, most of these powers were formally annexed to the office of the Governor General. The subordination of the army to the civil power was always intended and it was actually obtained; but without prejudicing the essential prestige of the army.

\textsuperscript{1} Micheal, Op. Cit., P.28.