



Tipu's Palace (before 1870), Bengaluru

Chapter 6

The Early Commissioners

One of the notable developments of the rule of the Commissioners was the shifting of the capital from Mysore to Bangalore. As a result, Tipu's palace in Bangalore became the new Secretariat. The fifty years of the rule of the Commissioners saw the administration both modernised and westernised. The State was gradually provided with modern amenities. The establishment of a Cantonment in 1809 near Bangalore also resulted in Western ideas influencing Bangalore, a process further accelerated by the Commissioner's rule. "During the suspension of the Raja's rule, the British Commission exercised all functions and performed all duties of a Regency," reads the instruction issued on 27th April 1832.

C.M. Lushington, the Junior Commissioner, took charge in October 1831 and Col. John Briggs, the Senior Commissioner, in December 1831. In the three months that he worked, he introduced many useful reforms. When Lushington fell sick, he appointed Venkataramaiah, the former Faujdar of Nagar, as Dewan with the Governor's consent. Despite his reforms, Lushington, however, could not achieve much during the three months of his administration and the disturbances continued in some areas. He had abolished the Adalat (the only one) in the State, but he was not permitted to establish a new one. He had discharged a whole regiment of infantry maintained under the 1799 Treaty. All charities and religious grants were suspended pending examination of the claims. The establishment and military had not been paid for more than a year. There were two thousand prisoners in jail. "Several changes he had introduced in the administration had tended to create considerable confusion", says Shama Rao.¹ Thus, the Commissioner's administration in the State began on a negative note. Lushington's arrogance, being the younger brother of the Governor, further did not help matters.

¹.Shama Rao, p.466

After Briggs joined as Senior Commissioner in December, Lushington remained only for a fortnight before returning to Madras. But even during this short period, he had clashes with Briggs. Just before his departure, he publicly announced that the Dewan was to function as the actual executive head of the administration, assuring him for a good measure that he was to exercise all powers that Dewan Purnaiah had, and that the Commission was only to supervise his work.

Briggs, on his part, emphatically announced that the British Commission was appointed to represent the Maharaja, and that it was both a deliberate and an executive body. He lost no time in reversing all of Lushington's decisions.

Briggs made some proposals in earnest to improve the administration, but they were rejected by the Governor. Briggs was further forbidden from interfering with the Dewan's decisions and appointments. He was also not permitted to revive the highest court of justice or start any other court. For any administrative action, he was to await the opinion of the Junior Commissioner. Junior Commissioner G.R. Drury joined his post in March 1832. There could not be any unanimity between the two.

"The Commissioners, it would appear, had originally intended to leave in the Dewan's hands almost as much power as he had under His Highness, the Maharaja," says Hayavadana Rao,² but the Governor General did not concur with it. In June 1832, the Commission was made subordinate to the Government of India. In the same month, J.M. Macleod entered the fray as the Junior Commissioner.

Shortly thereafter, Briggs resigned but not without suggesting that there should be a single Commissioner. His resignation letter highlighted the frustration that he faced in his post: "In the enjoyment of the confidence of the Madras Government and the Resident, in the full exercise of a power with which I am forbidden to interfere, with the public servants of the State from the Faujdar of the district to the messenger of an office looking up to him for subsistence and promotion, the Dewan keeps an active espionage and maintains an extensive secret correspondence. Instead of me being able to transact public business with composure, my whole time had been taken in endeavouring to counteract the plots of the Dewan to keep me in the dark."³

The Governor General however did not heed his views. Briggs was transferred and Lt. Col. Morrison was appointed in his place.

Nonetheless, before leaving for Nagpur, Briggs had introduced certain changes in June of 1832. He had curtailed the powers of the Dewan. The Dewan was to supervise over the finance department, and to take additional charge of the firiyad (complaint) section. The Sandal Cutcheri was also to be under him. Any aid the Dewan wanted from other branches was to be obtained in the form of requisitions sent through the Secretary to the Commission. He was not to issue any order to the military or the police and any appointment

2. *C.H.*, p.2878

3. *Quoted by Shama Rao*, p.468.

or order was to be issued through the express sanction of the Commission. The Dewan was placed on the footing of any other departmental head. Dewan Venkataramaiah whose work was considered unsatisfactory was replaced (14 May 1832) by Babu Rao, and shortly after, the post of the Dewan was altogether abolished (19 April 1834).

Administrative Set-up in 1831

The existing departments then were: (1) Dewan's office, (2) Firiyad or Petition Branch, (3) Huzur Adalat or Judicial Branch, (4) Treasury Branch or Khajana, (5) Cavalry Branch or Sawar Cutcheri, (6) Infantry Branch or Barr Cutcheri, (7) Kandachar or Police Militia Branch, (8) Anche or Postal Branch, (9) Sandal Cutcheri and (10) Huzur Cutcheri.

The Dewan, being a high functionary, was expected to prepare the estimate of the coming year's revenue and demands for expenditure. It was the centre from where all orders were issued. Briggs had, as already seen, curtailed the powers of the Dewan to a large extent, so unlike the earlier practice of exerting all powers as in the days of Purnaiah, the Dewan's powers had become defined and limited.

Five kinds of courts were functioning during 1831, viz. (a) Village Court under the Patel or headman, (b) the market day Kotwal Court, (c) the Amil's Court at Taluks, (d) the Court of Subheddar or Faujdar Court and (e) the Huzur Adalat. There was both civil and criminal jurisdiction, though this was not duly defined. "The Patel had in fact concentrated all power into his hands by relegating the Panchayats to the background," says K.N.V. Shastry. Briggs fixed the civil jurisdiction of the Patel to Rs. 10, the decision being based on oral evidence. The Shanbhog was to record the proceedings and forward it to the Amildars. When the amount involved exceeded Rs.10 but was under Rs. 100, it was to be heard by the Patel in the presence of Panchayat, according to certain prescribed rules.

Punishment for criminal cases was to be pronounced by the Commissioner or his deputy. More courts were instituted to check delays and the accused from languishing in the jail without a judgement being pronounced.

The Patel could hold an accused under his custody for 24 hours for petty crimes, and in case of more serious crimes, the case was to be referred to the Shekdar. The Shekdar, with the co-operation of the Patel, was to perform the *mahzar* and send it to the Amildar together with the statement of the accused. The Shekdar was the ex-officio head of police in his jurisdiction. The Patel was to supervise the village watchmen and with their help, trace the criminals and bring them to book.

Kotwal was to try cases at *shandys*, and no appeal was allowed if the litigation did not exceed Rs. 20. Amildar could hear cases not exceeding Rs. 20 by oral evidence. If the case's involvement exceeded Rs. 100 to Rs. 500, he was to take the help of the Panchayats.

The Faujdar was authorised to hear cases up to Rs. 500, keeping record of the same. When the value exceeded Rs. 500, he was to seek the help of the Panchayats. He was authorised to sentence the accused for a period of five years with hard labour or in chains. But proceedings of such cases were to be reported to the Supreme Court.

The Supreme Court or Huzur Adalat had two Bakshis or Judges and five Panchayats or assessors, as practiced earlier. Civil cases not coming under the jurisdiction of other courts were to be heard by the Adalat. In special cases, it could invite twelve assessors. It could try all criminal cases and even award capital punishment, but only after referring the matter to the Commission. The Commission's written consent was needed to execute capital punishment. The Adalat (the Supreme Court) had to tour the State twice a year to try all cases of dreadful nature. Where the value did not exceed Rs. 1000, the award of the Supreme Court was final.

As the length of roads increased, the importance of the Kandachar men too was enhanced. They were to work in co-operation with the military, as *doly or doli* bearers and escorts to travellers. They operated on the roads, especially the ones leading to the Nilgiri Hills. They were also engaged in road-laying, repairs and construction of buildings. They were supervised and recruited by the Bakshi. The killedars stationed at numerous forts also made use of them for military purposes. These *killas* or forts were retained to station armies under a Killedar.

From June 1832, accounts of all government transactions were ordered to be maintained according to the English calendar year, including payments. (The old lunar calendar was discarded). This was opposed by the Junior Commissioner, but Briggs put his foot down. Hayavadana Rao describes Briggs as "a vigorous personality and bearing of a true soldier. He was remarkably assiduous and brought to his task both freshness and sincerity. By close application to the duties of his office, he was able to discern and unmask the State's real affairs. He uncovered several statements from official reports that had helped give birth to annoyances to which the Maharaja had been subjected to."⁴ He toured the Nagar area, reconciled various turbulent leaders of the rebellion and restored peace. When the people told him of their ill-treatment by Appanna, an officer, Briggs had him dismissed.

On Briggs' transfer to Nagpur, Junior Commissioner Macleod was made the Sole Commissioner. However, the strict instruction was that, no changes in the administration were to be introduced unless they were very urgent and unavoidable.

Morrison as Commissioner

Lt. Col. Morrison joined the post of Senior Commissioner in February 1833. He made a thorough study of the institutions in the country. He later met Governor General Bentinck at Ooty (Udakamandalam) in 1834 and made his

4. C.H., p.2891.

representation over the changes to be introduced in the State. As per the changes suggested, the State must have four divisions instead of six. To each division a European Superintendent was to be posted who was to take orders only from the Commission. The Superintendent was to conduct revenue, magisterial and certain judicial duties and supervise every department of the government. Old traditions regarding religious institutions were to be respected and maintained. The Amildar would continue to take charge of the police, but he was not allowed to interfere in criminal cases. The village watchmen were to report all offences to the Amildar and the extraordinary cases were to be reported to the Superintendent.

As regards Police, Bentinck prescribed Regulation XX of 1817 of Bengal and rules contained therein to be followed. In all criminal cases, the Amildar was to report the matter to the Superintendent, and he could detain the accused for seven days. The Superintendent could hear the case, and Panchayat could be summoned. He could refer the case to a new class of officers called Sadar Munsiff. But in cases of difficulty, the case could be referred to the Commissioner. Imprisonment of two years could be awarded by Sadar Munsiff without referring to higher authority. In addition, murder, plunder or gang robbery were made liable for death sentence.

The Governor General was not inclined to vest the Patels with civil power. Amildar was empowered to hear cases involving an amount of Rs. 20 by oral evidence without the Panchayat, except in cases of corruption or gross partiality. The Amildar could also hear with the Panchayats, cases involving issues of personal property exceeding Rs. 20 to the limit of Rs. 100, but he was to retain record of the case. Appeal from all such cases to Sadar Munsiff was to be within 30 days. In personal property not exceeding Rs. 500, the Amildar in the presence of the Panchayat could settle the matter in accordance with existing customs.

The principal Sadar Munsiff could try suits involving personal property exceeding a value of Rs. 100 to Rs. 5000. Appeal lay with Commissioner on his decision. Suits regarding government lands or revenue were to be heard by the Superintendent. The Superintendent was to have exclusive jurisdiction on suits involving personal property worth more than Rs. 5000.

The Commissioner was vested with power to hear all appeals. Even if there was no appeal, the Commissioner had the power to interfere and pass order on cases when he considered it just and proper. The Commissioner was permitted to avail the help of the Huzur Adalat composed by three judges, one Pandit and one Mufti.

The rules prescribed by Morrison were approved by the Governor after much deliberation. Bentinck emphasised the great need of appointing respectable men to all these offices on adequate salaries. He was opposed to the appointment of native officers with inadequate salaries. As per the suggestion of Morrison on 14th April 1834, four European Superintendents were appointed instead of the Faujdars.

In case of appeal by cultivators to the Commissioner to revise the system of land settlement, the Superintendent was to obey his orders. The renting system was to be slowly discontinued. The Patels and Shanbhogs were ordered to be restored to their proper place. Any change in money rent was to be avoided. Only the Commissioner was permitted to do so. When land was given to another in case of death of the cultivator, all dues were to be collected before the transfer. Every effort was to be made to substitute kind payment by cash, especially in dry lands.

In April 1834, Morrison appointed as Commissioner, and in June, Cubbon took charge. But the office of the Resident was continued. J.S. Fraser was appointed the Resident and Commissioner of Kodagu. He was succeeded by Major Stoke before the post was abolished in 1843. "The abolition of the post of Resident was at first felt by the Raja as a great blow, but it brought him into closer relation with the Commissioner. Before this, in 1844, in a letter to Lord Hardinge, the then Governor General, the Raja pushed his claim for the restoration of his kingdom," says Rice.⁵

The court of Directors replied to his request, saying that "the real hindrance is the hazard which would be incurred to the prosperity and good government the country now enjoys by replacing it under a ruler known by experience to be thoroughly incompetent."

The Maharaja's extravagance had caused the accumulation of a heavy debt with nearly Rs. 35 lakhs to be paid. A special officer, J.P. Gant was appointed. The debts could be extinguished only in 1857.



Bangalore Fort, Main Gate; A Watercolour Painting, 1790-92



⁵. Rice, p.431.