

CHAPTER III
CHANGE IN THE POLITICAL SYSTEM OF GUJARAT IN THE
19TH CENTURY

Scope of the Analysis

We described in the previous chapter the peculiar nature of the British Rulers who conquered India. In this chapter we will analyse the changes that were brought about by the British conquerors in the political set up of Gujarati society during 19th century. The scope of our analysis in this chapter will be as follows:

1. The change that took place in the political set up in Gujarat due to the fact that Gujarat, along with the entire Indian territory, became the part of the British Imperial Colonial political system.

2. The second important point which we will observe as a part of our analysis of the political change, would be the change in the internal structure of political administration brought about by the British Rulers to govern Gujarati society. The following characteristics of the new political set up will be elaborated.

(A) The evolution of the structure of the political system on the well-defined differentiations of functions and organized in departments like Executive, Legislative, Judicial, Educational, Health and others.

(B) The organization and functioning of different departments of the Government according to fixed procedures and rules instead of traditional conventions or arbitrary and personal whims of the individuals heading the departments. In short, ^{it will be} the study of the attempt to build the entire political machinery on the principle of rational-legal, bureaucratic administration composed of various offices.

(C) Introduction of a new appointative principle, not ascribed by birth, but on the basis of achievement either through educational qualifications, examination or efficiency and promotion for filling up the positions in the new machinery and the introduction of the principle of transferability of the government servants as the basis of new administrative set up.

3. The law was not merely separated from Religion and Custom, but was made supreme. The other regulative systems were subordinated to it.

4. Introduction of new system of taxation.

5. We will then examine the impact of the peculiar traditional caste and other features of Gujarati society on this newly emerging political system. Here we will observe the peculiar distortions which the political system had to experience to adjust to complex customary regulations emmeshing Gujarati society, by preserving certain customs, and/or by elaborating certain extraordinary procedures to accommodate certain groups and their status. We will also observe the peculiar impact of the traditional caste system on the political apparatus and the way in which some of the higher castes dovetailed themselves into the upper rung of the new power ladder.

6. We shall then examine the limitations of the new political set up and the reactions of the people arising out of the desire to rectify the limitations.

I

GUJARAT MADE A PART OF IMPERIAL COLONIAL SYSTEM

As observed in the first chapter, in 18th century, Gujarati society was politically fragmented and was dominated by a large number of chieftains and rulers ceaselessly warring with one another. Hundreds of states either independent or under the nominal or real domination of

powerful groups of Marathas, or Subas of Moguls, ruled the country. Being constantly at war with one another they kept the Gujarati society in a sense of peculiar insecurity.¹ A large number of scholars and literateurs have pointed out how the advent of British rule engendered peace and political stability in Gujarati society. Poet Dalpatram while describing the conditions of Gujarati Hindus prior to British rule remarks that it was a common belief that safe travelling even for a few miles, in those days could be only done by a rifled police or by a hermit.² Further the same poet in his famous poem of 'Blessings on India' (Hind upar upakar vishe) invokes the people to be jubilant and bless the new Government and thank god for the security and safety which the British rule established, by eliminating the arbitrary plunder of the army-men, raids and tortures perpetrated by the dacoits and predatory chieftains as well as the haryassments meted out to people by thieves, robbers and oppressive officials.³ Further in the same poem the poet hails the new type of unity which the British political administration brought about in the whole of India from the Himalayas to Ceylon and from Calcutta to Cutch.⁴

The story of the conquest of Gujarat along with that of the conquest of India as a whole by the Britishers is a long and protracted one lasting for more than a century. It is not our object to go into this history. We will here only indicate that during 19th century India along with Gujarat was transformed into a subordinate, colonial part of a vast British Empire. British king and the parliament in Great Britain, became the ultimate repository of power. This gigantic imperial political system was comprized of Great Britain, as the mother

country, and various colonial countries in different parts of the world, spread in such a manner that 'Sun never sets in the Empire.' This huge international imperial system was governed by the Home Country, Great Britain, through a complicated administrative machinery, starting with Secretaries of States in the British Cabinet to different categories of colonial administrations in different parts of the Empire. The Indian Empire - a part of the British Imperial political set up - was administered by Governor-General/Viceroy, who though subordinate to the Secretary of State for India, was the supreme executive head in the Indian territory. The All India administration was organized into various presidencies headed by Governor or Lieutenant Governor, aided by Councils. Gujarat became an administrative zone (called Northern Zone) of Bombay Presidency which comprized large areas from Maharashtra, Karnatak, Sind, and even other parts of the Western and Central India along with Gujarat.⁵

It should also be noted that though Britishers established political supremacy over India, they did not annex territories of all the chieftains and rulers in the country. They retained a large number of native states in various parts of the country. Thus political structure of India was composed of two parts, one directly administered by the British rule, other operated by various native rulers, under the paramount supervision and control of the British rule. The native states were organized and grouped into various agencies. The native chieftains were further classed as A, B, C, etc. and were supervised through Residents, Political Agents and others.⁶ Though the princes were continued, a large number of their political powers were taken away. Further, British Rulers kept the power to change the ruler or interfere in the internal affairs to the point of annexation if they

misbehaved. Gujarati political system was also divided into two divisions, one directly administered by the British administration and the other administered by native rulers of various grades, a large number of whom were grouped into Agencies like Reva Kantha Agency, Mahi Kantha Agency and others and operating under the supervision of Residents and Political Agents appointed by the British Government.⁷

The new pattern of political administration meant that in one part of Gujarat, fragmented, multiple administration was abolished and was replaced by a uniform, unified administration, which was also woven as a part of a complex but uniform centralized administration tying up from a village, taluka, district, presidency and All-India level to a still wider colonial Imperial System.⁸ The other part lagged behind in this political integration with the rest of India and the world.

This was the first great change that we observe in the political system of Gujarat during 19th century. This change deserves to be carefully noted because it not merely widened and deepened the scale of political relationship within Gujarat, within the Bombay Presidency and within Indian society, but it extended and deepened the scale of political relationships of Gujarati people on an international plane as a part of British Empire. This political enmeshing of Gujarati people into international, national and wider presidency scale involved Gujarati people into problems such as nature of British Empire, the relationship between Great Britain - the mother country and various other colonies and dominions, and the desirable types of political relationships between people belonging to various colonies and dominions comprising British Empire. Further it also raised the problems about the nature of relationships of the subject Indians,

and the political machinery created to rule India as a subordinate colony. We will only note this point here to indicate the significance of the change of this type in the political system in Gujarat, leaving the discussion of the implications subsequently in this chapter.

We will also indicate the implications of the change which was brought about in the Gujarati society, due to the fact that its political system was made a part of the larger unit called Bombay Presidency which was composed of regions comprising predominantly four major linguistic groups viz. Marathi speaking, Kannada speaking, Sindhi and Gujarati speaking peoples. This interlinking of various regions into a single administrative-political set up, on the background of uneven and disproportionate rate of economic, political, social and cultural growth under the British policies, objectively provided a framework wherein with the growth of the regional consciousness of the people speaking the same language, a current was generated which subsequently led to the growth of the movements to reorganize the omnibus Bombay Presidency into separate political units comprising of people speaking the same language, the movements which were later on known as movements for linguistic states.⁹ Further the linking of Gujarati political administration to Bombay Presidency with Bombay as the capital, increased the importance of Bombay as a crucial centre for political, economic, cultural, and other activities of various categories of Gujarati population.¹⁰

We will finally mention the implication of the third feature of the great change which was introduced by the British Rulers viz. the division of the political administration into two categories, viz. British ^{Gujarat-}India and Princely ^{Gujarat-}India. As Gujarat contained a large area

which was kept under the princely rule* it generated movements to rectify the problem of dichotomy created by such a set up and which in the present century developed as a current for political unification of Gujarat as a whole. Though the native states were politically kept separate, it should be pointed out that the people of these states were getting linked up with the people of British Gujarat in numerous ways.¹¹ For instance, the new means of transport and communication like Railways and Post & Telegraph systems, enveloped not merely territories under British administration but also under native states. Many a times, the Education Department of the Government was requested to loan the services of their teachers for the schools in the native states.^{12**} Similar other exchanges in economy, culture and other aspects of life were going on.

In fine, the great change which was brought about by the British Rulers in the political system of a part of Gujarat linked it up with the wider colonial imperial system, while another part remained unintegrated with the rest of India and the world politically, socially and culturally. The two parts of the society remained unevenly developed.¹³

* In 1891, the population of Gujarat comprising 86,40,546 persons was divided politically into two broad divisions. Those directly under the British Rule occupying five districts, numbered 30,98,197 while those living in the native states numbered 55,42,349.

**The headmaster of Ahmedabad school, Sjt. Bhogilal Pranvallahdas, one of the teachers in the early batch of trained teachers, pioneered new educational system in Kathiawad and Baroda (D.B. Zaveri, Lekh Sangrah, p.622). Durgaram Mehtaji the famous pioneer social reformer of Gujarat and Navalram Pandya, when transferred to Rajkot in course of their services, pioneered social reform activities in the native states.

II

CHANGES IN THE INTERNAL STRUCTURE OF POLITICAL
ADMINISTRATION OF GUJARAT DURING 19TH CENTURY

We now observe the features of the new pattern of administrative structure which was introduced by the British Rulers in Gujarat. Here we restrict our observation to the administrative machinery which was evolved to govern territories directly under British rule. The British territory in Gujarat was composed of five districts, viz., Ahmedabad, Kaira, Surat, Broach and Panchmahals, having as their chief district towns, Ahmedabad, Kaira, Surat, Broach and Godhra respectively and known as Northern Division of Bombay Presidency.¹⁴

At the apex of the Presidency administration was Governor, with Councillors to assist him in the administration of the Presidency.¹⁵ The Presidency administrative machinery was territorially divided into Division, District, Taluka (Mahal) and Village Administrative Unit. Each of this territorial unit was manned by officers like Commissioners, Collectors, Mamlatdars and Patels, hierarchically graded; each category subordinate to one above it respectively. The most important unit of administration of Gujarat was the District.¹⁶

A. Administration based on differentiation of functions

The administrative machinery was based on the functional differentiation into various departments like the Revenue Department, the Police Department, the Judicial Department, and the Departments such as the Educational, the Public Health, the Excise and others. As the collection of revenue and tribute was one of the chief aims of the colonial administration, the Revenue Department was considered

to be the heart of the administrative machinery. The Revenue Department was the axis round which the political machinery was erected.¹⁷ The Revenue Department, with Police Department and the Judiciary (as the preserver of law and order) constituted the chief administrative matrix. The other Departments were comparatively less important. We will briefly describe the hierarchy of offices created to run the Departments. We will begin with the examination of offices created for Revenue Department.

(a) Revenue Department: The Revenue Department constituted of the following hierarchy of officers in the District Administration. Collector was the head of the district helped by assistant and deputy Collectors.^{18*} The powers and duties of these officers were governed by different regulations¹⁸ beginning from Regulation XVI, XVII, XXI of 1827. Mamlatdar was the head of the taluka administration assisted by Aval-Karkoon.¹⁹ The Village Patel, assisted by Talati and Chowkiyat (Bhangi - untouchable in Gujarat) constituted the administrative personnel at village level.²⁰ Attached to both the District and Taluka administrative officers were a large number of clerical and subordinate servants to assist the abovementioned district and taluka offices. Thus Revenue Department became a complex bureaucratic network of hierarchic offices.

* G.R. No. 4865 of 1871 declares "The Collector is the chief civil officer in his own District, irrespective of seniority and within the limits of his charge takes precedence before civilians of the third class and Lieutenant Colonels in the Army."

(b) The Police Department: The Police Department was composed of multi-tiered offices. At the apex was the District Police Superintendent, a member of Imperial Police Service, heading the District Administration, and assisted by Assistant and Deputy Superintendents. The second tier of the Police Administration was comprised of the office of the Inspectors of Police. The Inspectors of Police were appointed in important towns including district headquarters. They had to look after a circle composed of various talukas, each one of taluka being looked after by a Sub-Inspector (Fauzdar). Each taluka was further subdivided for police administration into areas with Police stations under the charge of an officer called the Chief Constable assisted by a body of petty officers and constables. At the lowest rung in the Department viz., at the village level, was the officer, Police Patel, who looked after the police duties in the village.²¹

In short the Police Department was organized as a huge bureaucratic organization composed of various layers of offices. Starting with the offices of Commissioners and Deputy Commissioners and subsequently rechristened as offices of Inspector General and Deputy Inspector Generals at presidency level, Superintendent and Assistant and Deputy Superintendent at District level, Inspectors and Sub-Inspectors at every circle and taluka level, Head Constable with a posse of petty officials and constabulary at area level to Police Patel at village level, the Police Department became a ladder of hierarchic offices.

One more point requires to be emphasised here with regard to Police Department. The Police Department was a distinctly novel feature of the British administration. The separation of Army and Police, and further organization of Police Department as a part of the internal

civil administrative structure never existed during the pre-British political machinery. The law and order was maintained during earlier periods by a small contingent of armed forces placed at different posts under fauzdars.* Even the army which was separately elaborated by the British Rulers was also organized on hierarchic bureaucratic, departmental structural principle. However, it was not made a part of the ordinary civil administrative machinery of the Government. The differentiation of civil and military administration was another distinct innovation of the British Rulers.

(c) Department of the Administration of Justice: The judicial department which emerged during British rule in 19th century was composed of a complex of network of offices. On the one hand, it developed a chain of magistrates composed of I Class, II Class and III Class magistrates respectively in district and taluka headquarters. These offices were either manned by independent judicial officers or were functioned by the Revenue Officers like Collectors, Mamlatdars and others, who were also given these magisterial powers. The Judicial Department on the other hand, was constituted of a network of courts, manned by various categories of Judges such as High Court Judges, District Judges, Senior Assistant and I and II Class Subordinate Judges. The law governing the appointments of Subordinate Judges is contained in the Sect. 22 of Bombay Civil Courts Act XIV of 1869. An office of Legal Remembrancer "for the purpose of superintending the conduct of all original suits in mofussil courts and appeals to the Sadar Divani Adalat and Queen in Council to which Government may be a party either as Plaintiffs or Defendants was introduced."²²

* The 'Desais', for example, who were revenue collectors in the pre-British period, also looked after the law and order of their zone. (Bombay Gazetteer Vol.II, p.215)

Further, differentiation was also created within the functioning of these courts with regard to civil and criminal suits as well as with regard to original suits and appeals. Thus the institutions for giving justice at the end of 19th century were as follows:

I. Civil Courts

- i) Unpaid tribunals
- ii) Village courts
- iii) Paid Sub-divisional tribunals
- iv) Small causes courts
- v) District courts other than the chief court of the District.
- vi) Chief courts of the Districts.

II. Revenue Courts

- i) Unpaid local tribunals
- ii) Other Subordinate courts
- iii) District courts

III. Courts at the Presidency or Seat of the Government

- i) Presidency small causes courts
- ii) Superior courts (High Court)

IV. Courts for Criminal Trials

- i) Village officers
- ii) Subordinate magistrates
- iii) Hon. Magistrates sitting singly
- iv) Benches of magistrates
- v) Sanitary committees and sanitary boards
- vi) District and Divisional Magistrates
- vii) Chief Magistrates of Districts
- viii) Courts of Sessions
- ix) Superior Courts²³

In short, like Revenue and Police Departments, the Department for the Administration of Justice also emerged as a complex hierarchy of offices.

(d) Other Departments: Along with these three major Departments of the administrative machinery, a number of other Departments like Health, Education, Excise, Forest and others emerged having their own hierarchies of offices.

In short, during the British period an elaborate administrative machinery based on the principles of differentiations of functions into broad departments and comprised of a complex hierarchy of offices penetrating into nook and corner of the British administered Gujarati territory emerged. It replaced the old traditional pattern of administration based predominantly on the hereditary offices and intermixed intimately with religious, and customary codes. The administrative machinery which was evolved by British rule was thus of a qualitatively different nature from that in the past, and introduced new features in the political relationships within Gujarati society. We will indicate the problems which this administrative set up generated and the significant impact which it made on the political and other aspects of social life of Gujarat subsequently in this chapter.

B. Establishment of Bureaucracy, based on 'Legal-Rational' Authority

The eminent sociologist Max Weber has very pithily described the characteristics of the new bureaucratic machinery based on 'legal-rational authority' which emerged in modern times.²⁴ In such a framework the whole administrative staff under the supreme authority then consists, in the purest type, of individual officials who are appointed and function according to the following criteria.

1. They are personally free and subject to authority only with respect to their impersonal official obligations.
2. They are organized in a clearly defined hierarchy of offices.
3. Each office has a clearly defined sphere of competence in the legal sense.

4. The office is filled by a free contractual relationship. Thus in principle there is free selection.
5. Candidates are selected on the basis of technical qualifications. In the most rational sense this is tested by examinations or guaranteed by diplomas certifying technical training. They are appointed not elected.
6. They are remunerated by fixed salaries in money.
7. The office is treated as the sole, or at least the primary occupation of the incumbent.
8. It constitutes a career. There is a system of promotion according to seniority or to achievement or both.
9. The official works entirely separated from ownership of the means of administration and without appropriation of his position.
10. He is subject to strict and systematic discipline and control in the conduct of the office.²⁵

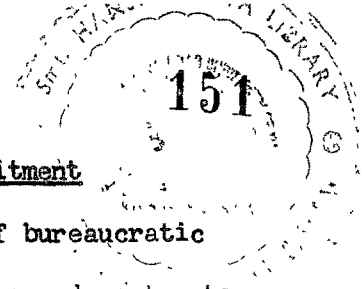
We will now discuss how these new features in the administrative machinery were introduced by the new political rulers, in the political system of Gujarat in the 19th century. The entire administrative machinery erected by the British rulers was a highly specialized and bureaucratically structured organization allocating specific and precise duties, rights and powers to personnel occupying various categories of offices introducing a novel principle in the political organization.

It allocated fixed positions and definite limited roles to every member occupying offices. It further linked up every category of hierarchically graded administrative personnel by definite, precise rules and regulations and placed them in defined status system.

The power-structure was so meticulously arranged demarcated and specified that even a superior officer could not punish in an arbitrary manner his subordinates. This is well illustrated in the case of

Durgaram Mehtaji, the pioneer social reformer of Gujarat. Durgaram Mehtaji was an ordinary teacher of a primary school in Surat. Mr. Freham, a highly placed Educational Officer, got, rightly or wrongly, dissatisfied with his work as a teacher. He could not dismiss him and had to satisfy his anger by merely transferring him from Surat to Rajkot.²⁶ Here we may also point out that the principal demarcation of authority and restricting of the powers of superior was also applicable to the rulers as well, thus restricting their arbitrary power. There was an interesting case in 1855 of a tailor named Vithoba Malhar, who was sewing the clothes of one English gentleman named Mr. Mission. The said gentleman did not give him his due money for 3 or 4 months. The tailor at last told him that he would not be coming to his place for work and further will lodge a complaint in the court. Mr. Mission, instead of paying his dues, got him imprisoned ^{and jailed} by a Magistrate. After being released from the jail, the tailor went to Dr. Bhau Daji, a well-known medical practitioner and social reformer. The tailor with the help of Dr. Daji filed a petition in the High Court wherein he got redress, and the European magistrate who had wrongly punished him was fined.²⁷ In a similar manner when the famous Ardeshar Kotwal of Surat was wrongly charge-sheeted for bribery and for arbitrary oppression, he also lodged a complaint against the judge who punished him. He was also declared non-guilty and reestablished in his position.²⁸

Thus the British rulers unlike the traditional political hierarchic organization based on hereditary principles which existed in the previous empochs introduced the new political administrative bureaucracy based on what Max Weber has characterised as 'Legal-Rational Authority'.



C. Change from ascriptive to achieving principle of recruitment

The introduction of the abovementioned principle of bureaucratic organization is also revealed in the fact that in the various departments created for administration excepting for the post of a Patel, the principle of recruitment based on achieved qualification was adopted.* The predominantly ascriptive principle of filling the roles of various offices was replaced by the achieving principle, based on acquiring qualifications like education, experience, success in certain types of examinations and training. The change in the principle of recruitment was made after lot of experiments and trials and errors, during late 18th and early 19th centuries. After working out divisions of services into covenanted and non-covenanted services and others, the British Rulers classified the entire personnel staffing of the administration into three major hierarchic categories. They were known as Indian Civil Service, Provincial Civil Service and Subordinate Civil Service respectively.²⁹ The recruitment to the Indian Civil Service was based on a competitive examination which was held in England. Further a few posts in this category were also filled by appointing certain persons who did not appear in the examination but who were found to be competent by the highest executive authority in respective provinces.

* Here a reference to the reasons for the publication of Directory of Education in Bombay Presidency will not be out of place. The reasons for publishing such a directory were as follows:

- 1) To showat a glance the personal resources of the Department and to facilitate a comparison of the claims of different persons for any appointment that may be vacant.
- 2) To lead the way to future organizations and order by pointing out anomalies where they exist in pay and position.
- 3) It is expected that this directory will be an encouragement to students to aim at University distinctions. When they see that there are officially recorded and made to constitute a claim to promotion. - Director of Bombay, Education Department.

Initially these posts were exclusively reserved for Europeans. It was only at a later stage that Indians were allowed to appear in the examinations or were selected by the Provincial administrative heads. Even though the examinations were opened to Indians, due to the fact that they were held in England and further due to the fact that age limit for competing in the examination was kept low, as well as due to other hurdles, very few Indians could either appear or could successfully compete with the European rivals.³⁰ Due to these reasons during 19th century, Indian Civil Service remained predominantly a preserve of the Whites, as revealed in the various civil lists and directories of education and other records of the 19th century.* This fact has to be noted because it created crucial problems like racial segregation in services, frustration and irritation against the arrogance and superiority complex developed by the Britishers, leading to varieties of reactions and movements. We will study this aspect of the problem at a later stage.

The provincial services and the subordinate services recruited mainly from Indians, prescribed various categories of qualifications for different layers of offices within these major categories. With a view to arriving at various qualifications required to fill up various offices belonging to Indian, Provincial and Subordinate Services, British Rulers had evolved another designation called Class I, II, III and IV services. The Indian Civil Service was designated as Class I

* Further the history of services prepared by the Bombay Government of the Gazetted Officers, in the Civil Department, services on the Bombay Presidency upto July 1886 giving a complete list of the officers, provides a full picture of how the higher posts were manned by Europeans. This list is useful to even locate in details the service records of various grades of officers.

subdivided into various grades within its services and the Provincial and Subordinate Services were subdivided into Class II, III and Class IV services. The top positions in the Revenue, Police, Judicial, Educational and other Departments like Commissioners, Collectors, Assistant Collectors, Judges of the High Court, Inspector Generals, Deputy Inspector Generals, Deputy Commissioners, Superintendent of Police and Assistant Superintendent of Police, Principal of Colleges, and others were class^{ed} as Class I services and therefore were the preserves of the Britishers. The qualifications required for the recruitment in Class II, III and Class IV services, which were manned by the Indians, required a certain amount of education and training and passing of certain departmental examinations.*

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- * I. Lower grades in public services.
- a) New Anglo-Vernacular St.V. for I Class Certificate in lower grade - qualified for English or Vernacular offices.
 - b) New Vernacular St.VI for II Class Certificate qualifying for Vernacular offices only.
These rules apply to all appointments in the Revenue, Judicial, Political and other branches of service above those of a menial character and the salary of which is Rs.50 and under.
 - c) Matriculated students of the university are admissible to lower grades of the public service without further examination of certificate but must pass the test laid down for the examination of subordinate establishment (the purpose of this examination is to familiarize the karkoons with the knowledge of laws which regulate revenue administration).
- II. All first Karkoons are required to pass an examination in the Penal and Criminal Procedure Codes before being vested with the power of subordinate magistrates. No Karkoon of lower standing than 4th Karkoon is permitted to appear.
- III. Junior Civil Servant starting with Rs.400 salary and rising upto Rs.500 and being invested with full powers of a Magistrate has to pass departmental examinations. Lower Standard Examination is for qualifying for Asst. Collectorship and Subordinate Magistracy while Higher Standard Examination for fitness of Collectorship or full power Magistrate.
- IV. Any university graduate must serve for one year as II Karkoon under a Mamlatdar, then he appears for Departmental examination. When university graduate has served for six months in the capacity of Sub-Magistrate or Head Karkoon, he will be allowed

contd.

The British Rulers by introducing this mode of recruitment, inaugurated for the first time in the administrative structure a principle, which in spite of few exceptions was founded on non-hereditary, non-caste and non-religious basis. The British Rulers introduced principle based on education, examination and other achieving qualifications for recruiting personnel for administrative machinery. This principle of recruitment was distinctly new in the political system and therefore brought about a qualitative change in the administrative relations of Gujrat during 19th century.

to appear for the Departmental Examination and on passing will be held qualified for Mamlatdar's post. Thus after serving in all the different grades of that office a graduate will be entitled to the lowest grade of the Deputy Collector (Nairne, *op.cit.*, Revenue Handbook pp.411-429).

Sjt. Nagindas Marfatia, one of the earliest layers of Gujarat, in his work on 'Bombay University', indicates qualifications required by individuals for being recruited to various class of offices.

- i) II Class offices or eligible for II class
 1. Dr. of Laws - LL.D.
 2. M.D.
 3. Those who have Khan, Bahadur or Rao Bahadur titles.
 4. Principle Sader Amins
 5. Dafatardars
 6. Deputy Collectors and Magistrates
 7. Principals of Colleges & Professors
 8. Assistant Police Superintendents.
 - ii) Persons eligible for III Class posts.
 1. Those having M.A. Degree
 2. M.E. Civil Engineering
 3. Rao Saheb & Khan Saheb
 4. Full power Magistrates
 5. Sader Amins
 - iii) Grade next to III Class
 1. B.A.
 2. Munsiffs
 3. Subordinate Magistrates
 4. Mamlatdars
 5. Headmasters of High Schools
 6. Police Inspectors
 7. Educational Inspectors who do not have titles.
 - iv) Those who are Matriculates have not to give Departmental examinations of Revenue Department and should be immediately appointed to Revenue Department.
- Judicial Department
1. Those with LL.B. degrees can practise as pleaders in the High Court.
 2. Advocates have to pass some departmental examinations.
- (Mumbai University, pp.55-63).

D. Introduction of the system of payment of regular salaries,
promotion, retirement pensions and transfers

Another innovation which was brought about by the British rule in the administrative machinery on the basis of new bureaucratic principle was the introduction of the new system of regular payment in terms of salaries, promotion, retirement, and pensions³¹. Unlike the pre-British administrations where payment was made in kind or on ad hoc basis, or on the basis of hereditary grants in terms of keeping a part or full amount of the tribute,* the British Rulers introduced the principle of payment of fixed salary, mostly on monthly basis, paid in cash and working on the basis of graded increment within the limits prescribed for the service.** The salary scales for Class I, II,^{III} and other subordinate categories were laid down with fixed increment rates. Arrangement for promotion from one grade to another on the basis of either Departmental Examinations, or seniority of services was also worked out. "Merit and superior fitness for the situation to which the individual is to be appointed ought to be the ground of

* The emoluments of the hereditary revenue offices in the pre-British Gujarat included, items such as Nazrana, a kind of honorary fee, Jivak, original official stipend for support of the family, land and such other things. (Bombay Govt. Records CLXXIV of 1865, p.211).

**This new feature is revealed in a very interesting confusion, which was created when ~~Alex~~ Forbes wanted to appoint poet Dalpatram for certain service. Poet Dalpatram, proposed that his expenses which would be about Rs.100 to Rs.125 should be at least covered when salary was fixed. When Forbes proposed a salary of Rs.20 the poet felt it as absolutely inadequate. This appointment which was to result in one of the most historic associations, would have crashed only because Dalpatram calculated his expenses and salary offered on annual basis while Forbes was thinking in terms of the new system of monthly salary.

promotion. Length of service is, of course, an essential element in the claims of any individual and out to decide the preference in the case of equal fitness."³² Further rules for retirement from the service either after putting in a number of years of service or after reaching a particular age and the rules for payment of pensions after the retirement were also worked out.* Another feature introduced in the administrative services was the practice of transfer after every few years for majority of government servants.** Thus unlike the pre-British administration, along with the other novel features discussed earlier, fixity of service, promotion, rules for retirement, payment in cash, and rules for transfers were also new elements introduced in the political system of Gujarat during 19th century.***

* "All uncovenanted servants, whether holding gazetted or non-gazetted appointments are to be required to retire from the services on attaining the age of 55....It does not apply to peons, menials and other servants, but does apply to all clerks and writers without limitations as to salary." (Govt. of India, No.29, June 15, 1871 & G.R. No.1199, August 19, 1871).

** At the time of giving a larger share to the hereditary officers in the revenue work it was mentioned that along with other reasons, one of the important reasons was "the Watandars being of many different castes, we think, our settlement will effect a salutary change in the composition of the district establishments in which it is notorious, that Brahmins are apt to predominate. The Collector will have it in his power to prevent undue local influence of the officiating Watandars by transferring them to new districts." (Bombay Govt. Records No.2, of 1865, p.222).

***It would be interesting to compare the service conditions in the native states in those days. Sjt. Tapishankar Raval, an officer in the Gaikwad State, remarks that following was the condition of the nature of appointment:- 1) Flattery of the senior, 2) His ability to read, 3) Personal attendance to his senior, 4) Wittiness to keep his superior in good humour, 5) Entertainment, 6) Smartness in official work, 7) Sycophancy, 8) Influence, 9) Power, 10) Caste, 11) Years of service, 12) Salary. (Tapishankar Gadya, p.326). Thus there were no fixed rules governing the tenure of service but all the above-mentioned conditions operated during the pre-British period.

III

SEPARATION OF LAW FROM RELIGION AND CUSTOM

We shall now discuss the element of change which revolutionized the very basis, source and principle underlying political rule in India. The British Rulers in the first place separated law from religion and custom. They further transformed law as the supreme regulative system by subordinating religion and custom to law. Thirdly, by separating law from religion they also changed the basis of sanction behind law. In pre-British India, in fact throughout her past history, law was not merely embedded in religion and custom, but was enforced on the ground of supernatural sanction. The authorities wielding political powers were justifying their use of power on the basis of Divine Right and also on the basis of Divine sanction. Religious authority sanctioned the use of political authority.³³ The traditional concept of political responsibility being associated with Dharma which was revealed in the sacred texts, in tradition, and in the exemplary life of the sage. Therefore as Dreifmeir describes, "the king had a regulatory power and that authority was closer to Weber's traditional type, with its hereditary charisma and sanctity of every day routine, then to the type associated with functional differentiation. Institutionalized rights in the caste hierarchy were less important to the integration of the system than institutionalised obligations. Because the management of these obligations was almost always left to the caste themselves, and because Dharma in theory allowed no possibility of legislative enactment, political regulation was defined in context. But political authority as distinct from political regulation was of a traditional nature, it was based on values that legitimated a status structure rather than

on a system of rules and procedures that are the foundations of legal-rational authority."³⁴ Religious regulations either embedded in shastras (religious texts) and permeating the customs supplied the content to the laws. And as religious and customary regulations based on religious presuppositions prescribed diverse norms of conduct, diverse rules of behaviour, diverse concepts of violation of the norms by different groups and also diverse punishments for even the same type of violations for different groups, the legal system also revealed the same divergences and this inequality of application of norms and punishments were justified and upheld on the basis of divine sanctions. In short, in pre-British India and Gujarat, religion reigned supreme among various regulative systems, and it supplied the final sanction for various other regulations. The British rulers revolutionised the very basis of political relationship by establishing the supremacy of law and over all other regulations and also by eliminating the supernatural and divine as the final source of political authority. The ultimate sanction behind law now lay either on the basis of force acquired by the rulers as a result of conquest or on the basis of the sanction derived by the authority as a result of the consent of the people. The British Rulers by establishing the supremacy of law over other regulations and further by separating it from them brought both the sanctions behind the law and the grounds of obedience to law on secular - earthly basis. They also by introducing the rule of law as the guiding thread governing the society, introduced the 'ideal of legal-rational society viz. that the institutional patterns or practices should be based on the motto 'not under men but under laws.'

We will observe the changes that were brought about in the political structure as well as the political relationship in Gujarat as a result of this innovation by the British Rulers.

1) The separation of law from religion and custom required that a body of laws applicable to all citizens and cutting asunder the complicated diversity arising out of religious codes and customs be evolved.³⁵ Secondly, the labyrinth of religious regulations and customary practices be rationalized and regularized in the context of the law of the land. Third the authorities comprising religious bodies or caste and village councils be either deprived of their powers or be permitted to use their powers in a limited manner and under the over all jurisdiction of the legal authority. This process was started by the British Rulers. In 1799 the Bombay Government was empowered to issue regulations for the good order of the Territory.³⁶ In 1827, a regular Bombay Code was framed, and in accordance with the laws embodied in that code the territory was to be governed. In the Regulation IV, 1827 it was declared, "The law to be observed in the trial of suits shall be the Acts of Parliament and Regulations of Government applicable to the case, in the absence of such Acts and Regulations, the usages of the country in which the suit arose, if none such appears, the law of the Defendant and in the absence of specific law and usage, justice, equity and conscience alone."³⁷

The British Parliament which arrogated to itself the supreme power to legislate for India appointed a series of Law Commissions to draft various codes. Further, from 1833 a post of Law Member was also added in the Council of Governor General, Macaulay being the First Law Member.* The history of 19th century from this angle is the history

* It was the confirmed opinion of Lord Macaulay in 1833, that India vitally needed codes of laws. He said, "We do not mean that all the people of India should live under the same law, far from it. We know how desirable that object is but we also know that it is unattainable... But whether we assimilate those systems or not, let us ascertain them, let us digest them... Our principle is simply this - uniformity where you can have it - diversity where you must have it - but in all cases certainty" (India as a Secular State, p.276)

of enactment of a large number of codes which became the basic laws of the land. The Indian Penal Code, the Criminal Procedure Code, a large number of codes pertaining to civil matters, elaborate civil procedure code, Indian Evidence Act and others were enacted which became the basis on which the legal foundations of Gujarati Society were being laid. Along with the abovementioned laws, the British Rulers passed a number of enactments to provide a framework for the new economic pattern which was emerging in the 19th century as a result of their policy. In 1835, a uniform currency was introduced for the whole of British India, and by the Act of 1861, Government of India undertook the task of issuing paper currency. Further a series of Acts like Indian Contract Act, 1872, Specific Relief Act and Indian Limitation Act 1877, Negotiable Instruments Act, 1881, Transfer of Property Act, 1882, Indian Company's Act, 1882, Indian Trust Act, 1881 and a large number of Acts pertaining to Land Revenue and Talookdar's system and others reveal how British Rulers were providing framework for new economic system. The British Rulers did not restrict their law making to mere political and economic affairs. They established the supremacy of law by encroaching upon religious and social customs of the people. They started abolishing certain customs and practices through law. The British Rulers, in this context started making exhaustive inventories of the customs and religious practices in various parts of the country. Census, Gazetteers, Caste and Tribes Studies as well as special inquiries into the customs and practices were elaborately prepared. Mr. Borrodale was specially asked to prepare an exhaustive inventory of the customs and practices of

different castes in South Gujarat.* The same Mr. Borrodale who was acting Collector and Judge of Ahmedabad found that suppression of infanticide was so urgent that he requested, "for the extension of some of the provisions of Act VIII of 1870 for the prevention of the murder of female infants, to the members of the caste of Kadva Koonbis, resident at that town and in its neighbourhood."^{38***} The Sati Regulation of 1829, Indian Slavery Act 1850, Caste Disabilities Removal Act of 1850, Hindu Widow Remarriage Act of 1856, Act to Prevent Infanticide of 1870, Age of Consent Act of 1892, and a large number of similar Acts, reveal how law was not merely separated from religion, but also was made supreme with a right to encroach upon and subordinate the religious and customary regulations.^{***}

* This became absolutely necessary, for the simple reason that "the usage of the country has precedence of the Law of the Defendant and consequently in all disputes between parties who have given in caste rules there only should be referred to by Judicial authorities and taken as a guide unless rescinded by any subsequent set of rules." Further, "in appeals to the Sadar Divani Adalat in suits founded on caste customs extracts of the rules deposited in the Adalats that may refer the case on to be transmitted with the papers." Precisely for these needs that Mr. Barrodale collected the caste rules. (Borrodale's Gujarat Caste Rules, Vol.I, p.1)

*** The archives containing the documents pertaining to political department reveal numerous interesting references where the British administrators not merely tried to extend some of the laws, to suppress the customs, but also compelled the communities and their leader, to enter into agreement with the Government not to practice certain customs, for instance, the political Superintendent of Palanpur, entered into an agreement with the Jadejah Chiefs of Santalpur and Charchu whereby the latter were asked to refrain from practice of Infanticide (Political Dept., Vol.72 of 1854, pp.7-9).

*** Of course we may point out here that the pace of codification was very slow in respect to personal law. 'Indeed the Fourth Law Commission reported in 1879 that since this law was mingled with religion for the great mass of people, no further codification was advisable'. (India as a Secular State, p.276).

The growing importance of the enactments in the life of the people is revealed by the wide range of laws and acts which were passed. As observed in the Imperial Gazetteer of India, 'Their range is very extensive, and some idea of the variety of matter dealt with may be gathered from the statement that, in addition to the important enactments which have been or will be, separately referred to, the list of them contains Acts, dealing with the police, prisoners, reformatory schools, vagrancy, leprosy, epidemic, disease, female infanticide, divorce, marriage, married women's property, the age of majority, usury, charitable endowments, the naturalization of aliens, the registration of property and of domestic occurrences, copyright, coinage and paper currency, emigration, pilgrim traffic, merchant shipping, ports, sea customs, and tariffs, cotton duties, merchandise marks, stamps, court fees, opium, salt excise, income-tax, mines, fisheries, forests, treasure-trove, factories, banks, electrical enterprise, telegraphs, the post office, carriers, railroads, tramways, land acquisition, the recovery of the public revenue, the prevention of cruelty to animals, the preservation of elephants and wild birds, the provision of courts of justice, arbitration, legal practitioners, municipal administration, arms, explosives, military works, cantonments, the native army, volunteer and the reserve forces...' ³⁹

In short the establishment of rule of law, separating law from religion and customs and making it supreme was another novel feature introduced in the political system of India and Gujarat.

2) The introduction of rule of law by the British Rulers brought along with it certain other elements which deserve to be mentioned.

a) Emergence of legislative organs in the country: The need for introducing a large body of enactments created the necessity for evolving legislative organs in the country. Though British Parliament was the ultimate legislative authority, it could not cope with the complex, varied and voluminous law making activities required for India. As referred to earlier, law making powers were delegated to the administration in India. The Central Government headed by Governor General was assigned legislative powers. To assist him in 1833 a Law Member was appointed in his Council. After taking over the entire administration from East India Company by British Crown and Parliament an enactment was passed in 1861 called Indian Council Act, by which legislative councils were created both in the centre as well as in some of the presidencies to assist the framing of enactments by both Central Government as well as by Presidency Governments. In the Councils a few Indians were nominated. For example, the newly constituted Council of Bombay included five Indian nominated members viz., The Nawab of Savnoor, Sheth Premabhai Heema Bhai, Madhav Vitthal Chinchurkar, Rustomji Jamshedjee Jeejibhai and Jagannath Shanker Sheth, the last two being the active members of the Bombay Association.* Thus the germs of provincial and central legislative

* It is interesting to note that barring Rustomji Jamshedjee and Jagannath Shanker Seth, the other 3 members did not know English but they continued to attend the deliberations which were going on in English. To tide over this anomalous situation the Government permitted the interpretation of the deliberations in vernaculars. (Life of Nana Shankerseth by P.B. Kulkarni, p.365)

organs were laid to cope with the growing volume of legislations. Of course, these legislative councils were essentially adjuncts to the Executive. However due to the fact that the law became supreme compared to other regulative systems, the desire to get adequate representation in the legislative councils became an aspiration. The creation of this organ for legislation both at Central and Presidency level and further the creation of municipalities laid the foundations of institutions which were to become the focal points for battles of elections.* They in an embryonic form paved way for the future central and provincial legislatures. However it should be noted that during 19th century these councils were filled by nomination and the principle of elective representation was not initiated though it was demanded by the vocal sections of the country.⁴⁰

b) Uniformity in application: Another element which was introduced by the British Rulers by separating law from religion and custom, was that it was made uniformly applicable to all irrespective of caste and other considerations. As indicated in the chapter on pre-British Gujarat, the people of Gujarat were subjected to personal law founded on Hindu and Muslim religious shastric injunctions. The laws were diverse for diverse castes, the punishments were also diverse

*Here we may mention that by the Municipal Act No. XXVI of 1850, Municipal institutions were created. The Surat Municipality came into existence in 1852 with 12 members forming the Municipal Committee. The Collector was the ex-officio president of the Municipality, and all the members were nominated. From 1883 principle of election of 12 members out of 28 was adopted. (Surat Sher Sudharai Shatabdi Granth, pp. 8, 21). In the period 1900-1901, in the N. Division there were 32 Municipalities, with a total number of 426 members out of which 296 were nominated and 130 elected. Further out of these 426, 153 were officials and 273 were non-officials. Further 397 were natives and 29 Europeans. (Administrative Report for the Bombay Presidency for the year 1900-1901, p.74). The number of local boards including Panchayats were 36, in which the total strength of 560 members of which 301 were nominated and 248 were elected. Further out of these 560 members 138 were officials and 422 non-officials and 29 were Europeans and 531 were natives. (Administrative Report for the year 1900-1901, p.73).

depending upon the position of the offender, further the techniques of evidence also varied such as ordeal, the pledges of Bhat or Charan. The British Rulers enunciated a new principle of equality before law.⁴¹ To illustrate, laws of crime, of contract, or evidence were to be uniformly and equally applicable to a Holy Brahmin priest, a princely Rajput Chieftain, a respectable wealthy Vaishya, a prosperous Patidar agriculturist, an unclean artisan or a despised untouchable. Further the equality before law had another implication. All the subjects were not only subjected to uniform laws but were to be tried by the same procedure and were to meet the same punishment for the same offense.*

This new principle of equality before law was dramatically illustrated in a spectacular instance, viz., the famous Maharaj Libel Case, the holy of the holies of the Vaishnavas, Jadunathji Maharaj was forced to attend the court to give evidence in 1862. As we will be referring to this case in our study at different places, we will briefly narrate the chief content of the case.⁴²

This case arose out of a controversy between the highest Vaishnava priest Jadunathji Maharaj who demanded penance and purificatory rites from the Shaivite Brahmins who had offered sumptuous offerings to the God Shiva. According to the Vaishnava high priest the God Shiva could not be offered such oblations. The social reformers of Gujarat headed by Karsandas Moolji, poet Narmadashankar, and others

* At the time of introduction of Ilbert Bill(1883) which tried to extend the principle of equality before law to Europeans in India also, the people were happy because they thought that Europeans will think twice before acting in offensive manner towards Indians because now they will be tried on the same basis. (Narmad Junu Narm Gadya, pp.492-3).

challenged the right of Maharaj to determine what should be offered to the God Shiva. A sharp controversy arose between the high priest and these reformers regarding the rights and privileges and position of the Vaishnava Maharaj. In this controversy the reformers not merely challenged the authority of Maharaj for prescribing regulations to all Hindus, but also attacked some of the malpractices carried on in the name of religion by these priests, like the right of the priests to enjoy the first night of newly married bride, in the name of 'Samarpana' (complete dedication) to God.

Such exposure though made in various articles was pointedly highlighted in an article entitled "The true religion of the Hindus and modern hypocritical sects" (Hindu no asal Dharma ane halna Pakhandi Mato), written by K. Moolji in his paper 'Satya Prakash' of 21st October 1860. The Vaishnava high priest issued a legal notice on the editor K. Moolji and the printer Nanabhai Rani_{na} (a Parsee gentleman) on 5th May 1861 asking for a public apology for such libellous statement. The editor and the printer refusing to recognise the charge and showing their inability to make a public apology the Maharaj filed a libel suit in the high court of Bombay against Karsendas and Rani_{na}. The abovementioned case known as the 'Maharaj Libel Case' raised a number of issues, like the necessity of the Vaishnava priest to attend a court and secondly the Vaishnava disciples who considered the high priest as almost an embodiment of God to give evidence against the high priest on behalf of the defendents. Fearing that some of the Vaishnava disciples may give evidence against the high priest the orthodox leaders of the Bhatia community urgently called a meeting of the Caste Council on 6th September

1861, and issued a mandate on the caste men not to give any evidence against the Vaishnava high priest and threatened those who would violate this mandate with excommunication from the caste. Karsandas Moolji thereupon declaring such a mandate as 'document enslaving the members of the community' (Gulami Khat) charged that this mandate was a conspiracy to prevent the operation of the process for arriving at true justice, filed a suit against nine Bhatias who were the chief organizers of the Council, and who had issued the mandate. This resulted into a case called "Bhatia Conspiracy Case". Karsandas won this case. The court punished the conspirators and nullified their mandate. This verdict had a great significance in the fact that under the new political rule the caste councils could not enunciate certain customs or practices which could interfere with the due processes of law, as well as obstruct the realization of justice.

After the conspiracy case was disposed of, and witnesses permitted to give evidence even against the holy high priest, the major case started on 25th June 1862. The holy priest on the grounds of his sacred status refused to come to the court, and go to the box as a complainant. The court refused to grant such permission, and compelled him to attend the secular court of justice as any other complainant. Similarly after having gone to the court he was also forced to take the oath of speaking truth like any ordinary complainant.

These two episodes also reveal how law and the processes of law were supreme and did not recognise the sacred superiority and privilege of the priest. Not merely the high priest was brought down before the court of law to the level of an ordinary complainant but the Chief Justice Mr. Arnold gave a verdict on the basis of evidence

collected during the conduct of the case which lasted for 23 days, that the charge of libel was unfounded and such types of exposures were a necessary part of fighting against superstitions which smothered the life and freedom of large number of people in the name of religious devotion. This case thus was a land-mark in the history of establishment of ^{supremacy of} law over other regulatory systems.

Poet Narmad makes the following remark about the change brought about by the new system. 'According to the laws established by the British Rulers, even the King and the Queen have to go to the court to give evidence. The Britishers have not discriminated between high priest and big administrators who never condescended previously to come to the court. These dignitaries were now forced to face the justice. Unlike in the past when Kings and Priests used to keep distinctions between rich and poor, and also used to keep different laws for different persons and also different punishments for different groups, the present rulers have not kept such distinctions. In this kingdom both the lion and the lamb can drink water on the same bank.'⁴³ Similar sentiments have been expressed by Dalpatram and others.⁴⁴

c) The emergence of legal profession: The establishment of rule of law had another repercussion. It needed a new category of specialists who would adequately interpret the law. In pre-British period religious customs and practices, as well as Shastric or Quaranic injunctions could be interpreted by Brahmins, Maulvis, and other religious specialists. The establishment of complex, and voluminous enactments, demanded precise interpretations which could be uniformly applied in all situations. Further complex procedures required for implementation and application of laws needed a new category of interpreters who could facilitate both

the Government and the public.* This need resulted in the emergence of a special profession called legal profession. The access to this profession required special training, education and qualification. This profession was open to all persons irrespective of caste, religion or other distinctions.⁴⁵ For training and education necessary for this profession, law classes attached to the arts colleges were started in Bombay from 1855. Further full course of Law Degree was also started by the Bombay University.⁴⁶ With the growth of judiciary and legal enactments laws grew in size and importance. The growing importance of resorting to courts for judicial remedies revealing the increasing significance of rule of law, as well as the growing need of pleaders who were required to appear in the courts to defend the cases, can be seen even from a glance at even the limited statistics of the number of suits which were filed in the subordinate courts and their growing number from year to year.⁴⁷

	1878	1879	1880	1881
Ahmedabad and Kaira	12,550	15,092	15,242	16,003
Surat	2,939	3,686	3,680	3,896
Broach	3,515	4,450	5,253	5,514

d) New procedure for collecting and assessing evidence: We will indicate another significant element which was introduced by British Rulers as a part of rule of law. The British Rulers introduced a qualitatively different procedure for collecting evidence and assessing it, in the court. They abolished the procedure of trial by Ordeal. They also

*It is interesting to note that as the people by right could lodge a complaint against the Government for any matter, it led on the one hand to appoint special government pleaders to represent the case of the government, and also on the other special rules were framed with regard to the procedure to be followed in such circumstances. (Nairne, op. cit., pp.455-62.)

eliminated the weightage to depositions or statements given as evidence by members of certain castes, and religious groups as evidence. Not only a meticulous procedure for collecting, verifying and shifting the evidence was worked out as indicated by the Indian Evidence Act, but with a view to helping judges in weighing the evidence and coming to judgement such institutions as judges assisted by assessors and trial by jury* and others were also innovated.

To sum up, during the 19th century, as a result of separation of law from religion, and further as a result of establishment of the rule of law with the abovementioned features, a qualitative change in the nature and scale of political relationships was brought in Gujarati society. We will study the limitations of this rule of law and problems they generated and the reaction of the people to such an innovation subsequently in this chapter.

IV

EMERGENCE OF NEW TAXATION SYSTEM

With a view to managing this gigantic administrative system, the British Rulers required finances. We will briefly examine the changes and innovations that were introduced by British Rulers to secure these finances. The British Rulers adopted the policy of direct and indirect taxation, duties on exports and imports, and levying of fees like registration, stamps and others, to augment their revenue.⁴⁸ India being predominantly agricultural, and further made more dependent on agriculture

* In 1829 Indians got the right to sit in the jury, in 1834 Indians were made Justices of Peace.

by the economic policy of ruining the handicraft industries and making India predominantly a raw material appendage of British economy by retarding the growth of industries in the country, the Rulers could find land revenue as the major source of revenue.* Though we will study the mechanism of the new revenue system adopted by Britishers in Gujarat more extensively in the next chapter dealing with economic changes, we may mention here a few relevant elements of this new method of land revenue system. Unlike in Bengal and other provinces like United Provinces, Britishers introduced Ryotwari system, of land tenures. The revenue was to be collected directly from cultivators who were made proprietors of the land. The revenue was assessed not on the actual produce, but on the basis of potentialities of productivity of each field based on the calculation of the nature and type of soil and other considerations. Further the rate of payment was fixed for specific period, which could be reassessed after the passage of that time. The payment of revenue was to be in cash, regular and yearly and irrespective of amount of agricultural production actually realised in the year. The land of the cultivator was transformed into a commodity, capable of being sold, mortgaged, transferred, leased, or purchased.⁴⁹ The need for regular, rigid revenue payment in cash and irrespective of the considerations of actual agricultural production every year had a terrific impact on the life of the rural population, hurling them into the tentacles of the class which could provide them with the finances to pay the revenue in cash. The new revenue system further by demanding payment of revenue in cash, generated powerful currents having a significant impact on the self-sufficient, village community.⁵⁰

* For detailed information refer to Ch.IV.

Along with the land revenue which was the major source of revenue, the government introduced a number of indirect taxes, such as salt tax. It also tried to secure revenue through excise and custom duties. Another important tax, which roped in all categories of traders including even vegetable vendors and hawkers was the licence tax. Along with this revenue collection by indirect taxes, the government introduced after 1860, the direct tax on the income in the form of income tax. Further with a view to meeting the growing civil and military expenses, numerous devices like stamp duties, varieties of cesses, registration fees and others were worked out. Further with the passing of Municipal Act in 1850 and instituting of municipalities and local boards in some towns and cities these bodies were empowered to impose a number of local taxes.⁵¹

With the growing complexity of the administrative machinery which was slowly evolving into central, provincial and local administrations, the revenues were also being grouped into Imperial, Provincial and Local. We will not go into the details of this complicated pattern. We will only point out the salient features of this tax system relevant for our analysis.

1. The tax structure was worked out on the basis of the uniformity of its application on the assessee. In it the arbitrary encroachments upon the individuals and groups which prevailed in the earlier pre-British political kingdoms were eliminated.⁵²

2. The mode of collections, being in cash instead of in kind, created a revolutionary transformation in the essentially subsistence and barter-based economic web of society.

3. The complicated tax structure required records, accounting and this necessitated a large personnel in the government departments.

All these and other aspects of this taxation policy widened the scale of political relationships.

V

THE IMPACT OF TRADITIONAL SOCIAL MATRIX ON
THE NEW POLITICAL ADMINISTRATION

In this section we will now examine the impact of the peculiar traditional caste, religious and other features of Gujarati society on the new political system which was being introduced by the British Rulers. This analysis is necessary for the simple reason that the British Rulers had conquered and established political machinery in many parts of the world, having different local socio-economic and cultural settings. The peculiarities of each area provided certain unique stamp to the political machinery. Further the British Conquerors adjusted their administrative experiments to suit the local conditions both with a view to stabilizing their position and also to create an element of political support to its rule. This acquired different designs in different areas depending upon the peculiar traditional background of the respective countries. These peculiarities created different types of problems pertaining to the political rule in British empire.

Gujarati society on the eve of the British rule, as we have indicated, had some of the peculiar traditional features. The political system was composed of hundreds of small and big chieftains, a large number of them belonging to Rajputs, Garasias and Muslim Nabobs belonging to higher groups of Muslims. Further the tribute gathering strata either in the form of Garasdars, Desais and others also belonged only to specific castes like Rajputs, Brahmins and a few others. Further the administrative structure being based on predominantly hereditary principles, the political power ladder was also hereditary, certain castes having higher

political status hereditarily ascribed to them. For instance, the princes and chieftains, mostly came from various Rajput castes. Further the operation of the rigid caste system permeating every aspect of life of Gujarat people,* and prescribing rigid status system, hierarchical order and laying down rigid rules for occupations, access to education and other categories of social, cultural, religious and other norms and practices, had worked out such a complicated pattern of positions, status, roles and interactions among groups and individuals that the new rulers while developing the new administrative machinery had to take into considerations these peculiar traditional caste, religious and customary status features into account, and modify the administration and principles underlying the administration accordingly.

The peculiar traditional social and cultural framework of Gujarati society had its impact on the new political set up in another way also. The new type of offices, positions, jobs, and opportunities created by the introduction of new administrative set up, though theoretically were open to all who could achieve them by qualifying for them, in practice, were accessible to only members of certain castes, and certain sections of religious denominations. The introduction of money as a medium of exchange, measure of value and as an increasingly important mode of payment also in the context of the peculiar caste and religious background of Gujarati society affected those traditional groups who were accustomed to deal with money to some extent and who were permitted by traditional norms to operate it in pre-British society. We will briefly indicate how the new administrative set up introduced by the

*As mentioned in the Gazetteer of the Bombay Presidency, Vol.IX, in Gujarat castes determined calling, marriage and food.(p.xiii).

British Rulers adjusted itself and even distorted its ideal norms to suit the unique traditional features of Gujarati society. We will also indicate how the old status system based on hereditarily determined positions, adjusted itself and even dovetailed itself into new status system based on wealth and achievement.

1) The first limitation which was introduced due to the peculiar traditional set up of Gujarati society was that Gujarat was never unified under single administrative system.⁵³ Hundreds of chieftains, though brought under the paramountcy, and deprived of a large number of powers were perpetuated as useful adjuncts to their rule. By perpetuating these princes, the extension of rule of law was not allowed to reach the subjects of these chieftains. This limitation as we know continued upto the achievement of independence by Indian people.

2) The second distortion which was introduced in the political machinery to adjust to the traditional set up was to evolve large variety of tenures in the land revenue system to placate and utilize the old Jagirdars, Inamdars, Desais, Girasdars and others who were the intermediary revenue collectors or tribute gathers in the pre-British Gujarat.⁵⁴ All these groups generally belonged to certain castes and also to certain higher rungs in the religious groups. Thus British Rulers transformed earlier tribute gathering functionaries into proprietary landlords and thereby strengthened their old status by dovetailing them into a new wealth status in the form of proprietorship in land.

3) Over and above the measures indicated under the British Rule with a view to preserving the loyalties of the chieftains, Thakors and Girasias and other tribute gathering assistants coming from higher castes and to protect their traditional respect and authority among the

lower caste groups, certain special approaches were adopted which modified the administration of justice towards these groups. As Mr. Ballhatchet, in his interesting book, 'Social Policy and Change in Western India' has pointed out that the Governor Elphinstone took special care to see that Collectors, Judges and Magistrates did not adopt a stern and indifferent attitude towards the chiefs and Girasias who were groups of persons with definite rank.⁵⁵ Further with a view to eliminating the anomalous position of subjecting these Jagirdars and Chieftains to the regulations of law, and to spare them humiliations and harshness arising out of the implementation of the law^{*}, special procedures of screening these dignitaries when charged with misconduct as much as from the public eye and also to protect them from public exposure, were laid down to enquire into their cases. As for example, certain types of complaints which were considered to be frivolous were not to be entertained. Magistrates had to adopt special procedure whereby enquiries into the complaints which were entertained had to be conducted. Further, the Magistrate could not sentence a chief to more than a year's imprisonment. As pointed out 'it was not wealth however, but the social position, which it was the purpose of the regulation to protect.'^{56**}

* The Raja of Koth, for example, who in the early years of the century had paid an annual tribute of Rs.48,000 and maintained 150 horse & 2,000 foot had on one occasion been sent to prison for neglecting a Magistrate's summons. (Social Policy and Change in Western India, p. 169).

**Long before this, Lord Cornwallis had decided upon in 1789 a policy that "Independent of all other considerations, I can assure you that it will be of the utmost importance for promoting the solid interests of the company, that the principal landholders in the interior parts of the country should be restored to such circumstances as to enable them to support their families with decency...that a regular graduation of ranks may be supported, which is nowhere, more necessary than in this country, for preserving order." (Quoted in studies in the Development of Capitalism in India, S.C.Jha, p.142).

4) Another modification which had to be made in the political system founded on the introduction of the rule of law, arose out of the prevalence of various religious groups having their personal customary regulations based on religious scriptures. This phenomenon necessitated the continuance of Hindu Law, Muslim Law, Parsee Law and also tribal customary regulations in matters of marriage, property, inheritance, and others. This feature has to be noted because the preservation of the communal and tribal codes and customs raised numerous problems with regard to the social reform as well as with regard to the elaboration of a uniform secular civil code, applicable to the institutions like marriage, family and inheritance, irrespective of caste, creed and community and which remain unresolved even today. The rulers were very reluctant to modify Hindu or Muslim law by legislation lest these communities might be alienated from the rulers. The Second Law Commission in 1855 stated that it was not advisable to attempt to codify the personal laws. It remarked "The Hindu Law and Mohammedan Law derive their authority respectively from the Hindu and Mohammedan religions. It follows that as a British legislator cannot make Mohammedan or Hindu religion so neither can it make Mohammedan or Hindu Law."⁵⁷ As a result of this policy with regard to religious groups in India and Gujarat, the traditional framework continued to exist. With regard to caste, also in judicial sense, it denoted "only well defined native community governed for certain internal purposes by its own rules and regulations... The caste being a self-governing body for discharging certain mixed functions which are purely civil and purely religious or sumptuary no member of it can maintain a suit in which a case question is the principle question for enquiry though there may be

also other subsidiary questions requiring adjudication by civil courts and although those subsidiary questions are of purely civil nature. The test applied in such cases is whether the court by taking cognizance of the matter in dispute would or would not be interfering with the autonomy of the caste."⁵⁸ In the light of such interpretation, many a times social reformers could not go to court of law even if they found caste councils creating obstacles in their execution of social reform activities. Narmad pithily remarks about this dichotomy, that when social reformers brought the issue of breach of law, caste in turn tried to justify its right on the grounds of customary practices permitted under the personal law of Hindus.⁵⁹

Another significant impact of the traditional caste matrix of Gujarat society on the newly developing political machinery, lay in the fact that the recruitment to the offices which was now based on education, training and examination, was generally taken advantage of by only certain higher castes such as Brahmins, Kshatriyas, Baniyas and Kayasthas. This peculiarity emerged due to the fact that the new opportunities which were opened up, for services demanded education, as a prime qualification. In the traditional pre-British Gujarati society, as we have observed in the earlier chapter, education was traditionally permitted only to certain castes. Hence only members of certain castes having a necessary traditional sanction gravitated and could without traditional taboo, take to the new education. Further, the lower caste on one side traditionally prohibited from having an access to education and further finding the new education not relevant for their traditional occupations remained aloof or could not take advantage of this facility.⁶⁰

As we shall indicate in the chapter on growth of education, it required a special effort to popularise modern education even among the upper castes, Education was, viewed as sacred and reverential in the

traditional Gujarati society, and Brahmins who were the repositories were considered to be holy and to be respected by all. In the new educational set up which was open to all, the problem of a high caste student revering a low caste teacher created, certain strains in spreading the education. The British Government tried to obviate this contradiction by generally appointing Brahmins in the teaching profession, more particularly in primary schools, where the possibilities of students coming from many castes were opening up. As remarked in the report on education "this (Brahmin) seems to be the class best suited to the duty, for their usages a scholar is required highly to venerate his instructor and on several occasions to prostrate himself before him, and it would therefore be very inconsistent for the son of a Brahmin to do this to any person of an inferior caste."⁶¹

With the growth of new education and the necessity of education as a prime requirement for government service, the upper castes, particularly the Brahmins, Brahm Kshatrias, Kayasthas, and Baniyas, who were also having some education in traditional pre-British society and who were also, manning some of the services of feudal kings, and nawabs, gravitated to the new education, and thereby secured the necessary qualifications required for appointment in new services. This fact is revealed by various evidences. As for example, all references in the Gazetteers, with regard to government services, point out that they were generally filled in by Brahmins, Baniyas, Kayasthas and Brahm Kshatrias.⁶² Similarly, the volume on the history of services as well as the annual civil lists of Bombay Presidency also indicate the same predominance of certain castes in administrative services. The Directory

of Educational Department where in a detailed classification of individuals, occupying positions, starting with Director of Public Instructions and ending with Class V employees indicate how certain castes like Brahmins, Baniyas, Brahma Kshatrias and Kayasthas usually manned majority of posts. Hardly, three or four employees belonged to even Patidar community, while there is no reference to any other artisan or lower agricultural and tribal castes. The table which is put in the appendix also reveals another interesting feature, viz., the absence of Rajput community in the said educational services, even as late as 1892-93.⁶³

Further, as indicated by Gazetteers, and Mr. Ballhatchet, the post^{of} Talati was also mostly filled by Brahmins. In fact the creation of the post^{of} Talati which was specially worked out to counteract the authority of headmen worked as a boon, by providing 'decent and desirable livelihood' to the great bulk of Brahmins and other educated natives.⁶⁴

Similarly, it has been pointed out by numerous records that the upper posts in the Police Department were mostly manned by Rajputs, Mohammedans and Brahmins, though the lower constabulary was recruited from many other castes.^{64^a}

A study conducted by the famous novelist Govardhanram Tripathi of the occupational distribution of Vadanagara Nagar caste residing in Nadiad to which the author belonged, revealed, that they were mostly engaged in various administrative services and in the new professions.^{64^b}

All these direct and indirect evidences reveal how certain upper castes, dovetailed into the new stratum of political officers and professional groups, based on new principles of achievements.

In order to prevent the collusion of various officers in the same department belonging to the same castes, the commissioners were specifically

instructed to "break up family cliques in the same district and in district where there is a preponderance of either Brahmins or Prabhus or Vantias, other castes should be introduced. As a rule the first Karkoon Mamlatdar should not be of the same caste and relation should not serve in the same Kacheri.⁶⁵

Thus, we can observe that the traditional set up within which the new political relationships were introduced created certain unique features in the administration and also assisted the dovetailing of certain old caste groups into the upper ladder of the new administrative set up.

VI

LIMITATIONS OF THE NEW POLITICAL SYSTEM AND REACTIONS OF THE PEOPLE TO IT

After describing the features of the new political system which was introduced in Gujarat in 19th century we will now examine the limitations of this political system, the problems which this system generated and the reactions of the people to this rule.

Sovereignty with Foreigners - Growth of National Sentiment

As the political system which evolved in India and Gujarat was a product of conquest by a foreign power it became a subordinate colonial administrative adjunct of the British Empire. The sovereignty therefore did not lie with the Indian people but laid in the British Crown and its Parliament. Further as the basis of authority was shifted from supernatural to secular forces, viz. the force of the conquerors or the consent of the people, the problem of justification of foreign rule and the grounds on which it demanded obedience became the new problems, over which theoretical as well as practical controversies and agitations started. While referring to the reformed legislative councils of 1892, Lord Landsdowne, the Governor General of India, categorically stated, "that

by such reforms the Government thought it desirable" to improve the present councils, rather than to attempt to put in their place bodies comprising a large number of persons, and possessing the attributes of Parliamentary assemblies of the European type.⁶⁶ These disparities slowly and vaguely take shape in the earlier stages and manifest themselves by the beginning of 20th century in the slogan of Swarajya, Swarajya as Birth Right, Home Rule, Dominion Status and others. The discontent and the feeling of frustration which the sensitive intellectuals felt as a result of the subjugation under foreign rule first finds its expression in the glorification of heroes who fought in the Revolt of 1857 (subsequently considered as the First War of Independence) by some of the poets like Narmad who eulogised the heroism of Rani of Jhansi, Tatya Tope and others.⁶⁷ The literary works like 'Hastings Ni Soti' (The Terror of Hastings), 'Hind and Britannia' (Hind and Britain) by Ichcharam Suryaram Desai almost openly attacked the foreign rule and evoked the ire of the Government which even banned some of these publications. The growing discontent was revealed in the changing character of the journals which were appearing during that time. Of the extant journals like Mumbai Samachar, Rast Goftar, Broach Vartman, Hitechha and others slowly began to give more news material of political nature but also such papers as ^{'Swatantrata',} 'Swadesh Bhakta', 'Swadesh Vatsala', 'Gujarati' were deliberately started to discuss political views. In these papers the reflection of the growing national sentiment could be located.⁶⁸

Disparity between principles of British Rulers and their application in India

Further, the Britishers who controlled India, were themselves evolving a form of Government in England which was based on the principle of popular sovereignty and based on the concept of citizenship. The same people were developing administrative machinery in India which was in contradiction to the one in their home country. This contradiction began to be felt acutely by the intelligentsia. They started developing aspirations for becoming citizens rather than subjects. As poet Narmad has very ably pointed out, this sense of right emerged as a new phenomenon under the British rule and further the sense of deprivation of the right also grew along with it. This sense of right was a new phenomenon in the consciousness of Gujarati people, because in pre-British society as Narmad puts it king was called upon to perform duties according to religious sanctions and was considered as a patriarch (Bāpaji) performing his duties.^{69*}

Executive supreme: Another limitation arising out of the subordinate colonial character of the political administration in India as well as Gujarat lay in the fact that executive was supreme among the three organs of the Government. The supreme legislative powers for Indian administration

* When the people of Nadiad served a notice upon the Municipal Commissioners of that town requesting them to refund into the municipal treasury the sum of about Rs.2000 spent by them in excess of the sanctioned grant of Rs.1000 for the reception of His Excellency Lord Reay on the occasion of his recent visit to that town, the journals such as Deshi Mitra, Broach Mitra and others gave a hearty welcome to such a step and remarked that this display of public spirit should be imitated in other towns. (Confidential report of the Native Papers, 1888, p.19). Same spirit of one's own right to choose one's own representative in the Municipal bodies, for instance, was revealed when the municipal voters of a particular ward in Surat, decided to return to the local municipal board as their representative a barber named Nanābhai in place of Mr. H.H.Dhruv (a Brahmin), in spite of the displeasure of the Municipal Board, and it was remarked that municipal commissioners ought to take a lesson therefrom and that of all the ratepayers were to act similarly much good would be done. (Ibid., p.20)

lay in the British Parliament. Further the organs like Central Legislative Council and Provincial Legislative Councils which were created to make some enactments locally were subordinate to the supreme executive heads like Governor-General and their representatives Governors. Even in the administrative apparatus evolved on the principle of separation of functions into departments, the judiciary at lower level was considerably fused with executive by permitting Collectors, Mamlatdars and other executive officers to have judicial powers. Thus slowly a demand to separate executive and judiciary as well as subordinating executive to the legislatures was being formulated with a view to make Indian administration more democratic and representative. It was mentioned in one of the Gujarati periodicals, that 'What can be more unlawful, more subversive, of law and more unsuccessful than the appointment of an autocratic and often self-willed District Magistrate and Collector to be the Sessions Judge in the same district? Executive officers generally ought to be ineligible as judges.'⁷⁰

Racial discrimination: Another major limitation of the British political rule lay in the fact that in the appointment of persons to various jobs, a clear, open discrimination was made between Europeans and native Indian subjects. Not merely all the highest posts like those of Governor General, Governor, Commander-in-Chief and others were filled in by Europeans but even in the appointment in the Civil Services in the Divisions and Districts, all class I offices were exclusively reserved for Europeans. Even when subsequently a few Indian were nominated or a few Indians secured some of the posts through success in the Public Service Examination, a discrimination was made between the powers, emoluments, salaries and other rights between European officers and Indian officers occupying

the same office.⁷¹ Thus as Narmad very ably points out there was not merely a discrimination with regard to the types of services open to the Indian, but even in the posts of the same grade discrimination was made between Europeans and Indians.⁷² As Gujarat Gazetteer pointed out, the nation have a right of employment in Government service to the exclusion of foreigners... of the total number of 22,000 posts under Government a half or 9,000 are given to natives and they are paid only one-tenth of the total outlay, nine-tenth being absorbed by the foreigners.⁷³ This racial discrimination in public services and in the mode of administration of justice as reflected in the modification of Ilbert Bill, slowly generated a sense of frustration. It also led to the demand for holding I.C.S. Examinations in India and to raise the age for appearing in the examinations.⁷⁴ This sense of discrimination became more and more acute with the growth of education and the educated middle class not finding opportunities even for getting job.⁷⁵ This sense of discrimination was further aggravated by superior, arrogant attitude of the rulers which permeated their entire approach towards Indian subjects.⁷⁶ The liberal attitude of Munro, Malcolm or Elphinstone in the earlier half of the 19th Century was replaced by the arrogant, discriminatory and humiliating approaches of the Governor Generals, Governors and higher officials and ordinary Europeans. Gone were the days of Lord Elphinstone when he had issued a regulation to the effect that respectable women might either be excused attendance at court or protected by screens from the public gaze.⁷⁷ They were the days of Lytton when respectable Bohra ladies of Kupadranj (a town in N. Gujarat) for instance were called to the court to give evidence in an issue wherein dust was thrown in a public place.

These ladies were not only asked to present themselves in the court of law but were also asked to remove their veils.⁷⁸ Further gone were the days when an important officer like Alexander Forbes would address a person like Dalpatram as 'My dear', and would meet him on any occasion. In short a wide gulf was developing between the Europeans and Indians more particularly educated Indians. Sir Henry Cotton refers to the widening distance in a succinct manner. He says, "In the 'seventies and 'eighties, things began to be different... Men who speak English better than most Englishmen, who read Mill and Comte, Max Muller and Maine, who occupy with distinction seats on the judicial bench, who administer the affairs of the native states, with many millions of inhabitants, who manage cotton mills, and conduct the boldest operations of commerce who edit newspapers in English and correspond on equal terms with the scholars of Europe,' - such men as these cannot be expected to salaam every Englishmen they meet in the street, to dismount from a horse or lower an umbrella when they see him coming to remove their shoes when they enter his house."⁷⁹ On the contrary, the snobbish and arrogant isolation kept by British officers and Britishers in general and further their humiliating treatment manifested in crude and subtle forms to Indians including the persons of higher castes, and educated, competent Indians hurt the self-respect of the newly emerging intelligentsia and the group of officers.* As a reaction against this racial

* Here we can mention even apparently simple but humiliating approaches adopted by British officers towards Indian officers also. Navalram for instance narrates how Mr. Courtis, the educational inspector refusing to meet Navalram on the pretext that he had to go out. Navalram remarks over this incidence 'why should we bear such humiliations at the hands of foreigners?' (Naval Granthavali, p.29). R.B. Mohanlal Zaveri, the deputy educational inspector and some other deputies were called for interview by Mr. Russell, but as soon as he saw them, he remarked "you wisemen of the East, I have got no time to talk with you as I am going to sleep. Please come at some other suitable time
contd.

humiliation, the Indians started looking to the long, continuous past as well as to the great philosophical and artistic creations of Indian nation, thereby generating a sense of spiritual superiority of Indians.⁸⁰ In this way the educated Indians started a new revivalistic fervour leading to a sense of pride, and significance against the racial ego of the rulers. The controversy at the time of Ilbert Bill revealed the attitude of the foreigners. They opposed it by using insulting language against Indians. For instance, Townshend wrote in 'Spectator' that it is very wrong to "live in a country where at any moment your wife would be liable to be sentenced on a false charge of slapping an ayah to three days' imprisonment by the Magistrate, a copper coloured Pagan, who probably worship the Linga, and certainly exulting in any opportunity of showing that he can insult white persons with impunity."⁸¹ The powerful agitations launched by Europeans ultimately leading to the withdrawal of Ilbert Bill, revealed the racial arrogance of the rulers.

Growing burden of Taxation and the rise of politics of protest: Another consequence of the British administration which considered India as a colony, was the heavy drain and the irksome taxation system imposed on Gujarati people. With the passage of time, the burden of taxation increased and the taxes on necessities like salt proved extremely unbearable.⁸² The taxes on trading community particularly the License Tax generated a protest leading to a great strike, demonstration and hartal in Surat. The colonial policy of Government, which resulted in

when I call for you." (Arvachin Shikshan na Sava so varsha by R. Navnitlal, p.51.) It has been also remarked that this attitude of arrogance was so infectitious that even several native Karkoons and Ghrastedars also behaved in a similar manner. (Gujarat Gazetteer, 31st May, 1888).

ruination of handicrafts, creating a vacuum for employment opportunities, the growing burden of land revenue, and other taxes which were ruthlessly collected in cash, generated discontent among people.

When in August 1844 the duty on salt was enhanced from annas eight to ^arupee per maund in Bombay Presidency, people of Surat for instance rose in protest. Nearly 30,000 persons took part in the demonstration as reported, the feeling of discontent 'was universal, from the lowest to the highest, and the city appeared to be on the verge of insurrection' and troops had to be called in for maintenance of peace.⁸³ This was the first spontaneous revolt of the people against the oppressive and exploitative character of the new government. 'Mamool Mafak', i.e. revert back to position and 'Ganno Zoolum' (much oppression) were the cry words. Due to mass protest the Magistrate took back the proclamation but said that a declaration has to be made "abolishing from this date within the limits of the Bombay Presidency all Town duties, ^lMokauts, all Taxes upon trades and professions commonly designed as 'Kusub Veeras or Mohturfa' also all taxes which it has hitherto been customary to levy on village officers and citizens distinguished under the head of 'Byllottee Taxes'⁸⁴ and after this the salt tax was imposed." Of course the withdrawal of taxes other than salt really led the Government to a loss of one lakh of rupees only while the imposition and continuation of salt tax would enhance the Government treasury by 22 lakhs of rupees.^{85*} However this show of concession revealed the pressure

* It was at this time that the same Durgaram mentioned in his Manav Dharma Sabha Report that "when the king oppresses people, the people by fighting, by punishing should give the political rule to some other person. If the king decides to torture people, then the people should show their strength to the king." The biographer of Durgaram informs us that, if such sentiments were expressed in 1878 instead of 1844, then he (Durgaram) would have to spend his remaining life in the Andamans. (Mahipatram, Durgaram Cheritra, pp. 102-103).

of public opinion. The Surat people also showed their resistance at the time of introduction of Bengal Standard Weights and Measures in 1848 and also at the time of imposition of Income Tax in 1860. The Bombay Gazette described the latter incident as a 'popular rebellion'.⁸⁶ However, the climax of political protest was reached in 1870, when the License Tax was levied.

It is necessary here to provide a brief factual account of the developments that culminated into Surat Riot Case - when British Government announced its decision to levy Licence Tax on the traders including petty hawkers and vegetable vendors, from April 1878, a wave of discontent throughout the Bombay Presidency developed. In Surat this discontent took the form of processions, demonstrations and a declaration of Hartals (strikes) by the people, organized under the leadership of the head of the city (Nagar Sheth), and other members of trading Mahajans. As a reaction to the government measures in the form of lathi-charge and others to curb this protest movement a section of the people grew out of control and committed acts of violence. The press constantly reported the happening in Surat, including even giving their support; for instance, the nationalist monthly 'Swatantrata' in its issue of February 1878, pointed out how the government, is imposing arbitrary acts without even taking into account the opinions and wishes of the non-official members of the legislative council.⁸⁷ The government even did not permit to the people the time which they wanted for preparing a protest appeal signed by the citizens. It also further refused to even permit the use of the Town Hall to Bombay Citizens to hold a meeting to ventilate their grievances against the on coming Act.⁸⁸ The paper also welcomed the heroic effort made by the people of Bombay and Poona to resist the encroachment on freedom by

the government. Similarly, Lok Mitra, Rastgoftar and others also favourably reported the news about the Surat protest movement.⁸⁹ Rastgoftar in its issue of 12th April, 1878, went to the extent of condemning the action of the government in the following words, "the behaviour of the authorities and the police is very much to be condemned, they were terrorizing the people by arresting any person, they laid their hands on. It is reported that the military fired nearly 40 rounds!"⁹⁰

After this resistance which lasted for five days, in spite of government efforts to persuade some of the important leaders as well as to terrorise the public through the show of force, the government launched three cases against three groups of persons. The first two cases were filed against some of the ordinary persons found actively carrying on the acts of disturbance, were tried and sentenced to severe punishments like life imprisonment. The third case which acquired almost an international significance was launched against 6 distinguished persons of Surat belonging to upper castes like Brahmin and Baniya and professing vocations like law, journalism and trade.⁹¹ These persons were charged with the criminal acts of committing violence, obstructing the establishment of law and order by the police, inciting people to acts of violence and others.⁹² The case dragged on for nearly 4 months, and in which many witnesses were examined. Some of the outstanding lawyers like Sir Pherozshah Mehta and Barrister Gill had specially come from Bombay to represent some of the witnesses. The case ended with acquittal of all the accused, and was reported and commented upon by various journals like Amrita Bazar Patrika of Calcutta, Madras Times as well as some journals of Great Britain.

The significance of this episode and the case lie in the fact that they reveal the new democratic awakening the emergence of new techniques of resistance which were to subsequently gain prominence in the 20th century, and the role of press in the new political awakening of the people. The Surat Riot Case once again revealed how judiciary within its own bounds was still acting independently even defying the wishes of the executive. This aspect of the judiciary was eloquently praised by the people as well as press.⁹³ A very vivid description of the joy and relief of the people, spontaneously expressing when the news of the acquittal came, is given by Amrita Bazar Patrika.⁹⁴

Along with these new patterns of protest struggles which were emerging in Gujarat during 19th century, it should be also noted that voluntary associations organized to ventilate political grievances of the people against the practices of the new rulers and generating awakening of new political awakening were emerging in Gujarat during this period.

The Bombay Association, the first political organization of the Bombay Presidency was started in 1852, with the object "of ascertaining the wants of the natives of India, living under the Government of this Presidency, and of representing from time to time to the Authorities, the measures calculated to advance the welfare and improvement of the country."⁹⁴ Subsequently a number of branches of the same association were started in Surat, Broach, Ahmedabad and other places. Before the emergence of Indian National Congress, which climaxed the growth of such political associations a few local political associations like "Sharda Fujuk Mandali" of Surat and others were started.

Red Tape and expensiveness of administration: We will now indicate another limitation of the administration established by British Rulers and the problems created by it. The administrative rigid procedures, complicated division of powers and duties, led to a red tape which appeared very harsh and ruthless to the people. The people accustomed predominantly to primary relations, face to face contacts and informal direct dealings felt the administration very complicated and confusing.

The elaborate official routine, the prolonged complex procedures and the intricacies of rules, requiring heavy expenses and waste of time, have been found to be irksome even in the highly industrialized societies. In India and in Gujarat, in the context of near universal illiteracy and poverty and customary primary, caste, joint-family life of the overwhelming section of the people, the rigidity of political bureaucracy was found to be extremely stifling and confusing. Even the new intelligentsia in Gujarat found these rigidities and delays very annoying. Poet Dalpatram, for instance, in his poem "In Praise of the Rule" (Rajya Prashansa) while eulogizing the impersonality and equality of the new political regime criticised the rigidity by pointing out that intricate procedures of judicial administration sometimes dragged on suits, for 10 to 12 years. He further remarked that the technicalities and subtlety of clauses of the Acts were so complex that it took as much time for eminent lawyers to interpret them as it took for theologicians to interpret the meaning of Vedas.⁹⁵

Further, the costs involved in securing justice, transformed justice into a luxury of the rich. Only those who could stand the financial strains of the litigation and who could afford to pay the heavy fees of lawyers and courts could afford to go to courts. The indictment against this

phenomenon was very scathingly and picturesquely done in "Rast Goftar and Satya Prakash" while reporting on the proceedings of "Surat Riot Case" in 1878. According to the writer of the paper "The British Rulers have installed in the High Court the statues of 'Justice' and 'Piety' to depict the British concept of justice, but had they put a statue of 'Insolvency' teaching the other two beautiful statues, the picture of the British justice would have been complete."⁹⁶ Similarly a proverb was becoming current making pun on the word civil (Divani). This proverb suggested that those persons who go to civil (Divani) courts were foolish and mad Bevakooof (Dewana). A pun on the Gujarati version of the word civil meaning divani and the word mad meaning dewana.⁹⁷

The costly and complicated character of justice thus had the effect of slowly reducing the judicial remedies as a preserve of the rich. It became a frankenstian for the poor, illiterate population, who could neither understand the subtleties of the laws, nor could stand the heavy expenses involved in the litigation. The richer, trading, moneylending classes utilized this limitation to extend their grip over poorer peasants and workers who constantly needed money. They trapped them into legal intricacies. They forced or defrauded the poorer people to enter into agreements or accept documents or other forms of contractual commitments which meant virtually a new type of bondage.

Disparity between rules of administration and practice of rules: The new political administrative machinery slowly started revealing another important weakness. The limitation lay in the widening disparity between

the formal rules prohibiting irregular practices by administrative staff⁹⁹ and actual practice of these irregularities. This lead to heavy exactions in the form of varieties of services, perquisites and facilities demanded by higher officers from lower ones and by the entire administrative staff from ryots, things denied by rules. This is very poignantly portrayed by poet Dalpatram in his poem "Forbes Vilas", wherein he points out how the rule of corrupt has gone but corruption continues, the tyrannical kings have disappeared but tyranny persists, the direct, open plunderers have been eliminated but the plunder in the form of non-payment or less payment in fact for work for which specific payment is legally prescribed, still prevails.¹⁰⁰

This oppressive and arrogant attitude of the higher officials was increasingly being felt as irksome and humiliating to the lower categories of staff. To some of the lowest class servants like chakiats, peons, and lower grade karkoons and others this humiliating treatment was becoming so irritating that, as Dalpatram has pointed out, some of these petty servants felt like renouncing the world and become Bhagats, a few of them actually taking to this road.¹⁰¹ Another illustration of this type of humiliations and hardships felt by even Indian officials of lower grade felt from white superiors is revealed by the admission made by poet Narmad's father and recorded by poet Narmad. He stated that he preferred to remain as a mere scribe, and abjured all higher posts and positions to avoid being involved into the malpractices and also to escape the humiliations and insults from judicial and other officers.¹⁰²

New status groups accommodates the old status groups: Along with the abovementioned limitations, the British political administration revealed another limitation due to the fact that it emerged in the peculiar traditional Gujarati social structure. As indicated earlier, though the officers were juridically open to all who acquired the necessary qualifications, in fact most of the upper layers of the services in various departments as well as new professions which arose to supplement the administration became the monopoly of members of a few upper castes like Brahmins, Banias, Brahma Kshatriyas, Kayasthas and some elements of Rajputs (particularly in Police and Military). Similarly Parsis, and a section of the Native Christians secured some of the important posts. Muslims were relatively much less represented, and even there only a few from upper categories of them got recruited (predominantly in police Department).

As we have seen, this limitation had one consequence viz. the old status system based on birth, caste and hereditary rank was slowly being dovetailed into new ^{system} status/based on merit, education, achievement and wealth.

In short the political system introduced by Britishers exhibited the abovementioned limitations.

VII

CONCLUDING OBSERVATIONS

We have now examined the mainfeatures of the new political relationship introduced by British Rulers. We will now conclude this chapter by indicating the nature of political change in term of the indices adopted by us to measure change.

1) Change in the scale of relationship: The first point which becomes clear from the above analysis is that the political, including

administrative relationships in Gujarati society experienced an immense extension in scale. The political relations were extended ^{not only} within Gujarat but were extended into a net-work of complicated and elaborate interactions on an all-India and further on an international plane as a part of the British Empire. Further as the political relationships were evolved on a stable, complex, highly elaborate and hierarchic chain of offices, which enveloped people by living^k them into a very vital day to day connections with administration, the political relationships not merely widened in scale but also deepened and became more intense. The gigantic administrative set up erected by British Rulers thus increased, widened and deepened the scale of political relationship. Further the British Rulers by introducing new principles underlying political authority introduced qualitative changes in the nature of political relationships within Gujarati society during 19th century.

As we have indicated earlier, this increase in scale and change in the quality of political relationship created a new matrix for the rise of international, national, as well as regional nationality consciousness among Gujarati people. It was as a result of the change in the political relationship that the image of a Gujarati se nationality (Garvi Gujarat), Swatantra Bharat, and a sense of feeling of equality based on the conception of equal human beings, irrespective of caste, racial or religious differences and having equal rights emerged. This also generated a sense of citizenship, with definite rights and duties by the end of 19th century.

2) Change in the principles governing administrative organization:

The second change introduced by the British Rulers was in the fundamental principle underlying the administrative structure. The entire political

structure was now reared on a totally new principle which we have described earlier in this chapter known as the principle of "legal-rational" authority.

The politico-administrative structure built on this principle in Gujarat, introduced a new type of status system in political organization, which was not based on birth, nor was ascribed to specific persons or groups, in the organization on the grounds of heredity or supernatural sanctions, but on the basis of achievement secured by means of education, examination, efficiency or seniority. Further in this administrative set up composed of various positions in offices, the positions and roles were determined not by considerations of birth but by rules and procedures governing the offices and the roles. This innovation in the political organization introduced a basic qualitative change in the very norms determining the political organizations. We have already noted the limitations which continued in the political set up in the full application of this new principle, in Gujarati society in 19th century. However, our object here is to observe the vital fact that in spite of these limitations, there was a definite change in the structural basis of political organization.

3) The change in the very philosophy underlying political authority:

The third significant change brought about by the British Rule in Gujarati political relationship lay in the fact of changing the principles underlying the basis of political authority. The British rule (1) separated law from religion and custom; (2) subordinated religion and custom to law; (3) introduced the principle of equality before law. Thus the British Rule revolutionized the basis of political authority

by secularizing it. The supernatural or divine sanction behind the political authority was toppled down. The principle of equality before law gave a mortal blow to the principles of distinctions based on caste, creed, and religious denominations, and introduced a new qualitatively different principle of political relationships. The new relationships were now being governed by formal impersonal rules and enactments applicable equally to all persons belonging to a particular territory, rather than governed, as of old, by diverse and contradictory customs and regulations applicable differently to different persons belonging to different castes, and creeds.

Conclusion: To conclude, we can enumerate the types of changes which were brought about in the political system of Gujarati society as a result of British Rule in the following manner.

1. It created a new basis of political relationship in Gujarat
2. It widened the scale of political administrative organization.
3. It increased the physical, social and psychological mobility in political organization as well as in the relationship between rulers and the subjects.
4. It introduced new principle underlying political administration.
5. By changing the very principle underlying the political relationship between rulers and the ruled, it generated a new quality of political consciousness, which manifested itself in the following phenomenon: (a) The rise of the sense of citizenship, (b) The rise of the sense of rights as citizens, and the striving to secure those rights. This consciousness of rights and striving to realize them could be revealed from the development of movements, in the form of protests, and formation of associations and in the emergence of a new sense of patriotism, for India as a nation or Gujarat as a nationality; (c) In the context of the Gujarat as a part of the colony of foreign rule, this new consciousness of right manifested itself in the

striving for freedom and representative government; (d) The growth of the new consciousness based on rights and the sense of humiliation felt by the presence of foreign rule generated a new appraisal of the past, a new sense of history, which manifested itself in the growth of revivalism and search for profound and unique features of Indian civilization. This deepened the scale of relationship in terms of past historical developments.

In the end, we can broadly state that during 19th century as a result of the emergence of new politico-administrative set up, Gujarati Society experienced a profound change in political relationships. This change had also great repercussions on other aspects of social life of Gujarati people. The new political system introduced a new type of status system which was superimposed upon and came in conflict with the traditional status system which prevailed in Gujarat. It also produced a powerful impact on the values on which the institutions of traditional society of Gujarat were based and thus generated ferments in the caste system, property relations, family relations, and educational system. It further affected the norms and values which prevailed in Gujarat during pre-British period.

Here we conclude our analysis by stating that British rule introduced vital changes in the political relationship of Gujarat in 19th century. These changes had far-reaching consequences for future, raising the problem of new category of functional prerequisites for the emerging new structure based on a qualitatively different value system. The problem is how the two are integrated and consequently 20th century Gujarat can be studied in the light of this problem.

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