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T. H. Beaglehole  
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## INTRODUCTION

In the history of British imperial development the end of the eighteenth century and the beginning of the nineteenth was a period of renewed activity, of new objectives, altering with the great social and economic changes in Britain itself. While the 'first British Empire' was collapsing ignominiously in North America, Asia and the Pacific were the setting for a conscious revival of the Elizabethan ambition to open up new fields of commerce. The 'second British Empire' was not an empire in the old sense. The hope and intention was to open markets for the rapidly widening range of British manufactures by creating a network of commercial ports throughout the Pacific and Indian Oceans. The expense and friction attending the establishment of territorial jurisdiction were to be avoided, and with them the potential industrial competition of settlements of British colonists. It was to be an empire consisting of a chain of trading posts, inhabited, for the most part, by Asians and Africans, and ruled 'not through representative institutions, but by a strong, benevolent bureaucracy directed from London'.<sup>1</sup>

Such was the idea. In fact, what happened—for reasons stemming from local circumstances, the influence of interested groups, or the intractable demands of power politics—was often quite different. In India, in particular, territorial jurisdiction could not be avoided. Far from being limited to a number of trading posts, the dominions of the East India Company expanded to an extent that made the Company into the greatest power in the sub-continent. This came about largely through a series of developments which were viewed with distaste by the Directors of the Company, and strongly deplored by its numerous critics. The purpose of the present study is not to disentangle the extraordinary complexity of

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the forces which brought about this enormous increase in territorial control, but rather to see how (in one part of India) the power acquired was exercised. The Company's India was the scene of a complete breakdown in government machinery. The machinery had to be reconstructed. The method of reconstruction is an index to the administrative capacity of the Company and its servants. What was done and what was written alike illuminate contemporary ideas on the nature of British rule in India.

Adam Smith was one standard-bearer of the 'second British Empire'; the other was Edmund Burke. To Burke more than to any other individual person, credit is due for the genesis of the idea that with imperial control goes responsibility.

All political power which is set over men [he told the House of Commons in a debate on the powers of the East India Company] and . . . all privilege claimed or exercised in exclusion of them, being wholly artificial, and for so much a derogation from the natural equality of mankind at large, ought to be some way or other exercised ultimately for their benefit. . . . such rights, or privileges . . . are all in the strictest sense *a trust*; and it is the very essence of every trust to be rendered *accountable*.

In the years after the suicide of Clive public opinion on the question of British rule in India was transformed: in the drawn-out acrimony of the impeachment and trial of Warren Hastings perhaps the one thing that emerged clearly was the fact that moral obligation—the motif of the speeches of Burke, Fox and Sheridan—was accepted by all, not least by Hastings himself.

The first great reforms of the Company's administrative system were those carried out by Cornwallis in Bengal. Faced with the problem of creating efficient machinery for imposing peace, dispensing justice, and restoring the Company's finances ruined by corruption and mismanagement, his solution was to break radically with the attempts of Clive and Hastings to work through the native system of administration. He effected an immediate and final settlement of the revenue with the zamindars, or hereditary rent collectors, and introduced a judicial system entirely separate

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from the revenue branch. The zamindars were recognised as the owners of their estates, which could be sold for arrears of revenue. A Whig idealisation of landed property was complemented by the Whig idea of reducing the executive role of government to the very minimum, of establishing the rule of law in place of what was seen as the corrupting influence of personal power. It was a policy British in origin and spirit.

Under Cornwallis, and even more under Wellesley, Fort St George was transformed from a small settlement on the east coast into the administrative capital of a great presidency which, strategically, was unchallenged in the south of India, and, territorially, stretched from coast to coast, encircling Mysore and bordering on Hyderabad and, in the west, the Maratha territories. At first the home government—that is, the Court of Directors of the East India Company, and the Board of Commissioners for the control of India which represented Parliament—and its representatives in India believed that the Bengal system of administration should be extended to these new possessions.

In the years between 1793 and 1814, however, a new idea and system of administration emerged, markedly different in many ways from that existing in Bengal. It was eventually adopted by the home government, and instructions were sent to Madras to have it put into effect. The changes, for which Thomas Munro was the foremost advocate, marked both an appreciation of and a desire to preserve the property rights and the social system found in that part of India; it marked also a reaction against the Cornwallis system, against its aim to support a British pattern of landed property by a judicial system British in spirit and largely administered by Europeans. For the home government it was a reaction which was largely caused by the growing realisation that the Company had in India an administrative structure inefficient, expensive and failing in its purpose of bringing security and justice to the Indians. Munro and his friends in Madras shared Burke's repugnance against overturning an immemorial system of

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society in order to promote reforms based on 'abstract theory'. They shared too the absorbed and sympathetic interest in Indian society of Warren Hastings, and with him were ready to use Indian forms of revenue and judicial administration. This was a view, essentially conservative, which went back to the earlier eighteenth century, and with it went a thoroughly paternalist view of government: not, one would have thought, a likely source for later administrative reforms. But in fact, the paternalist insistence on giving the executive arm of government a preponderant authority and prestige was the only way of alleviating the weakness inherent in the rule of law when it was applied to subject territories. This was to be accepted all over India, and, indeed, in the whole field of British colonial administration.

Cornwallis had thought otherwise. To him, power in the hands of the government, or of its servants, was fraught with grave danger: he saw the corruption and appalling mismanagement which existed in Bengal as the inevitable result of giving wide discretionary authority to underpaid and ill-controlled Company servants. The only way to prevent the abuse of power was to limit its extent. Thus he decided for 'the introduction of a new order of things, which should have for its foundation, the security of individual property, and the administration of justice, criminal and civil, by rules which were to disregard all conditions of persons, and in their operation, be free of influence or control from the government itself.'<sup>1</sup> The settlement of the revenue with the zamindars in perpetuity was to be as much a permanent settlement of rights as of revenue, enabling the Boards of Revenue and collectors to be stripped of all judicial powers, to act merely as collectors of revenue, under the overriding authority of the rule of law. The Cornwallis code of regulations was to be administered by the district judge and magistrate, the pre-eminent figure in the district, who was given the control of the police, and a salary and status above that of the collector.

Cornwallis realised—even if the Directors did not until later—

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that in recognising the zamindars as proprietors of the soil he was going far beyond the mere recognition of existing rights, or claims acquired by prescription. To what extent the rights given to the zamindars were in fact innovations was a question in which, surprisingly, he showed little interest. While Shore and Grant, the two most eminent Bengal servants of the Company, debated whether the zamindar owned the land, and owed the state only customary revenue, or was in fact only an official acting as revenue farmer for the state which owned the land, Cornwallis wrote: 'It is immaterial to Government what individual possesses the land, provided he cultivates it, protects the ryot, and pays the public revenue.'<sup>1</sup> The question had been settled, though not answered, by the instructions of the Court of Directors who, following the act of parliament in 1784 which required them to establish 'permanent rules' for collecting the land revenue 'according to the laws and constitution of India', had instructed Cornwallis to make the settlement with the zamindars. The permanent settlement was seen by many as a measure 'which was effected to naturalize the landed institutions of England among the natives of Bengal';<sup>2</sup> without pretence that such institutions were already there, awaiting recognition. In fact Cornwallis had no alternative to a settlement with the zamindars.<sup>3</sup> Limited as his government service was in numbers and administrative ability he had not the means of collecting the revenue directly from the ryots. The zamindar was indispensable. It is in his conception of the rule of law securing absolutely, through its inherent principles, individual property rights, rather than in the choice of a particular landholding class, that Cornwallis's conscious and deliberate policy of anglicisation is clear—a policy which stemmed not from ignorance of Indian institutions, but perhaps from an exaggerated respect for those of England.

Cornwallis planned to give the ryots the same security of tenure in relation to the zamindars as the zamindars had in relation to the government. But the regulations drawn up for this purpose were

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a failure. The rights of the ryots were intended to be upheld by the courts administering the judicial code, but this the courts proved incapable of doing. Even if the reasons for their incapacity were a consequence not of any defect in the courts themselves, but rather of other circumstances—which seems to have been partly so—it did not alter the fact that Cornwallis's faith that they could protect the people against officials, and the ryots against the zamindars, was unjustified: the protection existed in theory alone. A great wave of litigation which followed the settlement threatened to overwhelm the judicial system completely, and the consequent delays in hearing suits led to such an accumulation of causes that application to the courts, for many, became synonymous with avoiding any legal decision. In undermining the interests of the ryots, and exalting those of the zamindars, the permanent settlement had lasting social results, wholly altering the balance of rural society in Bengal.

With Cornwallis's respect for English institutions went a belief both in the superior abilities of English officials, and in the necessity, if the security of the Company's position was to be upheld, of having an adequate number of them. 'I think it must be universally admitted', he wrote to the Court of Directors, 'that without a large and well-regulated body of Europeans, our hold on these valuable dominions must be very insecure';<sup>1</sup> and while the result of his policy was to raise the standard of those European servants it also ensured that Indians were, in fact, excluded from responsible employment. This aggravated what was probably the worst result of Cornwallis's measures of 1793; the great extent to which the rulers of Bengal lost touch with the people under their charge.

Both Henry Dundas, the President of the Board of Control, and Wellesley in India were convinced that the Bengal methods should be extended to every region under the Company's authority, and in 1798 Wellesley sent instructions to Madras for the introduction of revenue and judicial arrangements modelled on those of Bengal. This action the Court of Directors wished to condemn,<sup>2</sup>

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their disapproval stemming not so much from disagreement with the basis of the policy—in spite of the fact that the land tenures of south India differed fundamentally from those in Bengal and in only a few regions of Madras was there a zamindari class—as from a wish to avoid a permanent settlement while ‘the real value of the land in many cases [was] very imperfectly known’; and above all because in this field, as in every other, they felt Wellesley was gathering to himself power and authority which, in their opinion, should emanate from them.<sup>1</sup> Dundas strongly supported Wellesley and wished to allow him to act on his own initiative, and the Directors reluctantly gave way.<sup>2</sup>

As zamindars were virtually non-existent, the Madras Board of Revenue proposed that villages should be grouped to form estates of convenient size to be sold by auction to the highest bidders, and a settlement on these lines was begun in the districts of Baramahal, Dindigul and the Northern Circars.<sup>3</sup> During 1802 the introduction of the judicial system was begun in those districts that had been permanently settled, and by 1806 the courts had been established even outside the permanently settled areas of the presidency. In 1802, however, Henry Dundas left the Board (where he was succeeded by Castlereagh) and the Court in a despatch ordered that in those districts where the settlement had not been made its conclusion should be suspended until the Madras government were able to find out whether all possible information had been obtained on the real value of their resources, and until this had been specifically reported to the Court with the relevant information.<sup>4</sup> This order was repeated several times in subsequent despatches,<sup>5</sup> but reflected an anxiety not to forgo undiscovered sources of revenue rather than doubts as to the suitability of the system. A ‘permanent settlement’ was still automatically taken to mean a zamindari settlement—though the Court did receive reports of ‘individual proprietary rights’ in parts of the presidency, and enjoined great caution in applying the settlement to such districts.<sup>6</sup>

In Madras there was a growing opinion that the Cornwallis

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system was not suited to those territories. Many of the proprietors of the newly created estates began to fall into arrears. By 1806, many of the estates were sold, and when such alienated estates lapsed into the direct management of government, it was discovered that the prosperity of most of the villages had deteriorated under the exactions of the late proprietors. Support grew for a ryotwari settlement, a plan first developed by Alexander Read in the Baramahal between 1792 and 1799, and applied, apparently with striking success, by Thomas Munro during his administration of the Ceded Districts from 1801 to 1807. The ryotwari settlement was based on a permanent assessment of the rent to be paid on each field, to be decided following a general survey of all the land, and an annual agreement between each cultivator or ryot and the government, which recorded how much land he cultivated that year. It was a system which brought the collector into close and continual contact with the mass of the people, which needed a large number of native administrative officers to make it work, and was, in some respects, incompatible with the Bengal judicial system. In common with the Cornwallis system it sought to establish individual proprietary rights in land, but the proprietors envisaged were very different. 'Supposing the amount of property to be the same', wrote Munro, 'it would be better that it should be in the hands of forty or fifty thousand small proprietors, than four or five hundred great ones';<sup>1</sup> and this he held was true both because of the beneficial effect on the revenue, and as a socially desirable end.

Between the two systems there was much more than simply a preference for small cultivators over great landowners. By dividing power and giving the first place to the judicial arm of administration Cornwallis sought to protect the people from the government. In the Madras system the object was the protection of the community by, and not against, the government; and for this purpose it was held, in general, that the more power bestowed upon the collector the more effective he could be at this task.

If asked what the community needed protection from, Munro



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and his school would probably have used the terms 'innovation' or 'regulation'.

It is too much regulation that ruins everything; Englishmen are as great fanatics in politics as Mahomedans in religion. They suppose that no country can be saved without English institutions. The natives of this country have enough of their own to answer every useful object of internal administration, and if we maintain and protect them, our work will be easy. If not disturbed by innovation, the country will in a very few months settle itself.<sup>1</sup>

The ryotwari plan was strongly supported by the governor of Madras, Lord William Cavendish Bentinck,<sup>2</sup> who went so far as to travel to Calcutta to impress his argument on the supreme government.<sup>3</sup> Under him several districts were settled on the ryotwari principle and detailed reports on its progress sent home. Following the Vellore mutiny in 1807 Bentinck was recalled, and the despatch to Madras communicating the resolution of recall was more than a condemnation of his failure to avoid the mutiny, being rather 'a general censure on the conduct of the latter part of his Government'. Bentinck's attitude to the permanent settlement, according to Auber, was one of the grounds of disapprobation; 'but', he wrote, 'it was a question upon which party feeling prevailed, and his Lordship's views were as strongly supported a short time afterwards, as they had been previously disapproved'.<sup>4</sup>

It was probably the mutiny rather than the actual minutes, reports and letters on administration which brought the nature of the administrative system into discussion. The 'Saints' among the Directors were determined to find causes other than religious ones for the mutiny, and in May 1807 the 'Chairs',<sup>5</sup> in a letter to the President of the Board, suggested that much of the unrest in Madras had been caused by the exclusion of Indians from the more important government posts which had followed the extension of the Bengal system to that Presidency.<sup>6</sup> Even before the mutiny Charles Grant, in a private letter to Bentinck, had written agreeing that the Bengal zamindari settlement, in spite of the efforts made to protect the ryots from the oppression of the 'corrupt & faithless

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Zemindar', had not secured the 'comfort & the industrious exertion of the body of the people'; and Grant appears to have accepted Bentinck's arguments in favour of a ryotwari settlement.<sup>1</sup> This critical attitude did not lead the Directors generally to support the ryotwari plan, and in August 1809, having received a report of Munro's on the method of making a ryotwari settlement, they wrote that while they believed the ryotwari system 'intelligently followed up . . . well calculated to discover the resources of a country, yet we also think that after it has answered that end, it is not to be preferred for constant practice'.<sup>2</sup>

In the six years following Munro's return to Britain on leave in 1808, the Court of Directors, urged on by the Board of Control, changed its mind, and accepted first the ryotwari system, and then the ideas of judicial reform that went with it.<sup>3</sup> Munro returned to India as Special Commissioner to revise the Madras judicial system, and he was instructed as well to make recommendations on revenue matters. By his contemporaries, Elphinstone and Metcalfe among them, and by his successors, the reforms he made and the administrative system he established at this time and while he was Governor of Madras (1820-7), were always known as the 'Munro system'. The name was not undeserved.

In considering how the 'Munro system' became administrative policy in Madras, and influenced policy in the rest of British India, there are a number of questions that must clearly be distinguished. Though the system marked a reaction against that of Cornwallis, the reaction was one which, for Munro and those of his contemporaries at Madras who shared his views, was the result more of the study of the institutions of their part of India than of any theoretical objections to the Bengal system. The introduction of this into parts of the Madras presidency had led to the deprivation of existing property rights, and to the impoverishment of many districts. These discouraging results both drew attention to the differences in land tenures and revenue practice between Madras and Bengal, and demonstrated weaknesses in the judicial system,