

ASSIGNMENT No. 1

Q.1 “Robert Clive’s decisive role in the Second Carnatic War was just the beginning of his monumental ascent in the annals of the Company.” Comment.

The **Carnatic Wars** were a series of military conflicts in the middle of the 18th century in India's coastal Carnatic region, a dependency of Hyderabad State, India. Three Carnatic Wars were fought between 1740 and 1763.

The conflicts involved numerous nominally independent rulers and their vassals, struggles for succession and territory; and included a diplomatic and military struggle between the French East India Company and the British East India Company. They were mainly fought within the territories of Mughal India with the assistance of various fragmented polities loyal to the "Great Moghul".

As a result of these military contests, the British East India Company established its dominance among the European trading companies within India. The French company was pushed to a corner and was confined primarily to Pondichéry. The East India Company's dominance eventually led to control by the British Company over most of India and eventually to the establishment of the British Raj.

The Mughal Emperor Aurangzeb died in 1707. He was succeeded by Bahadur Shah I, but there was a general decline in central control over the empire during the tenure of Jahandar Shah and later emperors. Nizam-ul-Mulk established Hyderabad as an independent kingdom. A power struggle ensued after his death between his son, Nasir Jung, and his grandson, Muzaffar Jung, which soon involved foreign powers eager to expand their influence. France aided Muzaffar Jung while Britain aided Nasir Jung. Several erstwhile Mughal territories were autonomous such as the Carnatic, ruled by Nawab Dost Ali Khan, despite being under the legal purview of the Nizam of Hyderabad. French and British support soon became intertwined with the affairs of the Nawab. Dost Ali's death sparked a power struggle between his son-in-law Chanda Sahib, supported by the French, and Muhammad Ali, supported by the British.

One major instigator of the Carnatic Wars was the Frenchman Joseph François Dupleix, who arrived in India in 1715, rising to become the French East India Company's governor in 1742. Dupleix sought to expand French influence in India, which was limited to a few trading outposts, the chief one being Pondicherry on the Coromandel Coast. Immediately upon his arrival in India, he organized Indian recruits under French officers for the first time, and engaged in intrigues with local rulers to expand French influence. However, he was met by the equally challenging and determined young officer from the British Army, Robert Clive.

"The Austrian War of Succession in 1740 and later the war in 1756 automatically led to a conflict in India...and British reverses during the American War of Independence (1775–1783) in the 1770s had an impact on events in India.

In 1740 the War of the Austrian Succession broke out in Europe. Great Britain was drawn into the war in 1744, opposed to France and its allies. The trading companies of both countries maintained cordial relations in India while their parent countries were bitter enemies on the European continent. Dodwell writes, "Such were the

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friendly relations between the English and the French that the French sent their goods and merchandise from Pondicherry to Madras for safe custody."^[3] Although French company officials were ordered to avoid conflict, British officials were not, and were furthermore notified that a Royal Navy fleet was en route. After the British initially captured a few French merchant ships, the French called for backup from as far afield as Isle de France (now Mauritius), beginning an escalation in naval forces in the area. In July 1746 French commander La Bourdonnais and British Admiral Edward Peyton fought an indecisive action off Negapatam, after which the British fleet withdrew to Bengal. On 21 September 1746, the French captured the British outpost at Madras. La Bourdonnais had promised to return Madras to the British, but Dupleix withdrew that promise, and wanted to give Madras to Anwar-ud-din after the capture. The Nawab then sent a 10,000-man army to take Madras from the French but was decisively repulsed by a small French force in the Battle of Adyar. The French then made several attempts to capture the British Fort St. David at Cuddalore, but the timely arrivals of reinforcements halted these and eventually turned the tables on the French. British Admiral Edward Boscawen besieged Pondicherry in the later months of 1748, but lifted the siege with the advent of the monsoon rains in October. With the termination of the War of Austrian Succession in Europe, the First Carnatic War also came to an end. In the Treaty of Aix-la-Chapelle (1748), Madras was given back to the British in exchange for the French fortress of Louisbourg in North America, which the British had captured. The war was principally notable in India as the first military experience of Robert Clive, who was taken prisoner at Madras but managed to escape, and who then participated in the defence of Cuddalore and the siege of Pondicherry. The French still retained their position as the protectors of nizams of Hyderabad.

Q.2 How did the Black Hole of Calcutta change the relations between Bengal and the English East India Company?

The horrifying story of the Black Hole of Calcutta starts in early 1756. [The East India Company](#), a relative newcomer to the Indian subcontinent, had already established a popular trading base in Calcutta but this hegemony was under threat by French interests in the area. As a preventive measure, the Company decided to increase the defences of its main fort in the city, Fort William.

It is important to remember that during these early days of colonial rule, the East India Company had direct control only over a small number of strongholds in India, and to maintain these strongholds the Company was often forced into uneasy truces with nearby princely states and their ruling 'Nawabs'.

Upon hearing of the increased militarisation of Fort William, the nearby Nawab of Bengal, Siraj-ud-Daulah, rallied together some 50,000 troops, fifty cannons and 500 elephants and marched on Calcutta. By June 19th 1756 most of the local British staff had retreated to the Company's ships in the harbour, and the Nawab's force was at the gates of Fort William.

Unfortunately for the [British](#), the fort was in a rather poor state. Powder for the mortars was too damp to be used, and their commander – John Zephaniah Holwell – was a governor with limited military experience and

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whose main job was tax collecting! With between 70 and 170 soldiers left to protect the fort, Holwell was forced to surrender to the Newab on the afternoon of June 20th.

As the Newab's forces entered the city, the remaining British soldiers and civilians were rounded up and forced into the fort's 'black hole', a tiny enclosure measuring 5.4 metres by 4.2 metres and originally intended for petty criminals.

With temperatures hitting around 40 degrees and in intensely humid air, the prisoners were then locked up for the night. According to Holwell's account, the next few hours saw over a hundred people die through a mixture of suffocation and trampling. Those that begged for the mercy of their captors were met with jeers and laughter, and by the time the cell doors were opened at 6am there was a mound of dead bodies. Only 23 people had survived.

When news of the 'Black Hole' reached London, a relief expedition led by Robert Clive was immediately assembled and subsequently arrived in Calcutta in October. After a prolonged siege, Fort William fell to the British in January 1757.

In June of the same year, Robert Clive and a force of just 3,000 men defeated the Newab's 50,000 strong army at the Battle of Plassey. The success of the British at Plassey is often cited as the start of large-scale colonial rule in India, a rule that would last uninterrupted until independence in 1947.

The nawab attacked Calcutta because of the company's failure to stop fortifying the city as a defense against its rivals in anticipation of war (the Seven Years' War, 1756–63). Following the surrender, Holwell and the other Europeans were placed for the night in the company's local lockup for petty offenders, popularly known as the Black Hole. It was a room 18 feet (5.5 metres) long and 14 feet (4 metres) wide, and it had two small windows. According to Holwell, 146 people were locked up, and 23 survived. The incident was held up as evidence of British heroism and the nawab's callousness. However, in 1915 British schoolmaster J.H. Little pointed out Holwell's unreliability as a witness and other discrepancies, and it became clear that the nawab's part was one of negligence only. The details of the incident were thus opened to doubt. A study in 1959 by author Brijen Gupta suggests that the incident did occur but that the number of those who entered the Black Hole was about 64 and the number of survivors was 21.

Q.3 "The steps taken by Warren Hastings in the administrative and judicial departments had relied upon Westernization." Comment.

AFTER the East India Company won the Battle of Plassey, it obtained the diwani rights (the right to adjudicate revenue and civil matters, collect revenue and keep the surplus); the company felt that it needed a uniform and efficient system to collect revenue and administer justice.

Warren Hastings played a massive part in the battle and impressed Robert Clive, the first Governor-General of the Presidency of Fort William in Bengal, who insisted he become the British Resident at Murshidabad, the capital of Bengal, in 1758. After quickly rising up the ranks, in 1771, he was appointed the Governor of Calcutta. Soon after, he came up with his first legal reformation plan, known as the Judicial Plan of 1772.

Judicial Plan of 1772

The Committee of Circuit prepared the first judicial plan under the chairmanship of Hastings. In this plan, the three provinces of Bengal, Bihar, and Orissa were divided into districts. Each district was put under the direct control of a collector, who was responsible for the collection of revenue. The collector also had judicial powers.

The district was the central administrative unit of the plan.

It also consisted of 37 regulations dealing with both civil and criminal laws. They were made in accordance with the prevailing system and culture of the people of the subcontinent. The main idea was to retain, as much as possible, the native code of laws and magistracy of the people.

Courts of original jurisdiction

The area under the company, outside the presidency limits of Calcutta, Madras, and Bombay, came to be known as mofussil. The following classes of courts of law were established for the mofussil districts:

Mofussil Faujdari Adalat: This was the court of criminal jurisdiction established in each district. The collector was responsible for the general supervision and ensuring that justice was administered. The court was presided over by a qazi (magistrate) and a mufti (jurist empowered to give rulings on religious matters), and assisted by two maulvis (expert in law, usually Islamic law), who expounded the law. The court had the power to decide and punish all criminal cases.

Mofussil Diwani Adalat: This was the court of civil jurisdiction established in each district. The court was presided over by the collector. In suits regarding inheritance, caste, marriage, and other religious usage and institutions, the court was required to apply “the laws of the Quran with regards to the Mohammedans, and those of the Shastras with respect to the Hindus.” The judgments of the court up to the financial value of five hundred rupees were final and binding.

Small Cause Adalat: This was the civil court set up to deal with petty cases, and decide disputes up to the value of ten rupees. In each district, the head farmer was assigned the duty of adjudicating justice in this court.

Appellate Courts

Sadar Nizamat Adalat: This was the criminal court of appeals presided over by the Daroga -i- Adalat; he was assisted by the chief qazi, chief mufti, and three maulvis. All capital cases came directly to this court. A major function of this adalat was to approve death sentences and property forfeitures. The governor and the Supreme Council of Bengal exercised general supervision over this court.

Sadar Diwani Adalat: This court heard appeals from the Mofussil Diwani Adalat of cases valued over Rs. 500. It was composed of the Governor and the Supreme Council. It used to charge five percent of the amount of dispute on each petition or appeal.

With a view to preserve the courts’ impartiality and keep proper supervision, the courts were required to give judgments in the open, and maintain appropriate registers and records. Some rules of procedure and limitations were also laid out for the first time to introduce efficiency and avoid delays in the legal proceedings.

Judicial plan of 1774

The institution of collector was abolished in 1773 on the advice of the court of directors of the company in England. This necessitated new reforms, which Hastings ushered in through a new judicial plan, implemented in 1774.

As per the judicial plan of 1774, the collectors were recalled from the districts. In their place, an Indian officer, who was called diwan or amil, was appointed. He was to act as judge of the Mofussil Diwani Adalat and collected the land revenue.

The whole mofussil area in Bengal, Orissa, and Bihar was divided into six divisions, headquartered at Calcutta, Murshidabad, Dacca, Dinajpur, Burdwan and Patna. Each division had a provincial council consisting of four or five British civil servants of the company.

The council supervised the collection of land revenue, heard appeals against the decisions of the mofussil diwani adalat, and administered original civil jurisdiction at the place of its seat. Appeal against the Council's judgments was allowed before the sadar diwani adalat if the suit was valued at more than Rs. 1,000. Complaints against the naib diwans (deputy diwan), head farmers, zamindars (landowner), and other officers of the government concerning their department in the revenue were decided by the provincial councils.

The officers of the faujdari adalats were prohibited from holding farms or other offices in the mofussil, and were obliged to live in their districts in pain of forfeiting their employment. Complaints against them were to be lodged with the Governor-General, who would refer them to the sadar nizamat adalat for inquiry and determination.

The judicial plan of 1774 was an improvement over the initial plan of 1772, but it could not sustain for long. The Council had too much power and created difficulties, monopolizing the trade within their jurisdiction.

It is also important to note that with the Regulating Act of 1773, the Supreme Court at Calcutta was formed, which consisted of a chief justice and three other judges. Barristers of England or Ireland of not less than five years of standing were eligible to be appointed as judges of the Supreme Court. These judges were appointed by the Crown and served in the office as per His Majesty's pleasure.

Judicial plan of 1780

After the establishment of the provincial councils, it was eventually realized that they did not work properly. The councils' members had revenue and other executive work, which was more important than their judicial work. The council members did not care much for their judicial work, most of which was left to be done by the law officers.

Hence, the law officers were left with near-complete discretion to decide court matters as per their wishes; this led to a lot of corruption. When Hastings came to know about these defects, he attempted to remove them with the new judicial plan of 1780.

The plan of 1780 separated the revenue and judicial functions. Now, the courts worked more independently, and with better insight into the litigants' problems.

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To improve the sadar diwani adalat, Warren appointed Sir Elijah Impey as its sole judge in October 1780. At this time, Sir Impey was also the Chief Justice of the Supreme Court at Calcutta. He remained in office for a year and made some fundamental reforms in the administration of justice. He increased the number of diwani adalats from 6 to 18 to reduce the inconvenience of traveling long distances. The diwani adalat was directed to hear all cases after administering proper oath to the witnesses.

The first code of civil procedure was also introduced under him; it consisted of 95 clauses, and was passed by the Governor-General and the Supreme Council in July 1781.

However, the British government in England was not in favour of Hastings' appointment of Sir Impey to the sadar diwani adalat. It considered this a violation of the Regulating Act that had established a judicial system at Calcutta that was to be independent of all control of the company. According to them, by accepting the judgeship of the diwani adalat, Chief Justice Impey had put himself under the subordination of the company. In 1782, he was recalled back to England. After his departure, the sadar diwani adalat reverted to its previous format, with the Governor-General and the Supreme Council administering justice.

While the origins of the legal system were humble, they were foundationally strong. Many of the traditions and practices developed back then are still actively used in Indian courts today. This is nothing short of achievement by those who helped frame these practices and procedures, thereby aiding the development of Indian jurisprudence – on which our nation has thrived.

Q.4 Cornwallis as Governor General of India professionalized, bureaucratized and Europeanized Company's administration. Highlight the salient features of the 'Cornwallis Code'.

Cornwallis Code, (1793), the enactment by which [Lord Cornwallis](#), governor-general of India, gave legal form to the complex of measures that [constituted](#) the administrative framework in British India known as the Cornwallis, or Bengal, system. Beginning with [Bengal](#), the system spread over all of northern India by means of the issue of a series of regulations dated May 1, 1793. On these the government of British India virtually rested until the Charter Act of 1833.

The system, as codified in these regulations, provided that the [East India Company's](#) service personnel be divided into three branches: revenue, judicial, and commercial. Private trade was forbidden to the members of the first two branches, and they were instead compensated by a new and generous scale of pay. The land revenue [assessment](#) (the major source of revenue) was fixed permanently with [zamindars](#), or hereditary revenue collectors. These native Indians, provided they paid their land taxes punctually, were treated as landowners, but they were deprived of magisterial and police functions, which were discharged by a newly organized government police. This "permanent settlement" provided the British with an Indian landed class interested in supporting British authority. The local administration was placed in the hands of the revenue collectors of districts. The judiciary was reorganized; there were district judges with magisterial powers responsible to provincial courts in civil cases and to courts of circuit in criminal cases. The law administered was Hindu and

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Muslim personal law and a modified Muslim criminal code. The higher ranks of the services were restricted to Europeans, thus depriving Indians of any responsible office.

As a whole, the system gave social and political stability to Bengal at the price of neglecting the rights of the lesser landholders and undertenants and of excluding Indians from any responsible share in the administration.

British General [Charles Cornwallis, the Earl Cornwallis](#), was appointed in February 1786 to serve as both [Commander-in-Chief of British India](#) and [Governor of the Presidency of Fort William](#), also known as the [Bengal Presidency](#). He oversaw the consolidation of British control over much of peninsular India, setting the stage for the [British Raj](#). He was also instrumental in enacting administrative and legal reforms that fundamentally altered civil administration and land management practices there. According to historian Jerry Dupont, Cornwallis was responsible for "laying the foundation for British rule throughout India and setting standards for the services, courts, and revenue collection that remained remarkably unaltered almost to the end of the British era.

He was raised to the title of [Marquess Cornwallis](#) in 1792 as recognition for his performance in the [Third Anglo-Mysore War](#), in which he extracted significant concessions from the [Mysorean](#) ruler, [Tipu Sultan](#). Returned to England in 1793, he was engaged in administrative and diplomatic postings until 1798, when [he was posted](#) to the [Kingdom of Ireland](#) as [Lord Lieutenant](#) and [Commander-in-Chief](#). In 1801, he was again posted to India. He arrived in July 1805 and died in October in [Ghazipur](#).

Cornwallis was charged by the directors of the British East India Company to overhaul and reform its administration in India. The company had historically paid its functionaries (revenue collectors, traders, and administrators) in India relatively little, but allowed them to engage in trade for themselves, including the use of company shipping for the purpose. As long as the company was profitable, this open door to corruption and graft at the company's expense was overlooked. However, the rise of manufacturing in Britain led to a collapse of prices for textiles and other goods from India, and the company's involvement in wars on the subcontinent had also been expensive. By the time Cornwallis arrived the company was losing money. Its employees, however, continued to profit personally, without caring whether or not the company made money.^[19] Cornwallis sought to change this practice, first by refusing to engage in such dealing himself, and second, by securing pay increases for the company's functionaries while denying them their personal trading privileges.

Prior to the earl's arrival, judicial and police powers in territories controlled by the company were a confusion of differing standards that were also either inconsistently or arbitrarily applied.^[22] Part of Cornwallis's work was the introduction of criminal and judicial regulations that to a significant degree still underpin the Indian judicial system.

Indian cities, much like British cities of the time, were poorly policed, and crime was widespread.^[23] Different penal and civil codes were applied to Hindus and Muslims, and the codification of these codes in different languages meant that it was virtually impossible for justice to be properly and consistently applied.^[24] Much of the criminal justice system in Bengal remained in the hands of the nawab, the nominal local ruler of the

company's territory. Furthermore, individuals with powerful political connections in their community often were able to act with impunity, since no one suffering at their hands was likely to press charges for fear of retribution. Hastings had several times made changes to policing and the administration of justice, but none of these had had a significant impact on the problem.

Q.5 The political conditions of India at the time of arrival of Wellesley in India played decisive role in the success of Wellesley's imperialist pursuits. Discuss.

- Lord Wellesley (as Governor General) came to India in 1798 at a time when the British were locked in a life and death struggle with France all over the world.
- Lord Wellesley decided that the time was ripe for bringing as many Indian states as possible under British control.
- By 1797, the two strongest Indian powers, Mysore and the Marathas, had declined in power.
- The Third Anglo-Mysore war had reduced Mysore to a mere shadow of its recent greatness and the Marathas were dissipating their strength in mutual intrigues and wars.
- Political conditions in India were propitious for a policy of (British) expansion: aggression was easy as well as profitable.

Administrative Plans of Wellesley

- To achieve his political aims, Wellesley relied on three methods i.e.
 - The system of Subsidiary Alliances;
 - Outright wars; and
 - Assumptions of the territories of previously subordinated rulers.
- The doctrine of subsidiary alliance was introduced by Lord Wellesley.
- Under the subsidiary alliance system, the ruler of the allying Indian State was compelled to accept the permanent stationing of a British force within his territory and to pay a subsidy for its maintenance.

Subsidiary Alliance

- In reality, by signing a Subsidiary Alliance, an India state virtually signed away—
 - Its independence;
 - The right of self-defense;
 - Maintaining the diplomatic relations;
 - Employing foreign experts; and
 - Settling its disputes with its neighbors.
- As a consequence of Subsidiary Alliance, lakhs of soldiers and officers were deprived of their hereditary livelihood, spreading misery and degradation in the country.
- Many of the unemployed soldiers joined the roaming bands of Pindarees which were to ravage the whole of India during the first two decades of the 19th century.

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- The Subsidiary Alliance system was, on the other hand, extremely advantageous to the British. They could now maintain a large army at the cost of the Indian states.
- Lord Wellesley signed his first Subsidiary Treaty with the Nizam of Hyderabad in 1798.
- The Nizam was to dismiss his French-trained troops and to maintain a subsidiary force of six battalions at a cost of £ 241,710 per year. In return, the British guaranteed his state against Maratha encroachments.
- In 1800, the subsidiary force was increased and, in lieu of cash payment, the Nizam ceded part of his territories to the Company.
- The Nawab of Avadh was forced to sign a Subsidiary Treaty in 1801. In return for a larger subsidiary force, the Nawab was forced to surrender to the British nearly half of his kingdom consisting of Rohilkhand and the territory lying between the Rivers Ganga and the Yamuna.
- Wellesley dealt with Mysore, Carnatic, Tanjore, and Surat even more sternly.
- Tipu of Mysore would, of course, never agreed to a Subsidiary Treaty. On the contrary, he had never reconciled himself to the loss of half of his territory in 1791. He worked incessantly to strengthen his forces for the inevitable struggle with the British.
- Tipu Sultan entered into negotiations for an alliance with Revolutionary France. He sent missions 'to Afghanistan, Arabia, and Turkey to forge an anti-British alliance.
- Lord Wellesley was no less determined to bring Tipu to heel and to prevent any possibility of the French re-entering India.
- The British army attacked and defeated Tipu in a brief but fierce war in 1799, before French help could reach him.
- Tipu still refused to beg for peace on humiliating terms. He proudly declared that it was "better to die like a soldier, than to live a miserable dependent on the infidels, in the list of their pensioned, rajas and Nawabs."
- Tipu met a hero's end on 4 May 1799 while defending his capital Seringapatam. His army remained loyal to him to the very end.
- Nearly half of Tipu's dominions were divided between the British and their ally, the Nizam. The reduced kingdom of Mysore was restored to the descendants of the original rajas from whom Haidar Ali had seized power.
- A special treaty of Subsidiary Alliance was imposed on the new Raja by which the Governor-General was authorized to take over the administration of the state in case of necessity.
- An important result of the Fourth Anglo-Mysore War was the complete elimination of the French threat to British supremacy in India.
- In 1801, Lord Wellesley forced a new treaty upon the puppet Nawab of Carnatic compelling him to cede his kingdom to the Company in return for a handsome pension.

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- The Madras Presidency as it existed till 1947 was created, by attaching the Carnatic to territories seized from Mysore and Malabar.
- The territories of the rulers of Tanjore and Surat were taken over and their rulers pensioned off.
- The Marathas were the only major Indian power left outside the sphere of British control. Wellesley now turned his attention towards them and began aggressive interference in their internal affairs.

Chiefs of Maratha Empire

- The Maratha Empire (during the Wellesley time) consisted of a confederacy of five big chiefs, namely –
 - The Peshwa at Poona;
 - The Gaekwad at Baroda;
 - The Sindhia at Gwalior;
 - The Holkar at Indore; and
 - The Bhonsle at Nagpur.
- The Peshwa was the nominal head of the confederacy.
- Unfortunately, the Marathas lost nearly all of their wise and experienced leaders towards the close of the 18th century.
- Mahadji Sindhia, Tukoji Holker, Ahilya Bai Holker, Peshwa Madhav Rao II, and Nana Phadnavis, the people who had kept the Maratha confederacy together for the last 30 years, all were dead by the year 1800.
- What was worse, the Maratha chiefs were engaged in bitter fratricidal strife, blind to the real danger from the rapidly advancing foreigners.
- Wellesley had repeatedly offered a subsidiary alliance to the Peshwa and Sindhia. But the far-sighted Nana Phadnavis had refused to fall into the trap.
- On 25 October 1802, the day of the great festival of Diwali, Holkar defeated the combined armies of the Peshwa and Sindhia, the cowardly Peshwa Baji Rao II rushed into the arms of the English and on the fateful last day of 1802 signed the Subsidiary Treaty at Bassein.