However sacred the Cornwallis constitution may have been to many in the Company’s service and however wonderfully simple its judicial rules were in the opinion of its legislators, it was not an unchanging system. In London, the East India Company’s directors were not always sure which parts of it to regard as its infallible core and which regulations were in need of reform. The same was true of the governors-general and their councils at Calcutta. Had the Cornwallis Code delivered the goods that the Company had promised itself from it, such as the access to justice for all and the transparency of governance that it had been devised to generate? If that was not the case so far, how long would one have to wait before it did show results? When should they give up attempts at refinement and opt for more radical reform? Was there a yardstick by which to measure the sufficient and the deficient features of the code of 1793? And was it practical experiments or the inspiration of ideas that one should look for as guides to better governance?

The more enterprising of magistrates in the districts, who considered their ‘systems’ as models to be more widely experimented with, may have looked forward to these questions being asked and acted upon. To the more senior men, however, many of whom served the Company in the courts of circuit and the offices of Calcutta, and who were nearer the moment they would return home with the pensions that had throughout been their main motivation, such doubts did more harm than good. Experiments that could have shown the virtues of alternative models of administration were frowned upon. They would have introduced an element of comparison and indecision undermining a dispensation that was meant to guarantee, and in fact did guarantee, a predictable and smooth career to the vast majority of the members of the civil service. The largely procedural character of the Cornwallis system was, from a bureaucratic point of view, its main attraction. As long as one kept to the rules, one’s reputation and one’s prospect of a well-paid retirement were not in danger. If the code didn’t transform
those ruled the way it was once hoped it would, at least it reduced the basic feeling of insecurity amongst the Company’s servants that is an inevitable feature of every colonial administration. In the experience of the latter, the risks to one’s health in India and the social deprivation one experienced in that country were bad enough and deserved to be compensated for. The veneration in which so many in the service held the Cornwallis dispensation was an expression of the career comfort and predictability they derived from it. They knew that, in spite of the unavoidable intra-service rivalry they had to face, to stick to the sound principles of the constitution would hold their profession together and thus make for the stability of their prospects.

This is not to deny, however, that a number of members of the service displayed a more energetic or even aggressive attitude that did not shrink from experiment, and sought more opportunities to show individual leadership. Francis Smith was one of those brave men and, as we will see, there were more who showed drive and initiative. Until the reforms introduced during the governor-generalship of Lord William Bentinck (1828–35), however, they had to operate with care, pay lip service to the prevailing ideology, refrain from overtly posing as reformers and from showing up their colleagues as mediocre or incompetent sticklers to the rules. The boon bestowed on the service by Lord Cornwallis was that mediocrity was good enough. Only by adducing the temporary and exceptional nature of each initiative that seemed to infringe on the admired order of the regulations could anything new be justified. Any suggestions tending to expose the constitution as flawed, any tampering with its internal logic would be decried as unsettling the almost infallible arrangements that were historically destined to lead India from confusion to clarity.

The result of this unwillingness to allow experiment was that recognised deviations from administrative orthodoxy were rare and restricted to a few areas where special circumstances seemed to justify them. Such areas were found on the unruly frontiers of the Company’s territory and in the foothills of the Himalayas, where population was thin and economic development little. To the west and north of the Upper Doab these conditions obtained. The Delhi districts across the river Yamuna were non-regulation territory, as was the province of Kumaon to the northeast. The nearness of these variant forms of British colonial rule, especially those practised in Delhi by David Ochterlony, William Fraser and Charles Metcalfe, naturally disturbed the less imaginative of the Saharanpur and Merath British administrators. Whereas the last