The Formation of British Land-Revenue Policy in the Ceded and Conquered Provinces of Northern India, 1801-1833.

by

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Abstract

British land revenue policy in the Ceded and Conquered Provinces, has five distinct phases, and a chapter is devoted to each. Chapter One examines the early years of the policy (1801-07) when the Bengal influence was dominant. At this stage, an insignificant awareness of the local situation existed. Despite the shortcomings of the early arrangements, a beginning was made in resolving the deplorable state of affairs inherited from former rulers. Chapter Two (1807-13) analyses the reasons for the rejection of the permanent settlement announced in the early years. During this period the influence of the Home Authorities was decisive. As an alternative to the permanent settlement, a periodical settlement based on Adam Smith's ideas, was proposed by the Court of Directors. Chapter Three (1813-22) shows the emergence of the new plan of settlement. This plan was developed in Bengal, although the influence of the Home Authorities was behind it. Chapter Four (1822-33) explains the arrangements epitomised in Regulation VII of 1822 and examines the failure of settlements under it. In the Fifth Chapter, the revision of policy which was finalised in 1833, is examined. This had become necessary in consequence of the failure of Regulation VII of 1822. The arrangement of 1833 was essentially the contribution of

Lord William Bentinck.

The present work is primarily based on a study of the unpublished records of the East India Company and the private papers of several administrators of British India.

Contents

Abbreviations

App.	Appendix.
A.R.L.	Agra Revenue Letter to the Court of Directors.
Bg.R.C.	Bengal Revenue Consultations.
Bg.R.D.	Bengal Revenue Despatch from the Court of Directors.
Bg.R.D. (C. & C.P.)	Bengal Revenue Despatch (Ceded and Conquered Provinces), from the Court of Directors.
Bg.R.D. (W.P.)	Bengal Revenue Despatch (Western Provinces), from the Court of Directors.
Bg. Fn.L.	Bengal Financial Letter to the Court of Directors.
Bg. P.C.	Bengal Political Consultations.
Bg. R.L.	Bengal Revenue Letter to the Court of Directors.
Bg.R.L.(C. & C.P.)	Bengal Revenue Letter (Ceded and Conquered Provinces), to the Court of Directors.
Bg.S. draft D.	Bengal Secret draft Despatch from the Court of Directors.
Bg.S. R.L.	Bengal Secret Revenue letter to the Court of Directors.
B.R.D.	Bombay Revenue Despatch from the Court of Directors.
BOC. CP.	Board of Commissioners for the Central Provinces.
BOC. C. & C.P.	Board of Commissioners for the Ceded and Conquered Provinces.
B.O.C. Proc.	Board of Commissioners Proceedings.
BOR. W.P.	Board of Revenue for the Western Provinces.

H.M.	Home Miscellaneous Series.
I.R.C.	India Revenue Consultations.
I.R.D.	India Revenue Despatch from the Court of Directors.
I.R.L.	India Revenue Letter to the Court of Directors.
M.R.D.	Madras Revenue Despatch from the Court of Directors.
Memo.	Memorandum.
P.P.	Parliamentary Papers.
SBOR.	Sadr Board of Revenue.
SRJ.	Selections of Papers from the Records at East India House, Revenue and Judicial.
SRRNWP.	Selections of Revenue Records, North-Western Provinces.

Introduction

The present work is a study of the formation of British land revenue policy in the Ceded and Conquered Provinces between the years 1801 and 1833. An historical study seemed extremely desirable because of the absence of any work treating the subject between those years exhaustively. There are several works which include some discussion on the policy and its working.

It is always an unpleasant task to point out the limitations of existing works (in order to justify one's own work), but in the interest of historical scholarship, it has to be performed. Kaye's book[1] published in 1853, though not the first one touching upon the revenue policy, makes an interesting contribution to the subject.[2] It was written soon after the first great settlement was brought to a conclusion in 1849. He presented the growth of the North Western Provinces land revenue system in an attractive style so as to interest the general reader in British Indian

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1. The Administration of the East India Company, pp.239-61.
2. The fifth Report of 1812 was the first publication to review British policy in the Ceded and Conquered Provinces up to 1811, See pp.48-54; J.H.Harington's, An Elementary Analysis of the Laws and Regulations, published in 1814-15 gives an account of Regulations and land revenue arrangements. It is a compilation from Regulations and revenue papers and roughly brings the story up to 1815.See Vol.2, pp.299-333, 372-3, 379-90, 396, 418, 441, 449-51, 483-5, 525-6 and 564.

administration. There is, however, no analysis of the orientation of policy or its working; and his acquaintance with the source material is negligible. Baden-Powell's work was published in 1892, and in it also, a very casual description of the period 1801-33 is to be found.[1] Both as a survey of the technical aspects of land revenue administration, and as a discussion of land tenures in general, it will continue to be of interest to scholars. In a work of great magnitude, it is obvious that source material cannot be adequately examined; besides, he was an administrator who lacked the time to devote himself entirely to research. It would be only fair to consider it as a standard and major work on the British Indian land system, and as essential reading for any researcher into Indian agrarian history. Dr. B.R. Misra's work was published in 1942. It covers a period of nearly a century and a half, and includes N.W.P., Oudh and Benares. In its scope the work is very ambitious, but its size permits only a bare outline of policy.[2] But it does create some footholds for any subsequent researcher. The primary source material has not been examined by Dr. Misra, who bases himself on some of the Settlement Reports, and official publications.

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1. The Land Systems of British India, 2, pp.14-27.
2. Land Revenue Policy in the United Provinces, pp.15-28 and 51-78.

Dr. B.B. Misra makes some advance upon earlier work. He has seen some revenue letters and despatches and some revenue consultations, as also the private papers of Henry Wellesley. His description of the discussion on the permanent settlement is good, but his narration of the growth of policy after 1813 somehow peters out.[1] Besides, there are some errors.

In Dr. Eric Stokes's work, one is taken on to an altogether different plane, and one is treated with a feast of utilitarian ideas and their influence on various British policies in India, including the land revenue question of the Western Provinces.[2] It is indeed, an original and brilliant work, and such shortcomings as shall be pointed out here or subsequently, do not seriously detract from its worth. Stokes's pre-occupation is to find a link between utilitarian political economy and Indian land revenue. For the most part, his discussion begins only around the year 1820, whereas certain crucial decisions regarding revenue policy for the Western Provinces, had been taken between 1801 and 1815. Dr. Stokes shows no awareness of this and thus ignores the historical setting of the policy. To begin around 1820 and without background information is to begin abruptly, and at the risk of distorting the exposition of

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1. The Central Administration of the East India Company, pp.141-54 and 200-19.
2. The English Utilitarians and India, see particularly Chap.2.

policy, and the influences underlying it. He has relied upon published official papers and the Bentinck MSS., but these are in no way adequate to the understanding of the land revenue policy. Even enough study of the source material in regard to land revenue policy, does not always seem to be enough.

Dr. W.C. Neale's work is a new and important accession to the literature on the agrarian history of the Uttar Pradesh.[1] The time span covers a period of over a century and a half, and the sources consulted are inadequate. Here we are concerned only with the period 1801-33 to which this work hardly makes any contribution.[2] Dr. Neale's data for the early period exclusively come from secondary works.

Dr. Sulekh Chandra Gupta's book is the latest addition in the field of British agrarian policy in India.[3] The region and period of Dr. Gupta's book is the same as that of the present writer. There are some common topics discussed in Dr. Gupta's book and in the present work. Overlapping in two works covering the same region and period, is inevitable. Dr. Gupta's book came at the moment when the present writer's draft of the thesis was ready. As such, it has not been possible to refer to Gupta's work in the appropriate places in the present thesis. Therefore, an

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1. Economic Change in Rural India, etc.
2. Ibid., See parts of Chaps. 3,4, and 7 for the early period.
3. Agrarian Relations and Early British Rule in India, etc.

analysis of its limitations has been appended to this thesis.[1]

Although Dr. Gupta has touched upon some aspects of land revenue policy, the present work has its own justification. The choice of the period is dictated by the fact that it constitutes a formative and therefore a very important phase in the growth of land revenue policy in the Ceded and Conquered Provinces. The region was acquired between 1801 and 1803 by cession and conquest. The Nawab of Oudh ceded the districts of Bareli, Moradabad, Farrakhabad, Etawah, Kanpur, Allahabad and Gorakhpur in 1801. The districts of Northern and Southern Saharanpur, Aligarh and Agra were conquered from Sindhia in 1803. The same year Bundelkhand was ceded to the British by the Peshwa.

A uniform administrative organisation for the three distinct units was not attained until 1805. The Ceded districts were placed under a Board of Commissioners headed by a Lt.-Governor between 1801 and 1803 and six Collectors were appointed.[2] The political agent in Farrakhabad functioned as a Collector of that district until 1806.[3] The Board of Commissioners functioned as an autonomous body with revenue and judicial authority. The Collectors also

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1. Appendix A.
2. See East India Register for 1803, p.19; See below pp.32-3.
3. East India Register for 1805 (2nd ed.), p.17.

combined the two functions. At the Presidency a special unit called the Ceded department, was created to supervise the administration of this region. In March 1803, these arrangements were scrapped. The Board of Revenue took over revenue administration. Civil Courts were established in each district. A provincial Court of Appeal and Circuit was created at Bareli which shared its function for the region as a whole, with a similar Court in Benares. The Bengal revenue and judicial code was introduced. The Conquered districts were first placed under Lord Lake's authority but Collectors were appointed. Bundelkhand was looked after by a political agent, but in 1804 a special Commission with three members was created, and a Collector and a Judge were appointed.[1] The Board of Revenue shared jurisdiction in revenue matters with the Commission. In 1805 the Regulations introduced in the Ceded districts were extended to the Conquered districts and Bundelkhand.[2]

In 1807 the Ceded and Conquered Provinces were allowed a regional revenue authority designated the Board of Commissioners, consisting of two members.[3] In 1819 Gorakhpur was taken away from its jurisdiction and placed under that of the Board of Commissioners for Bihar and Benares.[4] In 1822 a reorganisation in revenue supervision

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1. Bg.R.D., 24.4.1835, 3, para.4.
2. See Regs. VIII and IX of 1805.
3. See below, pp.115-16.
4. B.B.Misra, The Central Administration etc., p.145.

took place. Each of the three regional authorities was designated the Board of Revenue. One for the Lower Provinces, the second for the Central Provinces and the third for the Western Provinces. Bundelkhand, Allahabad and Kanpur were placed under the Central Board.[1] The arrangement of the three Boards proved cumbersome and inefficient; therefore, by Regulation I of 1829 they were abolished and one authority denominated the Sadr Board of Revenue at Calcutta, was created for the whole Presidency excluding the Delhi territory. At the same time, divisional Commissioners of revenue with judicial powers, were created. The Western Provinces had eight such Commissioners. In 1830, when Bentinck went on tour to the Western Provinces for the purpose of solving the land revenue problem of the region, a branch Board called the Sadr Board on deputation was created with full revenue jurisdiction over the province.[2] This Board later became the Sadr Board of Revenue for the North Western Provinces. In 1807 there were eleven Collectorates in the Ceded and Conquered Provinces. By 1833 the number had risen to twenty with six sub-Collectorates.[3] As to the subordinate Indian agency, Tahsildars had been created in 1802 and Patwaris and Kanungos were retained from the beginning.[4]

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1. Ibid., pp.148-9; East India Register for 1823 (2nd ed.).
2. Ibid., 149-52; East India Register for 1830 (2nd ed.), p.19.
3. East India Register for 1808 (2nd ed.), pp.17-8; Ibid., for 1833 (2nd ed.), pp.20-22.
4. See below Chap.1.

The judicial organisation underwent very little change. Under Regulation VII of 1822 Collectors were vested with judicial powers subject to the ordinary Courts of law.[1] A Special Commission to investigate fraudulent transfers of land functioned between 1821 and 1829.[2] The Revenue Commissioners created in 1829, also had judicial powers. To make judicial administration efficient, a Sadr Diwani and Nizamat Adalat was established for the Western Provinces in 1832.[3]

The subject in itself, is of great importance, and to make intelligible what the British did, it is necessary to expound the origin and nature of land revenue policy in its historical setting. An explanation of the origin of land revenue policy is a simple matter. Land and the revenue from it, has played a predominant role in Indian history. The political stability of the state and its fiscal viability, its sinews of war and peace, rested on capital extraction from land. It has been called jama, khiraj or land revenue. The extraction of capital however, could not take place in a vacuum; it had to be in the context of the agricultural economy, and the rights in land - natural or customary or proprietary. The obverse and inverse sides of capital extraction, were the genesis of land revenue policy.

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1. See Chap. 4.
2. See Chap. 1.
3. Under Reg. V of 1831.

There was an ideal of policy. Policy was to be such as to harmonise the state's interest with that of the landed rights. It was to be fair to all concerned, though its fairness was a matter for the state to decide. But the state would have to make its decision consistent with the written or unwritten traditions of the country. And where the state deviated from those traditions, then it had to lay down new principles intelligible to the people. The two aspects of policy - that is, the collection of revenue, and the protection of agriculture and the people - were well understood in India. To carry out that ideal in policy was no easy matter; nonetheless, no Indian ruler could absolutely disregard it except at the cost of political, and economic instability, and his ultimate downfall. The response to the ideal on a great scale was possible under a strong and centralised administration, such as Akbar had created, which lasted until Aurangzáb. The problems of assessment of revenue, and its collection were resolved, new firmans were issued, and a revenue administrative structure was created.

The emergence of splinter states in the eighteenth century, and their failure to continue a strong administration produced aberrations in the main principles of policy. They could not be completely ignored but fairness was replaced by arbitrariness; and revenue collection by the state was

transformed into an unregulated, and uncontrolled revenue market. The Mughal firmans became excluded from practice, and no new firmans were issued to cope with the changed situation.

Having explained the foundations and the nature of land revenue, it is necessary to give a brief review of Mughal policy. Much of the region under study, was very close to the centre of the Mughal Empire, it was the cradle where Mughal institutions and culture were nourished. It also remained more or less within the tight control of the Mughal rulers.

Akbar was perhaps the first ruler who succeeded in giving form and consistency to the reciprocal basis of the traditional land revenue policy. It was that the state demands payment, and the people require protection from over-assessment, extortion, famine, and violence. It was this two-fold basis, upon which Akbar raised his land revenue system. His main contribution was to lay down certain rules for the collection of revenue in the Khalsa Land.

The salient features of his system were systematic measurement of the land, the application of the sanctioned assessment rates at one-third of the average produce of the land, the separation of all miscellaneous exactions from land revenue, the collection of revenue in cash, and

encouragement to cultivation.[1] His system demanded an efficient administrative organisation, and that was duly created. It consisted of a chain of officers from the Diwan at the top, to the village headman and Patwari at the bottom of the administrative hierarchy. The working of the system, however, mainly depended upon the Amlah for whose guidance elaborate instructions were laid down.[2]

To an ordinary peasant, as Moreland has remarked, the system must have appeared simple. So far as the revenue demand was concerned, the peasant was not exposed to tyranny. But the general effect of the system on the people much depended upon the manner of administration.[3]

Akbar's system was an achievement in the development and implementation of land revenue policy, but it was not destined to last. It demanded great vigilance at the top, and his successors did not show the same degree of attention as he did. It began to deteriorate from the reign of Jehangir itself, and by the time Aurangzeb came to power, it had undergone a change for the worse.

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1. R.P. Tripathi, Some Aspects of Muslim Administration, pp.316, 321 and 124-5; W.H.Moreland, Agrarian System of Moslem India, pp.114 and 112.
2. W.H.Moreland, Agrarian System of Moslem India, p.111; For the latest account of Mughal Land revenue system, see I. Habib, The Agrarian System of Mughal India, particularly Chap.6.
3. Ibid., p.115.

The zabti[1] system of assessment had given way to a summary manner of assessment; and the revenue demand varied from one-third to one-half of the average produce of the land. The khalsa[2] land decreased, while jagir,[3] farmed and grant land had increased. Agrarian disturbances were gradually mounting, and the local administration had become lax and corrupt. In the later half of his reign, Aurangzeb had no time to devote to internal problems. Consequently, the land revenue system was fast sinking into degeneration. The period following Aurangzeb's death witnessed the widening gulf between the principles and practice of the system.

The break-down of the Mughal Empire, created an all-round chaos and the revenue system became full of aberrations. The contract-revenue system was fast replacing the khalsa system, the amount of revenue from land was declining and its collection was becoming difficult; new and extensive taluqdaris and zamindaris were being formed at the expense of hereditary rights in land, villages were being depopulated and agriculture was in a state of dislocation. The Marathas and the Nawabs of Oudh who wielded authority in the region, were observing a conspiratorially

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1. Zabti = regular or detailed mode of assessment as developed under Akbar. Later on also used for crops paying at cash rates.
2. Khalsa = revenue of that portion of land which was directly under state management.
3. Jagir = revenue of land assigned to military servants.

incompetent indifference towards the manifold problems. They were intellectually almost deficient. It was at this point that the British rule was extended to the Ceded and Conquered Provinces.

The main tenets of the policy as expounded above, were tenable in the case of the British also. Its fiscal aspect became all the more important because it was expected to solve British financial problems in India. In the early nineteenth century, land revenue contributed predominantly to the Bengal revenues; and the revenues not only met the civil and military expenditure of Bengal, but also subsidised the finances of the Bombay, and Madras Presidencies, and of the smaller British Colonies on the Indian Ocean. Revenues also bore the cost of transmitting the Company's investment, and the interest on the public debt. Land therefore sustained the British imperial interest in India. Great attention was therefore paid to the formation of policy.

The British not only inherited the ideals of the traditional policy, but also the aberrations that had crept into the land revenue system of the Ceded and Conquered Provinces. Thus from the very beginning, the British were beset with problems. In the formation and implementation of British policy, several interlinked questions have to be asked. What were the objectives of the policy? How it was

to be implemented? Whether the Bengal government or the Home Authorities had a major hand in shaping policy. What were the influences at work behind policy - the Local situation or zamindari or raiyatwari experience or abstract principles of political economy or a combination of them? Does the policy admit of an interpretation as to its formation to a single idea such as utilitarianism or conservatism or liberalism? What was the consequence of the policy, i.e. how were the government, the 'property' holder, the raiyat, and agriculture to fare from it?

The present work attempts to place British land revenue policy in the Ceded and Conquered Provinces in its proper perspective. Its evolution was not a straight-forward process nor was there an exclusive adherence and commitment to principles of political economy. It contained both conservative and liberal elements and its method in the final form was empirical.

The thesis is based on an analysis of the unpublished documentary sources of the East India Company and the private papers of Henry Wellesley, of Lord Minto, the first Earl, of James Cumming, of Lord William Bentinck and of Edward Anderson Reade. Some parliamentary papers and official publications of documents have also been used. Besides, secondary works and articles in journals have also been consulted.

Finally, I wish to express my deep sense of gratefulness in various ways, to Dr. Ballhatchet, my supervisor, and to Professor Basham; and also to Professor Bisheswar Prasad of Delhi University, to whom I owe my initiation to the subject. Thanks are due to the Librarians and staffs of the India Office Library, the National Library of Scotland, Edinburgh and the Nottingham University Library for their wonderful assistance.

Chapter 1

The Early Arrangements, 1801-07

The opening years of British rule in the Ceded and Conquered Provinces witnessed a deplorable state of affairs, in regard to the condition of the people, the state of agriculture, revenue collection, trade and commerce, and law and order. However, it must be pointed out that, relatively speaking, the condition of the Conquered districts was better than that of the Ceded districts.[1] This was because of the better administration of the Marathas as compared to that of the Nawab of Oudh.[2] Even in the Ceded districts there were certain exceptions to the bad state of affairs. The regions which were in an exceptionally bad condition were Rohilkhand and Gorakhpur. The traditional attitude of the Nawab to Rohilkhand had been hostile, which was in a great measure responsible for its ruin. In Gorakhpur the revenue management was terribly extortionate.

A few contemporary observations substantiating the above statement will not be out of place. John Anstruther[3] who had travelled as far as Allahabad from Calcutta in 1800, and had traversed the Nawab's territory for about thirty

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1. G.D. Gutherie to J. Fombelle, 22.1.1804, B.O.C. Proc., 29.11.1805, 6.
2. Ibid.
3. He was Chief Justice in Bengal.

miles described it as a 'desert'.[1] John Routledge, the first British Collector in Gorakhpur, made a series of remarks on the state of cultivation and revenue administration. Although the soil was fertile, cultivation was neglected in some parts while in others it was entirely relinquished. The oppression of Amils[2] had been so great that in one year four lakhs of raiyats were known to have emigrated from Gorakhpur.[3] The decline of cultivation had so much affected the revenue that many villages which were on the rent-roll, individually paid two to five rupees annual revenue. The area of each such village was over 500 bigahs.[4] Of villages which had been absolutely abandoned, Routledge wrote to Groeme Mercer Secretary to the Board of Commissioners for the Ceded Provinces, '... not a hut remains and the sites of many of the villages can only be discovered by tanks and puccka wells and their names would certainly have been unknown to me, but for the established custom of entering them in the records of the Kanoongoes.'[5] In regard to the management of the revenue, Routledge wrote to Henry Wellesley, 'altho' I have

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1. Quoted by D. Dewar, 'The Administration of Ceded Provinces under Henry Wellesley', The Journal of U.P. Historical Society, June 1918, p.54.
2. Amil = contract revenue collector. Also known as Nazim, Chakladar, and Mustajir.
3. J. Routledge to H. Wellesley, 14.1.1802, G.N. Saletore (ed.), Henry Wellesley Correspondence, p.9, hereafter referred to as H.W. Corres.
4. J.Routledge to G. Mercer, 25.7.1802, Ibid., pp.34-5; Bigah, standard one in Western Provinces = 3025 sq.yards = 5/8 of an acre. In Bengal = 1600 sq. yards = 1/3 of an acre.
5. J. Routledge to G. Mercer, 14.12.1802, Ibid., p.42.

been only a short time in the district, the number of arzees presented to me have enabled me to obtain some knowledge of its present state, and which is that it is entirely without any sort of administration, that the inhabitants are most cruelly oppressed and the jumma declining so rapidly that, without the introduction of some system, the whole province, which is now nearly a waste, would, in course of one or two years, become an entire scene of desolation.'[1]

Archibald Seton, one of the Commissioners who had been deputed to form the settlement of Reher, a sub-division of Bareli district, drew a moving picture of some of the parganas.[2] The raiyats were in abject poverty and there existed a great scarcity of bullocks, Formerly the parganas were in a prosperous state of cultivation, particularly in the production of sugar-cane; 'at present', however, Seton wrote to Henry Wellesley, Lt.-Governor and President of the Board of Commissioners for the Ceded Provinces, 'the surrounding scene exhibits nothing but long grass jungle. The country is indeed rich in point of soil, well watered and beautifully wooded; but in point of improvement it looks as if it had been created yesterday.'[3] Similarly, Welland,

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1. J. Routledge to H. Wellesley, 26.12.1801, Ibid., p.2.
2. Pargana = A revenue and administrative unit, comprising a group of villages and forming a small sub-division of a district.
3. A Seton to H. Wellesley, 4.12.1802, Henry Wellesley Papers, Eur. MSS. E.178.

the first Collector in Kanpur, wrote to the Board of Commissioners that, 'the subjects in this part of the country are in the most abject poverty. Let the face of the country be examined and there will be hardly a manufacture found, or an individual in such circumstances as to afford the payment of a tax. The whole is one desolate waste in which tyranny and oppression have hitherto universally prevailed.'[1]

According to Henry Wellesley who submitted two reports on the trade and commerce of the Ceded districts to the Governor-General, it was in a languishing state. In a not too distant past trade and commerce was in a flourishing condition. Rohilkhand was famous for its high quality sugar, which it supplied to the North-West regions, to the Panjab, to the hill districts, to the Doab, and to the Deccan. The Doab was well known for its cotton, and Allahabad was the heart of the cotton trade in Northern India. Some trading in grain had also been in existence.[2] Trade in the Conquered districts was also in a decaying condition.[3] It must be pointed out that the importance of trade and commerce particularly in articles like sugar and cotton, with reference to the growth or decay of agriculture and land revenue was considerable. The decline

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1. Quoted by D. Dewar, op.cit., p.55.
2. H. Wellesley, Report on the Commerce of Ceded Districts, 29.5.1802 and 16.6.1802, Board's Collection 2803, pp.14-22, 41-3, 81 and 83-4.
3. G.D. Gutherie to J. Fombelle, 22.1.1804, op.cit.

in trade and commerce was the result of disturbed political conditions, combined with the exactions of petty chiefs from the merchants and traders.

Just as trade and commerce and agriculture were in a state of disorder, so was the general situation of law and order for the region as a whole. The misgovernment of the past had driven a section of the population to disorderly conduct, most of whom were formerly peaceful raiyats. Seton narrated how one of them told his story to him: "I was formerly a ryot, but finding I was not allowed to reap what I had sown, I became a robber ...."[1]

A brief analysis of the working of the indigenous revenue system will show how these conditions were produced. The progressive collapse of central authority in Northern India had created a great land revenue problem. Innumerable chieftains had sprung up at the mufassal[2] level, variously called Rajas,[3] Taluqdars[4] and Zamindars.[5] They not only controlled land but also governed their local units.[6] They

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1. A. Seton to G. Mercer, 28.2.1803, H.W. Corres., p.107.
2. Mufassal = interior or countryside, a subordinate or separate district.
3. Raja = a title given to Hindus of rank by Muslim rulers, or hereditary when descending from a Prince; later assumed by adventurers also.
4. Taluqdar = holder of a taluq. Taluq = a dependency, an 'estate' or tract of land. In C. & C.P. he did not have 'proprietary' right over the entire taluq.
5. Zamindar = an occupant of land or landholder.
6. For similar developments in Benares, See B.S. Cohn, 'The initial British impact on India a Case Study of the Benares Region', Journal of Asian Studies, August 1960, pp.422-24.

were in possession of mud forts and maintained their own military force. (From this statement, however, Rohilkhand must be excepted, because the past oppression had eliminated intermediaries, and generally only raiyats existed). The Nawab of Oudh, who represented the Mughal Emperor, enforced the State's claim to revenue by resorting to revenue farming or the ijara system through the Amils. The local Chiefs and Amils fall into two distinct groups, although neither functioned collectively. The Chiefs controlled the land and the Amils were in control of the collection of the revenue. The amildari system was of two types. In the one case the Amils realised the revenue directly from the Chiefs, and in the other from the headmen of villages in areas where there were no Chiefs in existence. There were also some exceptions to the amildari system. Certain Chiefs paid their revenue directly to the Nawab's treasury: their lands were called Huzur Tahsil 'estates'. In the Conquered districts two modes of revenue collection were prevalent, the amani[1] and revenue farming.[2] The latter was similar to the amildari system in Oudh.

In Oudh the amildari system was the permanent and

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1. Amani = Collection of revenue directly by government servants.
2. G.D. Gutherie to J. Fombelle, 22.1.1804, B.O.C. Proc., 29.11.1805, 6; Conversation with Mohiuddin, Peshkar Collector's Kutcheri Aligarh, 29.1.1831, Bentinck MSS. 2650; Conversation with Qazi Husain Ali Khan of Gwalior, 17.2.1831, Bentinck MSS. 2650.

predominant form of revenue collection, although the Amils themselves were temporary and kept changing in quick succession. The only notable exception was Almas Ali Khan who not only continued for a number of years, but also exercised jurisdiction over a large part of the country.[1] The Nawab used to auction the amildari annually, generally for a period of one year.[2] The immediate commitment of the Amil on appointment was to pay 10 to 15 per cent of revenue in advance and to meet all assignments on account of the Nawab's troops stationed in his jurisdiction.[3] Thus even before he had realised a single rupee as revenue he was made to pay a considerable sum in advance. This meant that the Amil must be either a rich man or he must borrow capital at a substantial rate of interest from the bankers at Lakhnau. Besides his office had a precarious existence as he was liable to be dismissed at any time of the year, if there were intrigues against him in the Nawab's court. According to John Lumsden the Nawab used to cancel valid engagements in favour of individuals offering him a nazarana[4] and increased revenue.[5]

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1. Extract from a letter of Resident at Lakhnau, to G.G., 21.6.1798, H.M. 236, p.387.
2. J. Lumsden to Lord Wellesley, 29.10.1798, H.M.236, pp.537-51.
3. Lord Cornwallis to the Nawab Vazir, 12.8.1793, H.M.236, p.267.
4. Nazarana = gift or present from an inferior to superior.
5. J. Lumsden to Lord Wellesley, 29.10.1798, op.cit., pp.541-43.

Thus the Amil from the very beginning had a motive to resort to extortion. He had already made a financial gamble which he must make good before he was removed or dismissed. In this he was helped in several ways by favourable circumstances. He was often, as Lord Cornwallis suggested, a creature of the Nawab's mutasaddis (revenue clerks) who covered up or concealed his malpractices.[1] The Amil himself was vested with revenue, executive and judicial powers.[2] He appointed his entire subordinate staff, maintained his own private troops,[3] and was also supported by the Nawab's troops in the collection of revenue.

The method adopted by the Amil in realising the revenue was that he either entered into an engagement with the landholders or village headmen himself or resorted to sub-revenue farming. In Etawah, for instance, Almas Ali had sub-rented the villages to Talugdars, Zamindars and independent revenue farmers. Where the Amil engaged for the collection of the revenue he realised it, as Scott mentioned, mercilessly, with the use of force, and by completely disregarding local custom and his own original

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1. Lord Cornwallis to Nawab Vazir, 12.8.1793, op.cit., p.269.
2. S.B.Smith, 'Hakim Mehdi', The Journal of U.P. Historical Society, September 1917, p.170.
3. Lord Cornwallis to Nawab Vazir, 12.8.1793, op.cit., p.267.
4. See Revenue accounts of Etawah for 1209 Fasli, Bg.R.C. 30.9.1802, 14; Baden-Powell is quite wrong when he states that Almas Ali preferred to engage with village Zamindars, See The Land-Systems of British India, 2, p.12.

agreement.[1] Routledge made similar observations,[2] and on his arrival in Azimgarh he discovered that the Amil had imprisoned several Zamindars on charges of non-payment of revenue which were in fact without foundation.[3] The degree of oppression in Gorakhpur was so great that in one year four lakhs of cultivators had emigrated. In 1800 the Amil of Gorakhpur, Kasim Ali Khan, not only seized all the crops he could carry, but also the cattle and moveable property belonging to the Zamindars and raiyats.[4] It is no wonder therefore that the amildari system was unpopular.

It was only natural that under the ijara system agriculture suffered, and consequently the revenue declined. The chief gainer under such a system was the class which took a professional interest in the collection of the revenue. The Amils, the mutasaddis and the bankers must be considered as a well coordinated group who between them made possible the working of the contract revenue system. In other words they were the people who had commercialised the collection of the revenue and retained their monopoly over the revenue market. It is significant to note that revenue farming implied the functioning of a revenue market. The prospective revenue farmers in principle bid against each

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1. Coll. Scott to H. Wellesley, 16.12.1801, Henry Wellesley Papers, Eur. MSS. E.173.
2. J. Routledge to G. Mercer, 25.7.1802, H.W.Corres., p.31.
3. J. Routledge to H. Wellesley, 19.2.1802, Ibid., p.17.
4. J. Routledge to H. Wellesley, 14.1.1802, Ibid., p.8.

other, and the revenue was settled as a result of such bidding. In practice, however, it was an unregulated and uncontrolled market. It functioned not as a self-operating mechanism with fair-play for all concerned, but as a result of state expediency combined with the intrigue of cliques at Lakhnau. It underlined the weak character of government which shied from a detailed and well regulated mode of collecting revenue, and relied upon a fraudulent market instead. The market also implied a fair development of capitalism without which it would not have functioned at all. The faceless people who controlled and operated the market ruthlessly and unscrupulously also implied the emergence of 'economic man'. The motive was profit and power. It also clearly implied the economic exploitation of the country by urban men. It also meant that the surplus which remained in the country after the payment of revenue was not to be entirely appropriated by the rural people. A considerable part of it was now being taken by urban men. While the country was being impoverished and the revenue declining they must be considered to have made large fortunes. For instance, the annual income of Almas Ali, the Amil of Etawah and Kanpur, was supposed to be eleven lakhs of rupees.[1] The next group to benefit must have been the

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1. Coll. Scott to H. Wellesley, 16.12.1801, Henry Wellesley Papers, Eur. MSS. E.173.

Rajas, Taluqdars and Zamindars. But among them only those who successfully resisted the Amils on the one hand, and extorted from the village Zamindars and raiyats on the other, must be considered to have made fortunes. It may also be asked how under such a system, where two interests predominated, i.e., those of the Chiefs, and Amils and their masters, the tenures at various levels were affected? A continuous destruction and creation of tenures must have occurred. At any rate the question of ownership or 'proprietary' rights must be considered to have been utterly confusing.[1]

Thus the problems awaiting the British in agricultural conditions and the realisation of the revenue were of immense proportions. In order to tackle them Lord Wellesley decided to create as a temporary measure a strong local authority, in the form of a Board of Commissioners consisting of 'several of the most experienced, able, and active of the Company's Civil Service ....'[2] This was to be presided over by a Lieutenant-Governor. To give weight and authority to the Local administration in an unsettled province, Lord Wellesley appointed his own brother to the position of Lieutenant-Governor.[3] Henry Wellesley was the chief

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1. For the concept of ownership, See Chap. 3.
2. Lord Wellesley to Court, 13. 11.1801, Board' Collection, 2385, p.1.
3. Lord Wellesley to Secret Committee, 14.11.1801, Martin, (ed.) Despatches, 2, pp.608-09.

negotiator of the Treaty of Lakhnau of 10 November 1801, by which the British acquired the Ceded districts. He was in Lakhnau when his appointment and the Constitution of the Board were announced on 14 November 1801.[1] The three members appointed to the Board were Mathew Leslie, Archibald Seton, and John Fombelle,[2] all experienced Bengal Civil Servants. The chief task of this temporary administrative unit was to prepare the country for a stable land revenue arrangement. It was not expected, nor was it destined to accomplish any final arrangement in that regard, yet it was this commission which was responsible for the early land revenue policy - a policy from the consequences of which the subsequent administration could not completely extricate itself.

Before we examine how the revenue was collected, it is necessary to analyse the objectives of the policy and the plan through which these objectives were to be accomplished. In the formation of early policy, Henry Wellesley was given

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1. Commission issued by Lord Wellesley, 14.11.1801, Bg.P.C. 18.2.1802, 7; B.B. Misra wrongly states that the administration was placed under the Lt. Governor and Board of Commissioners in February 1802, See The Central Administration of the East India Company, 1773-1834, p.141. What is true is that the Commissioners took up their duties in February 1802, N.B. Edmonstone to the Commissioners, 30.1.1802, Bg. P.C. 18.2.1802, 9.
2. Commission issued by Lord Wellesley, Ibid; B.B. Misra wrongly states that Scott, Resident in Lakhnau, was a member of the Board of Commissioners. See The Central Administration, p.142 f.n.

a free hand, subject of course to the instructions of Lord Wellesley, which were based on the advice of George Barlow and John Lumsden.[1] On 14 July 1802 a public proclamation containing the settlement plan was issued, and at the same time instructions were issued to the Collectors and Tahsildars on settlement-making.[2] The emergence of this settlement plan was the result of much reflection, and part of a much wider problem of overhauling the Nawab's administration, as it was found to exist in the Ceded districts. His administration was undoubtedly despotic, and had produced evil consequences, therefore, '... a very great change in the internal management of the Ceded country ...' was the primary object in Henry Wellesley's view.[3] As the only developed form of administration was the Bengal Regulation system, it was natural to adopt it as a model for the Ceded provinces. This was clearly in Henry Wellesley's mind, but subject to certain qualifications. In introducing a change of administration in the Ceded districts, he wrote, the habits, customs and prejudices of the people ought to be taken into consideration, because 'any sudden or violent innovation would not fail to be viewed with an eye of

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1. Lord Wellesley to H. Wellesley, 29.5.1802, Eur. MSS.E.175.
2. B.O.C. Circular letter to Collectors, 14.7.1802, H.M.582, pp.2404-05; B.R.Misra wrongly states that the proclamation in the Ceded Provinces was issued on 14.7.1805, See Land Revenue Policy in U.P., p.17; Tahsildar = Indian Officer in charge of a subdivision with revenue and police powers.
3. H. Wellesley to Lord Wellesley, 7.1.1802, Henry Wellesley Papers, Eur. MSS. E.180.

jealously and distrust, and might be attended with very serious consequences.'[1] To decide therefore the applicability of the Bengal Regulations, the pace of their introduction, and any modifications necessary, would require a study of the local situation.[2] The settlement plan of 1802 for the Ceded provinces was therefore the product of the interaction of the Bengal principles of settlement making, and the local situation as it was thought to exist.[3]

The objective of the settlement plan itself was to promote the improvement of revenue and agriculture, so that eventually a permanent settlement could be made. These objectives were to be realised by temporary settlements. Even temporary settlements are governed by certain guiding principles relating to their duration, the persons from whom engagements were to be taken, the determination of landed rights, the calculation of the assessment, and the realisation and security of the land revenue. The settlement plan of July 1802 took into consideration all these aspects of settlement-making.

A three-stage settlement covering a period of ten

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1. Ibid.
2. Ibid.
3. The Settlement plan of 1802 was incorporated in the Regulations introduced in the Ceded districts in 1803. These Regulations made comprehensive provisions regarding all aspects of land revenue policy and were substantially based on Bengal and Benares Regulations. See Bg. J.L. (C.P.), 20.10.1803, paras. 3-4.

years and culminating in a permanent settlement was envisaged. The first and second leases were each to be of three years duration, and the third was to be of four years. The first settlement was to commence from 1802-3 (Fasli 1210).[1] Lord Wellesley, Henry Wellesley, and the Court of Directors were unanimous on the necessity of short settlements in the beginning.[2] The reasons for this are not far to seek. The oppressive way in which the Amils had realised the revenue had affected the information in the revenue accounts on the one hand, and the knowledge of the resources of the country on the other. Accuracy of knowledge was dependent upon the accuracy of the information contained in the records, and of fresh information obtained through investigation. But neither the records nor the available knowledge of the resources was reliable,[3] and new information could not be obtained forthwith. Thus, until more accurate information was forthcoming, a settlement of a longer duration was inadvisable.[4] Besides, as agriculture was expected to improve during the ten year period, so it was

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1. Proclamation of 14.7.1802, Arts. 1-4, H.M. 582, pp.2464-67; B.B. Misra wrongly states that the first triennial Settlement in the Ceded Provinces was to begin from 1803-04. Op.cit., p.200.
2. G.G. to Secret Committee, 13.3.1802, Board's Collection 2385, p.12; H. Wellesley to Lord Wellesley, 7.1.1802, op.cit.; Bg. draft D., 1.9.1803, 192, para.28.
3. H. Wellesley to Lord Wellesley, 7.1.1802, Henry Wellesley Papers, Eur. MSS. E.180.
4. G.G. to Secret Committee, 13.3.1802, op.cit.

thought just that the government should benefit proportionally. A longer lease would leave all the advantages of improving agriculture to the land owners alone. On the other hand, if the revenue was to be increased by making annual settlements for ten years, it would adversely affect agriculture. Therefore, the ten year period was split into three settlements to satisfy the interests of agriculture and the government.

Lord Wellesley intended to exclude the destructive practice of revenue farming.[1] The settlement therefore, in all practicable cases, was to be made with the Zamindars.[2] (The term Zamindar was used in the Bengal sense, i.e. land lord or proprietor). Their claims were to be determined by the fact of possession, and those who claimed but were not in actual possession were to be referred to the Civil Courts.[3] The reason for acknowledging the Zamindars apart from their natural right, was essentially the belief that it would give them confidence, which in its turn, would stimulate agricultural activity, and place the revenue on secure foundations.[4] That is why provisions were also made for separate engagements from small landholders within larger Zamindaris, technically called 'separation', and also

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1. Lord Wellesley to H. Wellesley, 29.5.1802, Henry Wellesley Papers, Eur. MSS. E. 175.
2. Proclamation of 14.7.1802, Art.1, H.M.582, p.2464.
3. Instructions to Collectors, 14.7.1802, Ibid., pp.2419-20.
4. H. Wellesley to Lord Wellesley, 7.1.1802, op.cit.

for the admission of Zamindars who had been excluded from engaging for their lands under the amildari management.

The separation of 'dependent estates and Talooks', from the pargana zamindaris, in the case of a dispute over separation between the two parties was to be decided on the fact of possession, and the aggrieved party was to seek redress in the Civil Court.[1] (It should be pointed out that the use of the term 'Talook' as meaning a dependency of a pargana zamindari was misconceived, as taluqs and Taluqdars were not subordinate to pargana Zamindars in the Ceded districts. This was obviously a mistaken notion adopted under the influence of local conditions in Bengal. Dependent 'Talooks' should therefore be taken to mean dependent zamindaris which did exist in the Ceded districts).[2] Many Zamindars under the Oudh administration were known to have been excluded from the management of land. Consequently a variety of individuals had occupied their situation, and the British decided to set things right by making provision for the admission of those excluded Zamindars. It was provided that if the first triennial settlement was made in the first instance with individuals who posed as 'proprietors' or with the revenue farmers, then such engagements were liable to be

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1. Instructions to Collectors, 14.7.1802, Arts. 5-6, op.cit., pp.2417-20.
2. B.B. Misra has wrongly accepted Taluqdars as subordinate to the Zamindars in the Ceded districts. Op. cit., p.201.

cancelled on the appearance of the real 'proprietors' and on their readiness to accept engagements, settlements were to be made with them. This provision was however, subject to certain conditions. The real 'proprietors' were to prove their claims within the currency of the first lease if they desired immediate possession. No rule was laid down as to how such claims were to be proved. If they put forward and proved their claims after the expiry of the first three years, then they were to be put in possession only at the end of the ten year period.[1] But by an order of 7 August 1802, part of the provision regarding the restoration of dispossessed 'proprietors' was modified. The period within which they were to be put in immediate possession, was reduced from three years to six months, and those who came forward and proved their claims after the six-month period but within the first lease, were to be restored only after the expiry of that lease. Claims for restoration after the first triennial settlement were still to be considered as stated in the original provision. The modification of the original rule arose from the need to promote the improvement of agriculture. The feeling that the first engager was liable to be dispossessed at any time during the first lease would discourage him from undertaking any improvement of land.[2]

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1. Instructions to Collectors, 14.7.1802, Art.13, op.cit., pp.2425-28.
2. B.O.C. Circular Letter to Collectors, 7.8.1802, B.O.C. Proc. 16.8.1803, 28.

Thus the plan from the very outset, acknowledged the right of Zamindars to engage for the payment of revenue, but it also took into consideration the course which was to be followed if the Zamindars did not exist in some areas or if they existed but were not willing to take engagements. In such cases a village settlement with the Mukaddam or Pradhan[1] was to be formed, and even if a village settlement was not possible, such lands were to be held khas.[2]

Just as confidence was to be created among the Zamindars by offering engagements to them, so was confidence to be created among the cultivators by protecting them on the basis of custom and usage. All existing abwabs or cesses were to be consolidated with land revenue, and the Zamindars were prohibited from imposing any new ones. The Zamindars were to issue pattas to the cultivators, containing the amount of their rent and the manner of its payment. Similarly, the cultivators were to tender kabuliyats or counter engagements to the Zamindars confirming the terms set out in the pattas.[3]

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1. Mukaddam and Pradhan signify the same, village headman.
2. Proclamation of 14.7.1802, Arts. 8-9, H.M. 582, pp.2469-70; Khas = Collection of revenue by subordinate revenue servants from individual raiyat; used when intermediaries did not engage for revenue or when they did not exist.
3. H. Wellesley to Lord Wellesley, 7.1.1802, Henry Wellesley Papers, Eur. MSS. E.180; Instructions to Collectors, 14.7.1802, Arts. 9-10, H.M. 582, pp.2421-3.

In the formation of the assessment, a two-fold aim was kept in view - first, the engagements for revenue concluded between the officers of government and the Zamindars, and secondly, those existing between the Zamindars or other engagers and the cultivators. These two aspects of the assessment were to be put on secure foundations on the basis of contractual arrangement. Under the Nawab, the abuse was not so much in the formation of such engagements, but in their enforcement. The Amils disregarded written or customary engagements in the most rapacious manner, which compelled the Zamindars to do likewise in regard to the cultivators. Henry Wellesley was therefore in favour of enquiring into the customary relationship between the Zamindars and the cultivators, i.e., the rate and mode under which the cultivators paid.[1] If any alteration was necessary, he was in favour of postponing it until such time as the gradual reformation of the revenue management had taken roots. The written engagements which were to be introduced between the Zamindars and the cultivators, and between the officers of government and the Zamindars seemed to Henry Wellesley an adequate reform to aim at in the first instance. This would banish the principal evil prevalent under the Nawab's administration, and the terms of written engagements would

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1. H. Wellesley to Lord Wellesley, 7.1.1802, Henry Wellesley Papers, Eur. MSS. E.180.

be easily ascertainable between the two parties, or in a Court of law in disputed cases.[1]

In determining the nature of the assessment, two courses were open - either to have a fixed, equal, and annual jama[2] during the currency of a lease or a rasadi jama. By a fixed, equal, and annual jama it was meant that the amount of the jama was to remain the same throughout the lease, that the jama of any one year was to be equal to the resources of land under cultivation, and that the revenue demand was to be annual. But under a rasadi assessment the revenue was to increase progressively every year. Lord Wellesley was opposed to a rasadi jama because in spite of the benefit to the government from its adoption, the risk of the deterioration of agriculture was so great. Moreover, there did not exist any method of calculating precisely the increase from one year to another according to improvements in agriculture.[3] Therefore, the 'fixed, equal, and annual', principle was the safer one to adopt for each of the three projected leases. And this principle was actually laid down in the settlement plan.[4] But an increase in the revenue was to be obtained in the second and third leases. At the end of the first lease in 1805, two-thirds of the increased assets

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1. Ibid.
2. Jama = Land revenue. Originally applied to land revenue plus cesses.
3. Lord Wellesley to H. Wellesley, 29.5.1802, Henry Wellesley Papers, Eur. MSS. E.175.
4. Proclamation of 14.7.1802, Art. 1, H.M. 582, p.2465.

were to be added to the expired jama of that lease, which would constitute the jama of the second lease. At the end of the second lease in 1808, three-quarters of the increased assets were to be added to the expired jama of that lease, thereby constituting the jama of the third lease.[1]

The assessment was to be formed only for the land revenue. The sayer[2] collection was to be separated, and the Zamindars were prohibited from levying it, which was the existing and injurious practice.[3] The calculation of the assessment was to be based on a scrutiny of the jamabandi[4] for the past few years, combined with a reference to the existing conditions of the 'estates', the accounts and information already in possession of the revenue officers, and such other information as was likely to be forthcoming.[5] As regards the quantum of the government demand, and the residue which was to be left to the engagers from the gross assessment, no mention was made in the settlement plan. But the intention must have been to leave an amount equal to 10 per cent of the jama, as this principle was actually observed in forming settlements, and was also considered to

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1. Ibid., Arts. 2-3, pp.2465-66.
2. Sayer = internal or transit duties on goods.
3. Proclamation of 14.7.1802, Art.1, op.cit.; Instructions to Collectors, 14.7.1802, Arts.11-12, op.cit., pp.2423-25.
4. Jamabandi = statement of amount paid by raiyats to intermediaries in a village or the village rent-rolls, also applied to the district rent-roll.
5. Instructions to Tahsildars, 14.7.1802, H.M. 582, p.2453; Instructions to Collectors, 14.7.1802, Art 1, Ibid., p.2412.

be the practice, at least in theory under the Nawab of Oudh.

At the expiry of the ten year period, as already mentioned, a permanent settlement was to be concluded, for which certain conditions were laid down. It was to be made with the same 'persons' who had successively engaged and fulfilled the terms of the first three settlements, and were willing to engage for a permanent settlement, provided that better claimants to an engagement did not come forward in the meantime. The permanent settlement was to be made only for such land '... as shall be in a state of cultivation sufficiently advanced to warrant the measure, on such terms as Government shall deem fair and equitable, a due regard being had to the actual state of the country, and its means and capability of further improvement.'[1]

For the formation of the settlement and the collection of the revenue, an institutional frame-work was created. The Collector was to supervise while the Tahsildar was to do the bulk of the work, and at the pargana level, the office of Kanungo[2] was to be retained at least temporarily. The Patwaris[3] must also have been used although the plan nowhere makes any reference to them. This omission was,

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1. Instructions to Collectors, 14.7.1802, Art.14, Ibid., pp.2431-32; Proclamation of 14.7.1802, Art.4, Ibid., p.2467.
2. Kanungo = a village or district revenue officer who kept records of land and revenue, and when required, explained local practices and public regulations.
3. Patwari = village accountant and record keeper.

however, rectified by a Regulation in 1803, when the Patwari was semi-officially recognised.[1] The Tahsildar was to play a key role in the entire revenue work, mainly because of the lack of knowledge of the early Collectors regarding revenue matters, and the desire on the part of the British to conciliate or pacify the country through the Tahsildars.

In the employment of Tahsildars, Henry Wellesley had the parallels of Oudh and Benares before him.[2] The Amils in Oudh and the Tahsildars in Benares, were revenue contractors. The only difference was that the Amils exercised uncontrolled powers while the Tahsildars in Benares, (although powerful because of their police powers) functioned under restrictions and supervision from above. It would not be wrong to suggest that the Tahsildar was the British version of the Amil. Henry Wellesley himself suggested that the Tahsildar who lacked the tyranny of the Amil would be readily acceptable by the people because of their long subjection to the latter. Besides, the tahsildari office, which would be respectable and important, would open avenues for the employment of higher classes of Indians. This would, on the one hand, make the British government popular, and on the other, reconcile the higher classes to the change of political power.[3]

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1. See below, p.48.
2. See H.Wellesley to Lord Wellesley, 7.1.1802, Henry Wellesley Papers, Eur. MSS. E.180.
3. Ibid.

The Tahsildar thus had a very important place in the settlement plan. He was vested, not only with revenue, but with police powers also.[1] The amount of revenue entrusted to him for collection was to be between two and three lakhs of rupees.[2] If any Zamindar was dissatisfied with him, the Collector at his discretion, was to allow such Zamindar to pay his revenue directly to his treasury.[3] The Tahsildar was to be responsible for all balances of revenue and expenses of collection within his own jurisdiction. He was to be remunerated not by a fixed salary, but by a commission on collection which was fixed at ten per cent. (This was subsequently increased to 11½ per cent, on account of his police duties).[4] It should be noted here, that the Tahsildar combined the characteristics of a government servant, with those of a revenue farmer. The office was not only powerful, but also lucrative, and the Collector was asked not to weaken the authority of the Tahsildar when complaints made against him were on light and insufficient grounds.[5] The main reason for this seems to have been the expectation that Indians of 'character and responsibility'[6] would come forward to fill the office, and in order to encourage this trend, the

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1. Instructions to Collectors, 14.7.1802, Art.23, H.M.582, p.2440.
2. Ibid., Art.21, pp.2437-38.
3. Ibid., Art. 28, p.2445.
4. Ibid., Art. 23, p.2439.
5. Ibid., Art.28, pp.2445-46.
6. Ibid., Art.20, p.2436.

authority of the Tahsildar must be upheld and made to look dignified. However, it was realised that the power of the Tahsildar was liable to be abused if no safeguards were provided. Accordingly, the Collector was to make sure that one Tahsildar did not hold more than one tahsildari jurisdiction,[1] or any other situation in addition to it; and the amount of revenue to be collected by him, was not to exceed three lakhs of rupees. The Collector on his part, was to supervise all revenue settlements, and the collection of the revenue, and was himself to form the Settlement and receive the revenues of large zamindaris in his district.[2]

To assist settlement making and to protect the raiyats the office of Kanungo, which was generally in existence, was to be retained. It was only proposed at this stage to retain Kanungos until the expiry of the ten year period.[3] The ancient function of the Kanungo was to maintain records and supply information regarding land, revenue, land owners and cultivators.[4] He was also the dispenser of revenue law. Now he was only required to supply information required in the formation of the settlement, i.e., data regarding the assessment, and resources of 'estates'.[5] This

1. Ibid., Art.22, p.2438.
2. Ibid., Art.16, p.2433.
3. B.O.C. Circular Letter to Collectors, 14.7.1802, H.M.582, pp.2475-77; H. Wellesley to Lord Wellesley, 7.1.1802, op.cit.
4. R.N. Nagar, 'Kanungo in the N.W.P. 1801-33', Indian Historical Records Commission Proceedings, XVIII, p.116.
5. B.O.C. Circular Letter to Collectors, 14.7.1802, op.cit., pp.2475-77.

office passed into the British hands in a state of decay. Under the Nawab, between the pulls and pressures of the Amils and Zamindar the office fell into disuse, and its records became out of date. The personal position of the Kanungo had become precarious. As Routledge wrote to Henry Wellesley, '... those who assisted the Amils in their undue exactions incurred the resentment of the Zemindars who appear to have put some of them to death, and those who refused their assistance to the Amils were punished by confinement and treated in the same oppressive manner as the Zemindars ...' were treated by the Amils.[1]

Similarly the Patwari, who kept information regarding village accounts and 'proprietary' and cultivating rights, was also suffering from the general aberrations of the times. The Patwari indeed maintained his accounts and passed information to the Kanungo, but due to his having become the servant of the Zamindar, the authenticity of his accounts was questionable. Regulation XXIX of 1803 brought him partially within the official orbit by requiring him to furnish information to the Collector and the Civil Court, yet he was allowed to continue as an employee of the Zamindar.[2]

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1. J. Routledge to H. Wellesley, 25.7.1802, H.W.Corres., pp.31-32.
2. Reg. XXIX of 1803, S.2.

For the security of the revenue the sale laws as applicable in Bengal and Benares, were to be used sparingly and as a last resort in the Ceded Provinces. Lord Wellesley and Henry Wellesley were of the same opinion in regard to this important point. Their reasons were several. In Bengal, in spite of the considerable duration of British rule, a large number of the Zamindars had lost their lands under the operation of the sale law. So in an unsettled country like the Ceded Provinces, the danger of the results of the sale laws was even greater. It was feared that the vigorous people of this region would easily be driven to 'despair' by the application of the sale laws. Henry Wellesley apprehended that this would be considered by them as an oppression worse than they had suffered at the hands of the Amils.[1]

But what alternative to the sale laws was to be adopted, was not clarified. Henry Wellesley had only suggested that some less offensive course should be adopted. This could mean that a defaulter would be temporarily suspended from his engagement, till the dues were recovered.[2] Moreover, security for the payment of revenue had to be tendered by all types of engagers, as also by the Tahsildars. The engagers had to give security to the

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1. H. Wellesley to Lord Wellesley, 7.1.1802, Henry Wellesley Papers, Eur. MSS. E.180; Lord Wellesley to H. Wellesley, 8.3.1802, Cited by D.Dewar, op.cit., p.64.
2. H. Wellesley to Lord Wellesley, 7.1.1802, Henry Wellesley Papers, Eur. MSS. E.180.

extent of one-fourth of the jama, and the Tahsildar had to do the same to the extent of his largest instalment of revenue collection.[1] This practice had become a common feature of revenue collection under the Nawab. Its retention under the British shows the apprehension they felt about revenue collection.

However, by Regulations XXVI and XXVII of 1803, detailed provisions including the sale of land for arrears of revenue, were introduced. The provisions related to two kinds of arrears - those that accrued on each monthly instalment and those that remained at the end of the fasli year. It was in the latter case that the extreme measure of selling the land by a public auction, was to be applied. In the case of arrears of monthly instalment, a mixture of judicial and coercive provisions were laid down. The proceedings of the Tahsildar and the Collector involved the defaulter as well as his surety. In his jurisdiction, the Tahsildar first served a dastak[2] on the defaulter, and if the arrears remained unpaid after five days, then a dastak was to be served on the surety. If the arrears remained unpaid after five days of the latter dastak, then the Tahsildar was to send the persons involved to the Collector's

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1. Instructions to Collectors, 14.7.1802, Arts. 8 and 24, H.M. 582, pp.2419-20.
2. Dastak = written certificate.

office.[1] The Collector was directly responsible for realising the jama, which was payable by the seventh day of each month. If it remained unpaid, the Collector was to serve a dastak on the parties concerned or send a verbal communication. If the jama continued to remain unpaid by the 14th day of a month, then on the following day the Collector was to issue another dastak requiring the presence of the persons in his office. The persons directly summoned by the Collector and those sent by the Tahsildar were to be confined by the Collector's authority for a period not exceeding ten days. If the dues remained unpaid even then, the parties were to be sent to the public jail and the Collector simultaneously applied to the Civil Court for their further confinement. [Such confinement would obviously last until the dues were realised]. The land of the persons so confined were to be held khas until the defaulters or the sureties paid the dues. The confinement provision was not applicable to persons who had satisfied the Collector that the dues would be paid before the month expired, or to those who were incapacitated from paying the instalment owing to natural calamity, or to those joint 'proprietors' whose 'estate' was managed by a manager who was responsible for the default, or to the female 'proprietors'.[2] If the dastak of

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1. Reg. XXVII of 1803, SS. 3,10,11 and 5.
2. Ibid., SS. 7,11,14/1, 13 and 50.

the Collector remained unanswered, then proceedings in the Civil Court were to be started against such persons.[1] Instead of confinement and khas collection the Collector could employ two other alternatives. He could order either the distraint of the defaulters' personal property or the attachment of their land. The latter process was to be applied strictly with a view to induce the defaulters to pay the arrears.[2] Both these processes were to be executed by the Tahsildar. A judicial check upon the action of the executive was provided by making the Tahsildar and the Collector liable to prosecution in a Court of Law for any abuse of power in issuing dastak, or in confining the defaulters, or in distraining ~~his~~ their personal property.[3]

At the end of the fasli year, if arrears of revenue accrued on malguzari land then it was liable to public auction.[4] The term arrears of revenue also included default in takavi repayment.[5] If the proceeds from the sale of land did not equal the amount due, then the 'proprietor' or the revenue engager was exposed to the sale of his personal property also.[6] Land paying revenue but engaged for by a revenue-farmer was not liable to auction on default. Several

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1. Ibid., S.22.
2. Ibid., SS.14/2 and 52.
3. Ibid., SS.16/1 and 33-42.
4. Ibid., S.17/1- 17/5.
5. Ibid., S.43.
6. Ibid., S.47.

ways were provided for realising the arrears in this case. The successive alternatives were: the land was to be handed over to the person appearing to have the best claim to its ownership on agreeing to discharge the arrears (without foreclosing 'proprietary' claims of other individuals who were to establish their individual claim in a Court of Law); if it did not materialise then the engagement was to be offered to the Mukaddam on his agreeing to pay the arrears; if this was refused then the present revenue-farmer was to be continued on agreeing to pay the arrears subsequently or the land could be let to a new revenue-farmer on terms adequate for realising the arrears; even if this alternative did not materialise, then, the land was to be held khas. If it was considered necessary by the Board of Revenue, the revenue-farmer's personal property was liable to be sold for the default of revenue.[1] The reason for not putting to auction the land under a revenue-farmer, is clear. There was no 'proprietor' in that land, so it could not be sold. In a joint 'estate', the share of a defaulter was not to be sold, but it was to be transferred to the other co-sharers on their agreeing to discharge the arrears. The defaulter was entitled to re-possession after the co-sharers had been compensated from the management of his land.[2] Similarly, the Collector

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1. Ibid., S.18/1-4.
2. Ibid., S.17/1 and 17/4.

was discouraged from recommending the sale of a fractional share, i.e., a four-anna or an eight-anna share etc. of a joint undivided 'estate'. There were two reasons for this. There was a single assessment for such an 'estate' and if a portion of this 'estate' was to be sold, then the assessment for it would have to be determined. This would be inconvenient from the administrative point of view. Secondly, the separation of the fractional share would depreciate the value of 'property'. [The alternative here also would be to transfer for the time being, the defaulter's share to the other co-sharers]. If the share was to be sold, the express sanction of the government was to be obtained, but in case of a decree of the Civil Court, such a sale would be automatic. In both these cases the intended portion to be sold, would have to be separated and given a jama.[1] Land thus was liable to be auctioned, not only for the arrears of revenue, but also in execution of judicial decrees arising from money transactions.

The sale of land for arrears of revenue was to fall essentially on 'property' owned by a single person, and the joint 'property' as far as possible, was not to be put up to sale. But under a judicial decree, no form of 'property' was immune from a public sale. When an 'estate' was liable to be sold either for arrears of revenue, or in the execution of

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1. Reg. XXVI of 1803, S.13.

a judicial decree, it was not necessarily to be sold entire. Only that much of it was to be selected for sale as would yield an amount equal to the sum outstanding together with interest if any, and the cost of sale. The land so selected for sale, was to be assigned a jama, [so that the future revenue would not be affected, and the purchaser would know his obligation]. The selection of land commensurate with the amount outstanding, was to be on the basis of the current money value of land.[1] But in two cases the 'estate' was to be sold entire. Where the sadr jama did not exceed Rs.500 a year, the 'estate' was to be sold entire, because a jama less than that, was considered to be inconvenient and difficult to realise. In a case like that, to separate part of the land from the 'estate' would mean a jama much below Rs.500. In a large 'estate' where land could be easily separated and a jama could be assigned to the land so separated, but if the 'estate' was so circumstanced that its division before sale was considered to be disadvantageous to the present 'proprietor', it was then to be sold entire.[2] Any yield from the sale of land in those two cases in excess of the amount outstanding, any interest due on it and the cost of sale, was to be handed over to the former 'proprietor'.

The process of the sale law for arrears of revenue

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1. Ibid., S.2/1-2; Reg. XXV of 1803, S.37.
2. Reg. XXVI of 1803, S.2/3-4.

would commence at the lowest level of the administrative machinery. The Tahsildar would recommend to the Collector, the Collector would request the authority of the Board of Revenue, and the latter would seek the sanction of the government and issue orders to the Collector consistent with those received from the government. Under no circumstances was a sale of land for arrears of revenue to take place without the previous sanction of the government.[1] The sale of land in execution of a judicial decree, was to take place at the instruction of the Board of Revenue to the Collector. All Civil Courts were required to send copies of decrees passed by them, to the Board of Revenue. And the latter was to inform the government of action taken on judicial decrees.[2] Notice of the public sale of land was to be advertised at the Collector's office, at the district court, at the mufassal town in which the land was situated and at the office of the Board of Revenue at Calcutta. The notice was to be in Persian and Hindi languages and it was to be advertised at least a month before the date fixed for sale. It was to specify the land, its location, the assessment, the hour and date of sale. The sale was to take place either at the Collector's office or at that of the Board of Revenue as decided by the government.[3] The defaulter and his surety

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1. Ibid., S.14.
2. Ibid., SS.16-7 and 25.
3. Ibid., S.5.

were debarred from buying land for which they had defaulted. At the same time no fictitious sale of land was to be allowed. In both the cases, the penalty for buying illicitly was forfeiture of land to the government. However, land bought by an authorised agent for his principal was to be legal.[1]

On the face of it, the provisions regarding the realisation of arrears of revenue, were exceedingly fair and circumspect. Its working however, entirely depended upon the efficiency of the revenue administration and on the understanding of the rules by the people who owned land. Such was, however, not the case. The laxity of administration combined with certain social factors, led to some fraudulent acquisition of land by certain types of people.[2] This result was actually sought to be prevented by the provisions of the sale law. There is always perhaps a gap between the idea and its execution.

Reverting to the plan of 1802, all the terms set out therein, were to be fully, clearly, and distinctly advertised, as well as entered in the settlement engagements. Lord Wellesley was emphatic on this point.[3] According to his observations, the engagements between the government and

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1. Ibid., SS.10 and 9.
2. See below, pp. 105-11.
3. Lord Wellesley to H. Wellesley, 29.5.1802, Henry Wellesley Papers, Eur. MSS. E.175.

the engagers, and between the engagers and the cultivators were to be reduced to a contract cognisable in a Court of Law. It was to be sacred and inviolable. This would create confidence among the people in government, make them happy, improve the country, and make the government effective.[1]

The settlement plan was on all sides, considered to be well calculated to achieve its objectives. Henry Wellesley, the Board of Commissioners, Lord Wellesley, the Bengal Government, and the Court of Directors were of the same opinion.[2] The government was particularly eloquent in its praise of the plan. To the Court, the Bengal government wrote that the plan was to be 'founded in wisdom and justice and to be judiciously calculated to promote the improvement of the country, to secure the happiness of Inhabitants and to confirm their attachment to the British Government.'[3]

In 1803, when a complete revenue code was introduced in the Ceded Provinces, the settlement plan was incorporated in Regulations XXV and XXVII.[4] The provisions of revenue regulations of 1803, not only incorporated the plan but were also an advance upon it.

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1. Lord Wellesley to H. Wellesley, 8.3.1802, cited by D.Dewar, op.cit., pp.62-3.
2. See H. Wellesley to Lord Wellesley, 18.7.1802, Board's Collection, 2803, pp.89-90; Proclamation of 14.7.1802, Art.13, H.M. 582, pp.2472-73; Lord Wellesley to H.Wellesley, 1.11.1802, H.M.582, pp.2483-84; Bg. P.L. 23.2.1803; Bg. P. draft D., 25.8.1804, 167, para.18.
3. Bg. P.L., 23.2.1803, para.4.
4. Reg. XXV of 1803, S.29; Reg. XXVII of 1803, S.53.

The Zamindars, Taluqdars and other 'proprietors' were already recognised as having the right to engage for the settlement of the revenue. Regulation XXV of 1803 went a step further and confirmed the proprietary rights of 'Zemindars, Talookdars, and other descriptions of land-holders possessing a right-of-property' in their holdings in accordance with the laws and usages of the country and the regulations introduced by the British. 'Proprietary' rights at the same time were made transferable by sale, gift or otherwise, subject only to the personal law of individuals, and the indefeasible right of the state to revenue from the transferred land.[1] Provision was also made for the restoration of 'proprietors' who were likely to be excluded from the management of their 'estates' in the forthcoming settlements. Such exclusion would result either from their refusal to engage or from the rejection of their terms of engagement by the government. In such cases, either a khas settlement was to be formed or the lands were to be let to revenue farmers. In cases of khas settlement the 'proprietors' were to be restored at any time on their agreeing to pay the assessed revenue. Where the lands were let in farm such restoration was to take place after the expiry of the lease, on their undertaking to pay the revenue fixed on such lands. But if the revenue farmer agreed to an immediate restoration

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1. Reg. XXV of 1803, SS.34 and 36.

and the government approved of it, then the 'proprietors' were to be restored on paying the required assessment.[1]

A proclamation of 14 July 1802, had already provided for the grant of pattas to the raiyats. By Regulation XXX of 1803 the form of these pattas was further clarified, and the year 1807-8 was set as the final date for the completion and delivery of the pattas. In a rent-rate dispute between Zamindar and raiyat the government refrained from defining their respective rights. Such disputes were to be determined by the Civil Courts on the basis of custom and written engagements if in existence.[2] But the government in regard to the collection of rent, armed the Zamindars, Taluqdars and revenue farmers with the power of distraint without going to a Court of Law.[3] On the other hand, the government reserved the right to legislate in future for the protection of the raiyats.[4]

Regulations XXXI and XXXVI of 1803 prescribed rules for determining the validity of rent-free tenures. There were two categories of rent-free tenures called non-Badshahi and Badshahi. The non-Badshahi grants were those which were given by Zamindars or Amils. It was believed that a considerable number of such grants were in existence. Some

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1. Ibid., S.33.
2. Reg. XXX of 1803, SS.4-7 and 9.
3. Reg. XXVIII of 1803, S.2.
4. Reg. XXV of 1803, S.35.

were given for avowedly charitable and religious purposes, but most were for the benefit of the grantors themselves. The grantees were used merely as a cover for misappropriation.[1] The Badshahi grants covered those given by the Mughal Emperors, the Nawabs of Oudh and Farrakhabad, and the Rohilla Chiefs before their defeat in 1774. Such grants were for religious and charitable purposes, and in recognition of services rendered by individuals.[2] Many of the grants under both categories were believed to be held under fabricated titles.[3]

In determining the validity of non-Badshahi grants, a time-scale principle was applied. Grants made before 10 November 1789 were to be treated as valid, if the grantee had actually obtained possession of the grant and held it before and after that date without the payment of revenue.[4] Grants made between 10 November 1789, and 1 January 1801, were to be considered valid if confirmed by the British government. Such confirmation would be given if the lands were actually held rent-free before 1 January 1801.[5] All

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1. Reg. XXXI of 1803, S.1.
2. Reg. XXXVI of 1803, SS.1-2.
3. Reg. XXXI of 1803, S.1 and Reg. XXXVI of 1803, S.1.
4. Reg. XXXI of 1803, S.2/1; it is not clear why grants made before 10 November 1789 were to be valid. The only plausible suggestion is that the government had a twelve year limit in view. The Treaty of Lakhnau was signed on 10 November 1801 by which the Ceded Provinces was acquired.
5. Ibid., S.2/2.

grants made after 1 January 1801, were to be considered void unless they had been made by the British government itself.[1] Grants which had been made before 1 January 1801 for religious purposes, which had been appropriated accordingly and which did not exceed ten bigahs in each case, were to be uniformly considered valid.[2] Badshahi grants were to be considered valid if held rent-free before 1 January 1801. Those made after 1 January 1801 were to be considered invalid unless made by the British government itself.[3] The holders of the non-Badshahi and Badshahi grants were required to register with the government within a period of one year. The investigation of the rent-free tenures was to be conducted by the Collector and for the resumption of invalid grants, he was to prosecute the holders in a Court of Law.[4]

It may be briefly noted that behind the early policy as reflected in the plan of 1802 and the Regulations of 1803, three distinct influences were at work - those of Bengal, Benares and the local situation. The 1793 revenue code for Bengal had established what is characterised as the zamindari system of land settlement. Under it the Settlement was made with Zamindars, who were at the same time, acknowledged as proprietors. Land was made a transferable commodity on private

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1. Ibid., S.3.
2. Reg. XXXI of 1803, S.2/7
3. Reg. XXXVI of 1803, SS.2 and 3.
4. Reg. XXXI of 1803, SS.7 and 19; Reg. XXXVI of 1803, SS.7 and 14.

and public account. Concern was expressed for the welfare of the raiyats and the government had reserved the right to legislate in their favour. Rules had been framed for the disposal of claims to rent-free tenures. And above all, a permanent Settlement had been made. In all these aspects the policy in the Ceded Provinces clearly followed the Bengal pattern. The only difference was that in Bengal a permanent settlement had been made, while in the Ceded Provinces it was to be made after a lapse of ten years. Even in the ten year time limit, there was nothing new. It was merely an echo of what John Shore had recommended for Bengal, and which was accepted at one stage by the government before the announcement of permanency of 1793. In the permanent settlement of Benares of 1795, adequate and real protection was accorded to the raiyats and the government's knowledge regarding them had increased since the 1793 Bengal arrangement. The influence of this increased knowledge can be clearly seen in the arrangements for the Ceded Provinces. In Benares, the Tahsildar was an essential feature of the revenue organisation. The creation of Tahsildars for the Ceded Provinces was the result of Benares experience, combined with whatever virtue there was in the Amil's office under the Nawab of Oudh. Finally, the local situation had dictated the need for short settlements, the inclusion of revenue farmers among others, as the medium of

revenue collection, the provision regarding khas settlement and the insistence on tendering security by revenue engagers as well as the Tahsildars.

The settlement plan had several defects. No provision was made to investigate 'proprietary' rights, yet they were declared to be vested in Zamindars, Taluqdars and individuals vaguely described as 'others'. The provisions for restoring 'proprietors' ousted under the Nawab, and also those who would be excluded in the forthcoming settlements, were vague, and conflicted with the provision of making successive settlements with the 'same persons'. The excluded 'proprietors' would thus continue to be excluded, their chance of restoration would steadily diminish, while the revenue farmers who engaged in their place, would have the greater opportunity of acquiring 'proprietary' rights. Similarly, the provisions for acknowledging 'proprietary' right in land on the basis of possession, while directing a claimant to 'proprietary' title, who was not in possession of land to a Court of Law, were dangerous. The basis on which the Courts were to decide 'proprietary' disputes was not laid down. Again, in regard to the protection of cultivators, no definite arrangement was prescribed. It was merely laid down that the rent disputes were to be decided by the Civil Courts on the basis of custom. How the Courts would acquire a knowledge of the customs of the country in

the absence of investigation, was not even realised.

The proposed increase of assessment from one settlement to another, was based on unnecessary optimism. The condition of agriculture was known to be bad, yet no provision was made in the plan for either maintaining the same jama, or even reducing it from one lease to another if the agricultural situation worsened. For making a permanent settlement too, the conditions laid down were extremely vague. The clear condition ought to have been a definite ratio of cultivated to waste at which a permanency of assessment would be granted.

The most dangerous provisions were those for the realisation of revenue, the creation of Tahsildars, their powers and remuneration, and the provision of security from the Tahsildars as well as the engagers. These brought the revenue system within the influence of the monied class, and thus continued the practice which was prevailing under the Nawab.

But the settlement plan and the Regulations with all their defects, constituted the framework of the early settlements in the Ceded districts. The same provisions with variations regarding the dates were extended to the

Conquered districts[1] and to Bundelkhand.[2]

Before the implementation of the settlement plan is examined, it is necessary to analyse the revenue realisation for the year 1801-02. This was the year in which the Ceded districts were acquired, and to that year the settlement plan discussed above, was not applicable. The amount of revenue after Henry Wellesley and Col. Scott had bargained with the Nawab, was fixed at Rs.13,523,474.[3] Although the

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1. The districts conquered from Sindhia comprised Agra, Aligarh, Northern and Southern Saharanpur. Here the first triennial settlement was to begin in 1805-06, which was to be followed by another three year settlement, and then by a four year settlement. At the end of which a permanent settlement was to be formed. Reg. IX of 1805, SS.3-5 & 7.
2. In Bundelkhand the first triennial settlement was to begin from 1806-07 which was to be succeeded by two more triennial settlements, and then a permanent settlement was to be formed. Reg. IX of 1805, SS.6-7. B.B.Misra wrongly states that the triennial settlement was to begin in 1807-08 which was to be followed by another triennial and then a quartennial one. Op.cit., p.201.
3. Rev. Statement of Ceded Districts, 10.11.1801, H.M.579, p.799; originally the Nawab had estimated the revenue of Ceded Districts at Rs.13,553,468. Henry Wellesley and Scott who had negotiated the Treaty of Lakhnau considered that part of Nawab's revenue which related to Rohilkhand and Gorahkpur as inflated. Henry Wellesley and Scott's paper of 30.10.1801, H.M. 581, pp.1580-82. Apparently Henry Wellesley and Scott did not meet with much success as the difference between the Nawab's original figure and the Treaty figure was a mere Rs.30,000. It has been stated by B.B.Misra and B.R.Misra that the Nawab's Treaty jama was deliberately exaggerated to appease and amuse the British. See, The Central Administration, p.203, and Land Revenue Policy in U.P., p.68. Both of these writers have followed F.N.Wright, Final Report on the Settlement of Cawnpore District (1878), pp.31-32. The implication of Wright's statement was to absolve the British from the responsibility of subsequent overassessment in the Ceded districts by shifting the blame on to the Nawab's treaty jama. This statement is, however, utterly misleading.

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The evidence alleging an inflated jama is that of Henry Wellesley and Scott, but only in regard to Rohilkhand and Gorakhpur. Even if the charge of exaggerated jama is accepted, yet the fact that the British were aware of it in 1801 is inescapable. And this awareness was disregarded when the Nawab's jama was increased by Rs.22 Lakhs in 1801-02 itself. See below, p. 68. There is no connection between the Nawab's jama and subsequent over-assessment.

Treaty was signed in November 1801, the British revenue claim was to have retrospective effect from September 1801, which was the beginning of the Fasli year 1209. The Nawab's officers had already formed engagements and had also realised four revenue instalments before the introduction of the British authority.[1] The British summarily revised the Nawab's jama which was fixed at Rs.15,712,644.[2] This increase of nearly 22 lakhs of rupees, it should be noted, fell on the unrealised instalment of the 1209 Settlement. The districts of Allahabad and Etawah chiefly bore this heavy increase, which amounted to ten and nine lakhs of rupees respectively.[3] And the revenue realisation within the year fell short of the demand only by rupees 1,006,488.[4]

In the collection of revenue it was intended to continue the Amils under the supervision of the Collectors. But with the exception of a few Amils and sub-Amils in the Allahabad district, the Amils refused to function under the British. There were several reasons for this. A great distrust subsisted between them and the Zamindars, but the complaints against the Amils under the Nawab's administration

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1. H. Wellesley to Lord Wellesley, 23.3.1802, Bg.R.C. 30.9.1802, 15.
2. Statement of Revenue for 1209 (fasli), 21.5.1803, Board's Collection 2803, p.209.
3. H. Wellesley to Lord Wellesley, 26.1.1802, Bg.R.C. 30.9.1802, 9; H. Wellesley to Lord Wellesley, 15.2.1802, Ibid., 13.
4. Statement of Revenue for 1209 (fasli), op.cit.

always went unheeded. Under the British, all complaints would be looked into, and the Amils would be restrained from exercising untrammelled authority. The Amils were very anxious to depart from the Ceded districts. The hurried departure of Amils from Gorakhpur offers a good illustration of their anxiety at the change of political power. The Amils and their staff suddenly departed, as Routledge wrote to Henry Wellesley, '... to avoid the insults and illtreatment they apprehended from the inhabitants in consequence of the oppressions they had while in power exercised over them without any restraint....'[1] The revenue realisation therefore, for the unexpired portion of 1209 was entrusted to revenue farmers in Rohilkhand, Etawah and part of Allahabad, to the Amils in the rest of Allahabad, and to Tahsildars in Gorakhpur.

The settlement of 1209 in Allahabad, Etawah and Rohilkhand offers a very interesting illustration of the working of the revenue farming system. The land revenue demand of Allahabad amounted to Rs.3,878,404. Out of this Rs.1,029,683 was in the hands of revenue farmers and the rest in those of the Amil and sub-Amils. The farmed portion of Allahabad comprised eleven parganas which were engaged for by nine revenue farmers. One of them, Babu Naik Singh, engaged for three parganas with a total jama of Rs.349,856.

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1. J. Routledge to H. Wellesley, 25.7.1802, H.W.Corres., p.29.

For the farmed revenue there were three sureties - Babu Naik Singh, Devkinundan, and the Raja of Benares, who stood surety for Rs.612,477, Rs.331,205, and Rs.85,001 respectively. From this it would appear that Naik Singh was a revenue farmer as well as a surety.[1] In Etawah, which had a jama of over Rs.27 lakhs, the collection was entirely in the hands of revenue farmers. In all, seventeen revenue farmers realised the revenue. Even some Taluqdars were among the revenue farmers (e.g. Raja Jaswant Singh, Kunwar Pritam Singh and Raja Chattrasal).[2] In Rohilkhand, comprising Bareli and Moradabad, the land revenue amounted to over Rs.46 lakhs, out of which over Rs.42 lakhs was in the hands of revenue farmers. The number of revenue farmers who engaged for this amount, was fifteen which included two pargana Zamindars. The professional revenue farmers in this region were mostly Muslim. A revenue of over 20 lakhs of rupees was engaged for by only four of the Muslim revenue farmers.[3] In the collection of revenue for 1209 the revenue farmers, Amils and Tahsildars, were remunerated at the rate of ten per cent on the collection.[4]

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1. See Settlement Account of Allahabad for 1209 (fasli), Bg. R.C. 30.9.1802, 11.
2. See Settlement Account of Etawah for 1209 (fasli), Ibid.,14.
3. See Settlement Account of Rohilkhand for 1209 (fasli), Ibid., 16.
4. It should be pointed out that the handful of revenue farmers, Amils and Tahsildars must have earned Rs.15 Lakhs in collecting the revenue. The revenue realised within the year was approximately Rs.14,700,000.

In revising and fixing the assessment for the year 1209 Fasli, the data taken into consideration were inadequate. As the year in question was well advanced, there was hardly any time to scrutinise the accounts even if reliable accounts had been available. In fact, the accounts furnished by the Amils in Allahabad, Etawah and Rohilkhand were utterly unsatisfactory. The Amils were in the habit of keeping their accounts in the most perfunctory manner. In Gorakhpur even those accounts were not available. Either the Amils did not keep any accounts or they destroyed them before leaving Gorakhpur.[1] One Amil prohibited his deputy from revealing anything to Routledge even from his memory.[2] In the absence or unreliability of the accounts of the Amils, it was natural to look to the Kanungos. But the Kanungos had not been in regular possession of their office, and the Amils never furnished them with counterparts of their accounts. On the contrary, the accounts maintained by the Amils, which were presumed to be false, were certified under compulsion by the Kanungos.[3] Another possibility was to look for the accounts of the Zamindars and their Patwaris. John Routledge did obtain accounts from this source, and stated that the Zamindars and Patwaris were positive as to

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1. J. Routledge to H. Wellesley, 26.7.1802, H.W.Corres.,p.29.
2. J. Routledge to H. Wellesley, 8.2.1802, Ibid., p.13.
3. J. Routledge to G. Mercer, 17.12.1802, Ibid., p.45.

their accuracy.[1] However, it is highly doubtful if those accounts were accurate.[2] Thus the revised assessment of 1209 was based on arbitrary grounds. And the enhancement of revenue by Rs.22 lakhs on the jama of the Nawab and in the context of the deterioration of agriculture was excessive and unfortunate.

The collection of revenue in the Conquered provinces and Bundelkhand between the years 1803-05, was done on a summary basis. Very little is, in fact, mentioned in the official correspondence about these settlements. The demand for 1803-04, and 1804-05 was slightly over Rs.51 lakhs, and slightly less than Rs.57 lakhs respectively. The collection for the first year was over Rs.43 lakhs, and for the second above Rs.44 lakhs.[3] Thus the large arrears of revenue for the two years taken together which amounted to over Rs.21 lakhs, would indicate over-assessment for the Conquered Provinces and Bundelkhand also.

During the period 1802-07, two settlements in the Ceded districts, and during 1805-07 one settlement in the

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1. Ibid., p.45.
2. The Amils and Zamindars were in a state of perpetual conflict. The Amils could easily avail themselves of the accounts of the Zamindars by employing pressure and force. It was in the interests of the Zamindars to deceive the Amils. The Zamindars thus had a motive to conceal the assets of their holdings and falsify their receipts. But that part of the zamindari accounts which related to their annual payments to the Amils would, of course, be accurate.
3. See, SRRNWP., 1, p.370.

Conquered districts and Bundelkhand were formed under the settlement plan discussed above. The settlement in the Ceded and Conquered Provinces was formed with a heterogeneous set of people, therefore no particular group of engagers can be precisely identified for the province as a whole, with whom settlements were overwhelmingly made. All that can be said is that the settlements were made with Zamindars, Taluqdars, village Zamindars, revenue farmers and headmen of villages, and where none of those categories existed or where they existed but did not wish to engage, a khas settlement was formed.[1] The immediate need of collecting the revenue was the main reason for accepting engagements from a variety of individuals. This prevented the Collectors from determining who were the right persons with whom the settlements were to be formed. (The plan had laid down the Zamindars, Taluqdars, and 'other proprietors' as the right individuals for settlement forming).[2]

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1. In Gorakhpur for instance, village Zamindars were given preference over the large Zamindars. This did not mean complete exclusion of the Zamindars or the revenue farmers or a khas settlement. All these forms stood side by side. See J. Routledge to H. Wellesley, 28.10.1802, H.W.Corres., pp.38-40; in the Conquered districts Taluqdars were given the first option to engage. See Collector of Agra to BOR., BOC. Proc. 12.8.1806, 9; In Bundelkhand as the predominant tenure was Bhaiyachara, a form of joint tenure, the settlement was made with the representative of the community; In Kanpur Zamindars and revenue farmers were alike accepted, A Welland to J. Richardson, 21.3.1803, B.O.C. Proc., 12.4.1803, 4; In Rohilkhand revenue farmers and village headmen together with khas settlement was the main feature.
2. See above, pp. 37-40, and see below, p.59.

In forming the assessment of the Ceded districts, two important deviations were made from the principles laid down in the settlement plan. The one related to a 'fixed, equal, and annual' jama, the other to the increase of the assessment during the second settlement over the first. By an order of 28 August 1802, the Board of Commissioners prescribed a rasadi settlement at the discretion of the Collectors.[1] Most of the districts of the Ceded Provinces, but particularly those of Bareli, Moradabad and Gorakhpur, were settled under the rasadi jama. This principle was also applied to the Conquered Provinces when the triennial settlement was formed there. Although the administration had been theoretically opposed to a rasadi jama, compelling reasons forced it to sanction one. The depressed state of agriculture and the general lack of resources in the hands of Zamindars was considered both by Henry Wellesley and John Routledge, to defeat the 'fixed and equal' principle.[2] This difficulty was heightened by a partial failure of rain in 1802 principally affecting Rohilkhand. Under the rasadi assessment so formed, the amount of the first year was to be lower than would otherwise have been the case. This decrease in the first year was to be made good by a gradual increase in the following two years.

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1. Reg. XXV of 1803, S.30.
2. H. Wellesley to Lord Wellesley, 10.2.1803, H.M.583, pp.7-9; J. Routledge to H. Wellesley, 28.10.1802, op.cit.

When the second triennial settlement of the Ceded districts became due in 1805-6, the question of increasing the revenue assumed importance. It had been provided in the settlement plan that two-thirds of the increased assets would be absorbed in the jama of the second settlement.[1] But in 1803-4 a severe drought prevailed in the Ceded Provinces which had forced the government to grant large remissions and suspensions of revenue. In spite of this, considerable arrears of revenue had accumulated for the years 1803-4 and 1804-5, numerous 'estates' were sold for arrears and engagers had absconded from fear of failure to fulfil their obligations. Thus on the eve of the second settlement, the country was not in a condition to bear an increase of revenue, nor were the engagers willing to agree to an increase. The situation arising from the drought and the danger to the economy and the revenue from any attempt to force the jama, was fully recognised by Regulation V of 1805, which rescinded the provision regarding the increase in the jama which had been envisaged in the plan as well as in Regulations XXV and XXVII of 1803. It was now provided to make the second settlement at the annual jama of the first in cases where rasadi settlement was not formed. And where rasadi settlements were made during the first

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1. See above, pp. 42-3.

triennial settlement, then in those cases, the jama of the second settlement was to be governed by that of 1804-5 (which was the last year of the first triennial settlement).[1]

It was, however, found necessary to modify even the above rules for the districts of Gorakhpur, Moradabad, and Bareli. In Gorakhpur the assessment of 1804-5 was unequal, therefore the Collector feared that no one would come forward to engage for the over-assessed 'estates'.[2] The Collector of Moradabad reported that the ill-effects of drought were so deep that the assets of 1805-6 were not equal to the jama of 1804-5.[3] In Bareli too, the condition was similar to that of Moradabad. The government therefore had to allow deductions from the jama of 1804-5, in forming the second settlement of Gorakhpur, and Bareli while the jama of Moradabad was to be based on the figures of 1803-4. This lowering of the jama in the first year, was to be made good by the last year of the second settlement.[4]

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1. Reg. V of 1805, SS.1-3 and 5; Bg. Govt. to BOR., 22.4.1805, B.O.C. Proc., 26.4.1805, 9; Bg. R.L.(C & C.P.), 1.8.1805, para.50; In cases where settlement for the second triennial was already formed under the original provisions of increase, then they were not to be readjusted under the new provisions, Reg. V of 1805, S.7.
2. Collector of Gorakhpur to BOR., 9.5.1805, B.O.C. Proc. 21.5.1805, 12.
3. Collector of Moradabad to BOR., 13.7.1805, Ibid., 30.7.1805, 18.
4. Bg. Govt. to BOR., 6.6.1805 and 10.8.1805, B.O.C. Proc. 14.6.1805, 25 and 20.8.1805, 10.

The assessment of the triennial settlements was arrived at by consulting the rent-rolls of the existing year and that of the preceding years, which gave a rough idea of the actual revenue which the lands were capable of bearing. The figure thus arrived at was considered in the light of the supposed assets and the expectation of improvement in the resources of the land in the course of three years. This yielded the gross revenue, from which the expenses of collection and 'proprietary' allowance were deducted to give the net revenue demand. The settlement of Gorakhpur and Agra offer a good illustration of assessment making. To Henry Wellesley, the Collector of Gorakhpur wrote that the assessment of his district was calculated upon the best information he had, which related to the ascertained assets of the previous year, the produce expected from the extension of cultivation since the British acquisition, and the expected annual improvement of cultivation during the triennial settlement which was calculated by the Zamindars and revenue farmers according to their own resources and the capability of the land.[1] In Agra, according to the Collector, the assessment was calculated on the basis of revenue estimates, with reference to the revenue figures of the past five years, and his information on the state of

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1. J. Routledge to H. Wellesley, 28.10.1802, B.O.C. Proc. 24.6.1803, 21.

cultivation.[1]

The first triennial jama as formed by Henry Wellesley, showed a total increase of over Rs.80 lakhs on the jama of the Nawab at which the Ceded districts were acquired. But the jama of the second triennial settlement of the Ceded districts fell below that of the first at an annual average of around Rs.12 lakhs. The jama of the first triennial settlement of the Conquered provinces and Bundelkhand also showed a considerable increase over that of 1803-4.[2]

Henry Wellesley, the government and some of the Collectors were extremely pleased with the arrangement under the first triennial settlement in the Ceded Provinces. Henry Wellesley wrote in his report of 10 February 1803, that the settlement was formed on the basis of the 'permanent security of the Land Revenue, and the gradual improvement of the Country.' He spoke of the jama as being moderate and believed that at the end of the first settlement, it would amount to two crores of rupees.[3] The government, writing to the Court in 1803, lavished high

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1. Collector of Agra to BOR., 25.7.1806, Ibid., 12.8.1806, 9.
2. See Bg.R.L., 15.4.1804, para.5, and 22.5.1807, para.49; The jama of the Nawab was Rs.13,523,474, See above p. 66. The first triennial jama as fixed by H. Wellesley was Rs.15,619,127; 16,162,786; 16,802,063; the jama of the second triennial was Rs.14,414,261; 14,920,348; 15,272,415; The jama of Conquered Provinces and Bundelkhand for 1803-4 was slightly above 51 lakhs, see above p.72. The jama for 1805-6 to 1807-8 was Rs.8,668,751; 8,777,494 and 8,927,396.
3. H. Wellesley to Lord Wellesley, 10.2.1803, H.M.583, pp.45-46 and 11-12.

praise on Henry Wellesley's arrangement, which it considered to be wise.[1] William Leycester, the Collector of Moradabad, expressed optimism about the settlement of his district, which he thought was calculated to benefit the people as well as the government. He also believed that the people were extremely satisfied with the arrangement he had made.[2] Similarly, Alexander Ross, who formed the first triennial settlement of Agra, was confident about it. He considered his assessment to be equitably and carefully distributed.[3] With regard to the second triennial settlement of the Ceded districts which was made at a reduced jama as compared to the first settlement, the government stated to the Court that, the '... jumma had been adjusted with the strictest attention to the actual resources of the land....'[4]

The above views were, however, more in a mood of self-complacency and self-congratulation, than in a spirit of objective assessment of the arrangements made in the Ceded and Conquered Provinces. When we take into consideration the consequences of the drought of 1803-4 in the Ceded Provinces and closely examine the basis of assessment, not only will the fact of over-assessment emerge, but also the defective method of forming the assessment.

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1. Bg. R.L. (C.P.), 20.10.1803, para.5.
2. Collector of Moradabad to Bg. Govt., 22.4.1803, B.O.C. Proc. 24.5.1803, 14.
3. Collector of Agra to BOR., 25.7.1806, op.cit.
4. Bg.R.L.(C & C.P.), 15.5.1806, para.32.

In the year 1802-03 the revenue collection was smooth but in 1803-04 the situation was dramatically reversed. From all districts extensive damage to crops was reported due to the drought, the Tahsildars expressed reluctance to guarantee revenue collections, and the Malguzars[1] and cultivators alike, were impressing upon the revenue officers their inability to fulfil their obligations. To meet this situation, some of the Collectors had recommended part suspension and part remission of the revenue instalments, while others proposed only the suspension of a few instalments.[2] The Board of Revenue was faced with a crisis the magnitude of which it at first failed to conceive. Its attitude was based upon the principle of upholding the contractual aspect of the revenue arrangements. If, its argument ran, the government did not share in the profits of the engagers in an exceptionally good season, then the losses of a bad one must be borne by themselves. The argument was reinforced by the hope of a good rabi or winter crop to balance the damage to the kharif or autumn crop. The

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1. Malguzar = a person who pays revenue for himself or on behalf of others to government or to a 'proprietor' or to a Zamindar. He may be a sole or joint 'proprietor' or a holder under a 'proprietor' or the state.
2. Collectors to BOR., See B.O.C. Proc. 16.9.1803, 3-6; 27.9.1803, 1; 25.10.1803, 26; 15.11.1803, 13 and 15; 6.12.1803, 1 and 17; 27.12.1803, 1; 13.1.1804, 14; 7.2.1804, 17; 6.3.1804, 17; 20.3.1804, 3; 6.4.1804, 25; 13.4.1804, 3; 25.5.1804, 1; 6.7.1804, 2.

Collectors were therefore instructed only to grant suspensions of revenue at their discretion.[1] But the failure of the winter crop, also forced the Board of Revenue to abandon its earlier attitude and to agree in principle to grant remissions in addition to the suspension of revenue instalments.[2] The government grudgingly approved of the action of the Board of Revenue.[3]

The amount of remission for 1803-04 was Rs.1,959,550. In spite of this, the arrears of revenue for the same year were Rs.2,570,969,[4] which was followed by a heavy deficiency in the succeeding year also. The difficulty of realising the revenue was worst experienced in Moradabad, Bareli, Kanpur and Allahabad. In Moradabad, for instance, there was an arrears of Rs.866,093 in 1803-04 and Rs.835,396 in the following year.[5] The Collectors gave different reasons for the arrears of revenue. William Leycester, the first Collector of Moradabad, considered that the Maratha war and the

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1. BOR. to Collectors, B.O.C. Proc. 25.10.1803, 28; 15.11.1803, 14; 6.12.1803, 2 and 20.
2. BOR. to Bg. Govt., B.O.C. Proc. 16.12.1803, 5.
3. The Bengal government required a full ascertainment of injury suffered from drought and consideration of the ability of individuals to discharge their obligations, before giving indulgences. It also desired the Collectors to warn the engagers, that in future the government would not assist them under similar circumstances. See Bg.Govt. to BOR., B.O.C. Proc. 30.12.1803, 22; 6.4.1804, 1; 9.10.1804, 16.
4. BOR. to Bg. Govt., B.O.C. Proc. 24.9.1805, 2.
5. Collector of Moradabad to BOR., 14.10.1805, B.O.C. Proc. 29.10.1805, 18.

consequences of the drought were the main reasons;[1] to which his successor, Charles Lloyd, added the rasadi jama of the first settlement and the explosive character of the people of the region also, as contributory factors.[2] The Collector of Bareli had also given more or less the same reasons in explaining the arrears in his district.[3] By sheer coincidence the explanations of the Collectors of Allahabad and Kanpur were similar to each other. Both blamed the revenue engagers for the default. It was alleged that in Allahabad the revenue farmers and Zamindars had wilfully deteriorated and mismanaged the lands with intent to defraud the government, and that in Kanpur, they had either misappropriated or concealed the assets of their lands.[4]

In March 1804, in the midst of the continuing crisis, the government, writing to the Court, still clung to the illusion that the triennial jama was based on 'fair and liberal principles'. The fairness and moderation of government was brought home by pointing to the ease with which the revenue was collected in the midst of unfavourable

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1. Collector of Moradabad to BOR., 20.2.1805, Ibid., 5.3.1805, 8.
2. Collector of Moradabad to BOR., 14.10.1805, op.cit.
3. See Collector of Bareli to BOR., 27.8.1805, B.O.C. Proc. 13.8.1805, 10.
4. Collector of Allahabad to BOR., 19.7.1804, B.O.C. Proc. 7.8.1804, 38; Collector of Kanpur to BOR., 23.7.1804, Ibid., 19.

circumstances in 1801-02, and also the smooth realisation in 1802-03. The fiscal debacle of the next year was attributed to the failure of crops, and the want of 'opulence' among the engagers who could not make good the default from their private funds.[1] In May 1806, writing once again to the Court on the question of arrears, the government added some more reasons to those it had previously given. These additional reasons were the loss to cultivation from the Maratha war, from the neglect of the cultivators and from the encroachment of the rivers. And it also admitted that in some instances, arrears had resulted from the difficulty in ascertaining the actual resources of the lands, when the province was acquired.[2] It should be pointed out that the government contradicted its earlier position over the question of assessment, but it admitted over-assessment only in 'some instances'.

Among the reasons for the arrears, the drought and over-assessment must be considered to be the basic ones. The factor of political turmoil had affected only the frontier districts of Moradabad, Bareli, Farrakhabad and Etawah, but its influence on revenue collection was very small, though at one stage military force was employed in collecting the revenue of Moradabad and Bareli.[3] Similarly, the encroachment

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1. Bg.R.L. 15.3.1804, para.16.
2. Bg.R.L. 15.5.1806, paras. 20-21 and 31.
3. See B.O.C. Proc. 27.12.1803, 12; 30.12.1803, 17; 31.1.1804, 17; 26.6.1804, 8; 14.12.1804, 13; 21.12.1804, 32; 26.3.1805, 3; 23.4.1805, 16.

of rivers on cultivated land was a minor cause, and the argument regarding the integrity of the engagers, and the indifference of the raiyats if it had any substance, was merely an indication of over-assessment.

In spite of the remissions and suspensions, many engagers had urged the cancellation of their leases, and some went to the length of deserting and absconding from their holdings, and thus inviting their own ruin. Cases of desertion on the part of engagers, occurred with greater frequency in Bareli and Kanpur.[1] Even the cultivators - those docile and enduring people - loudly voiced their protest against the pressure upon them. In some of the parganas in Kanpur, they demanded a reduction in the payment due from them by one-half, and actually went to the length of abandoning cultivation until their demand was met[2] - a kind of agrarian strike.

The fact of over-assessment was aggravated by the extortion of the Tahsildars over whom the control of the Collectors was lax. Even when complaints were brought against them the Collectors tended to support them.[3] In

1. See B.O.C. Proc. 26.8.1803, 14; 4.9.1804, 5; 10.1.1804, 26; 6.3.1804, 19; 14.12.1804, 15; 1.3.1805, 1.
2. Collector of Kanpur to BOR., B.O.C. Proc. 28.9.1804, 26-27.
3. Because without the Tahsildars the Collectors would be helpless, and no revenue would be realised. In the early period, even the government upheld the attitude of the Collector to Tahsildars. The government had in fact conceived of lending full support to the Tahsildars when their employment was under discussion. See below, pp.85-7 and see above pp. 45-7.

April 1805, an incident occurred in Allahabad, which epitomises the oppression of the Tahsildars, and the indifference of the Collector and the government to it. A large body of cultivators and small Malguzars had poured into the district Court to complain against the Tahsildars for extortion, assault and bribery. The Collector interpreted the situation as a strategy of the cultivators and Malguzars to obtain a reduction of the assessment. He opposed the prosecution of the Tahsildars which he believed was based on 'frivolous charges', and advocated the return of the individuals to their parganas. Both these factors threatened to throw the revenue realisation out of gear. However, the cultivators did not depart, nor did the Judge, Towers Smith, comply with the Collector's wish to drop the charges against the Tahsildars, because he did not consider them to be based on 'frivolous' grounds.[1] The conflict between the Judge and the Collector was brought to the notice of the government.[2]

Towers Smith was very sympathetic to the grievances of the cultivators and Malguzars, as he had been closely watching the activities of the Tahsildars, and the men who controlled them. He pointed out that Richard Ahmuty, the first Collector of Allahabad, while forming the triennial settlement, was beset with difficulties in obtaining

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1. Collector of Allahabad to BOR., 17.6.1805, B.O.C. Proc. 5.7.1805, 1.
2. BOR. to Bg. Govt., 16.7.1805, Ibid., 13.

engagements, as substantial 'proprietors' were non-existent in the district. The Collector offered the collection of a substantial portion of revenue to two powerful and unscrupulous individuals - the Raja of Benares and Devkinundan Singh. These two stood as sureties for the revenue and set to work through a number of Tahsildars and naib-Tahsildars[1] whom the Judge characterised as the '... most desperate fortune hunters ...' from the city of Benares. Armed with police, magisterial and revenue powers the Tahsildars and their assistants, exercised every species of oppression in their exactions and extortions, either for themselves or their principal. There was no redress from their tyranny, and those who dared to raise their voice against them, were falsely charged for arrears of revenue, and sent through the Collector to the district Court for confinement and prosecution.[2]

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1. Naib-Tahsildar = Deputy Tahsildar.
2. Judge of Allahabad to Bg. Govt., 29.6.1805, B.O.C. Proc. 26.7.1805, 10. The Raja of Benares had stood surety for Rs.467,822 and Devkinundan for Rs.369,285 out of an annual assessment of Allahabad of Rs.2,427,232, B.O.C. Proc. 31.3.1807, 1; Devkinundan had a notorious reputation. He had a special interest in collecting revenue in Benares where he corrupted two Collectors in furthering his own interest. He was efficient in collecting revenue and in disposing of troublesome tax-payers and was well versed in the working of the Courts and the Regulations. See B.S.Cohn, 'The Initial British Impact on India a case study of the Benares region', op.cit., p.427; During the first triennial settlement Devkinundan had made a sum of Rs.161,522 through extortion, Judge of Allahabad to Bg. Govt., 29.6.1805, op.cit.

The ultimate and desperate result of this oppression was the present collective complaint of the raiyats and Malguzars, which was not frivolous, but whose truth compromised the good faith of the government in the eyes of the people. Towers Smith had done his best to check the abuses of subordinate servants, but he admitted his inability to cope with the '... intrigue, cunning, influence, affluence, and incorrigible villainy ...' of individuals like Devkinundan.[1]

The spirited stand of the Judge was coldly received by the government, which had the revenue aspect of the dispute uppermost in its mind. Towers Smith was strongly reprobated by the government, which believed that his action had only emboldened the cultivators and the Malguzars in harrassing the Tahsildars, and thereby dislocating the realisation of the revenue.[2]

In response to the ever-increasing complaint of the Collectors regarding their difficulty in realising the revenue arrears, the Board of Revenue at first instructed the Collectors to sell the personal property of the defaulters; and, if it did not equal the amount of the default, to offer the lands to the co-sharers (or any other individual) on their agreeing to discharge the arrears.[3]

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1. Judge of Allahabad to Bg. Govt., 29.6.1805, Ibid.
2. Bg. Govt. to BOR., 18.7.1805, B.O.C. Proc. 26.7.1805, 7.
3. BOR. to Collectors of Kanpur and Allahabad, Ibid., 7.8.1804, 21 and 39.

This, however, did not improve matters, and in Kanpur many defaulters were imprisoned and few of them had any visible property to realise the revenue from. The Board was therefore compelled to authorise the sale of land to realise the arrears of revenue.[1] The sale of land which was mostly ordered in Kanpur also proved ineffective as a slight and insignificant response came from the buyers.[2] Thus the lands remained in the hands of government, and where land was sold it was usually at a reduced assessment.

A few concrete instances and the views of some Collectors on the pressure of the assessment, would fully substantiate the argument of over-assessment during the first triennial settlement in the Ceded districts. In a pargana in Kanpur which had a jama of Rs.23,813, only Rs.13,223 was realised, and when the pargana was sanctioned to be sold, the jama had to be reduced to Rs.17,655. A number of 'estates' in Moradabad assessed at an amount of Rs.92,485, when abandoned by the engagers in 1805-06 was put up for auction, and the highest jama offered for them, was only Rs.42,786.[3] When the assessment of the second

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1. BOR. to Collectors, Ibid., 13.11.1804, 34; 4.1.1805, 14; 19.2.1805, 44; 30.9.1806, 14.
2. Collector of Kanpur to BOR., 7.12.1804, B.O.C. Proc. 21.12.1804, 12.
3. See J. Cumming, General view of the Defective Administration of the Revenues and of Civil Government which has hitherto obtained in the Ceded and Conquered Provinces (1812), H.M. 529, pp.31-32; hereafter referred to as General view. This is a lengthy paper running into 264 pages.

settlement was under discussion, the Collector of Bareli had informed the government that the original amount was over-valued and the engagers would refuse to accept it unless reductions were granted.[1] In Gorakhpur also, the Collector was of opinion that the jama was not only high, but unequal also.[2] The decision of the government to forego any increase of revenue in the second settlement, and even to allow a reduction of the jama in some of the districts, was also indicative of general over-assessment, although the government did not fully acknowledge it.[3]

It should be asked what led to over-assessment in the Ceded and Conquered Provinces?[4] To answer this, is to take into consideration the institutional weakness imported from Bengal under which the Collector functioned, the unreliability of the available revenue records, and the continuation of the 'contract agency' system of collecting the revenue as practised by the Nawab of Oudh and the Raja of Benares. To this may be added the continuous strain on the Indian revenues and the promise of a permanent settlement as the

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1. Ibid., pp.32-33.
2. See above, p.76.
3. See above, pp.75-6 and 83.
4. It should be pointed out that the jama of the second triennial settlement of the Ceded Provinces was also high, for the simple reason that it was based on that of the first settlement. Similarly, the triennial settlement of the Conquered Provinces was also heavily assessed because it was formed in the same way and under similar conditions as that of the Ceded Provinces.

sub-conscious reasons for as quick an augmentation of revenue as possible.

It has been pertinently observed by James Cumming, that when the Collectors or Commissioners[1] spoke of assessment, they meant the amount received as revenue from the Zamindars or revenue farmers and not the demand made by them on the raiyats.[2] No information was ever conveyed in regard to the principles of assessment in the villages which should have been the source of all sadr assessment. It was not at all known if the rates were applied on different kinds of produce or on soils, or if the payments of the cultivators were in kind or if a share of the actual produce was commuted for in money or if fixed rents obtained. Indeed, no defined principles were laid down for the guidance of the Collectors in the settlement plan of 1802 or even subsequently.[3] Even the government was not aware of what should be done to obtain authentic data for assessment. The Collectors, the temporary administration under Henry Wellesley, the Board of Revenue, the Commissioners and the government alike, were in a state of ignorance regarding the method of calculating the assessment.

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1. He was referring to the Commissioners appointed in 1807, who were R.W. Cox and H. St.George Tucker.
2. J. Cumming, General view, op.cit., p.65.
3. See above, pp.43-4. Henry Wellesley had in mind the enquiry of customary relationship between the Zamindar and raiyat, but nothing was done in this direction. See above, p. 41.

The manner of realising the revenue in Bengal under the permanent settlement had prevented the growth of revenue knowledge based on local scrutiny and personal investigation, as for example, had been developed under Read and Munro in the Madras Presidency. The acknowledgement of the Zamindars as landlords, and the creation of landlords where Zamindars did not exist, had a bearing on administrative convenience in Bengal. The Zamindars were left to monopolise (if they cared to do so) all matters relating to the interior arrangements of their zamindaris, and the Collectors were restricted by law from interfering in the local concerns of the province. Thus the Collector in Bengal, and consequently the higher authorities were deprived of correct information regarding the various aspects of the land revenue arrangements. Whatever information the Collector possessed, was what was communicated to him. He was merely a receiver of revenue. It was from such Collectors engaged in a limited sphere of revenue work, that Collectors were selected for the Ceded and Conquered Provinces.

The ill-equipped capacity of the Collectors to tackle the assessment problem was made more acute, by the absence of any attempt to systematise and modernise the revenue records. The quick succession of settlements culminating in a permanent one, as envisaged in the government's policy, was, in itself, the greatest hindrance to the acquisition of

revenue knowledge. Instead of using the Tahsildars, Kanungos, Patwaris and Zamindars to procure reliable information, not only was no control exercised over them, but they were left to pursue their individual or combined self-interests. The Collectors were absolutely in the hands of subordinate revenue servants.[1] The Tahsildars were powerful, well remunerated, unscrupulous and semi-independent. The Kanungos were the key revenue officials possessing hereditary revenue records, ill-paid under the British, and of late their records had become antiquated; this was perpetuated under the early British policy. The Patwaris were the servants of the Zamindars with low remuneration, which would attract only a semi-illiterate class of people, barely capable of keeping any accounts. It should therefore be pointed out that in the early period, no reliable revenue knowledge existed at any level of the administration and that the settlements were formed on the basis of antiquated or supposed or even fabricated accounts.

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1. For the role of subordinate revenue servants, see R.N. Nagar, 'Employment of Indians in the Revenue Administration of N.W.P. 1801-33', The Journal of U.P. Historical Society, December 1940; 'The Kanungo in the N.W.P. 1801-33', Indian Historical Records Commission Proceedings, 1942; 'The Subordinate Services in the Revenue Administration of the N.W.P. 1801-33', The Journal of the U.P. Historical Society, December 1942; 'The Tahsildar in the C. & C.P. 1801-33', The Journal of U.P. Historical Society, (N.S.) Part 1, 1954.

The unreliability of the records was openly admitted by the Collectors and Commissioners after 1807.[1] The Collector of Etawah stated that the tahsildari accounts were based on the antiquated documents of the Kanungos, or the verbal reports of the Patwaris. No authentic information could be pieced together from the Patwari-zamindari accounts, which were generally inaccurate and in some cases, absolutely false. The Collector knew of a Taluqdar who summoned his Patwaris every year, to give up their original accounts, which were either concealed in some secret place or destroyed altogether.[2] The Collector of Gorakhpur, in reply to the instructions of the Commissioners (of 1807) calling for tahsildari statements on the quantity of lands, was opposed to the preparation of any such statements. His reasons were that in 1804-5 a statement of the kind asked for by the Commissioners was prepared by the Tahsildars, Kanungos and Patwaris, who were still in office; and to ask them to revise it would give them an opportunity to benefit themselves. In general, he had no confidence in the integrity of the Tahsildars.[3] The Collector of Agra in his report of

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1. After 1807 under the Board of Commissioners, some questions had begun to be asked, which revealed a terrible state of affairs of the early period, and slowly led to the beginnings of improvement in revenue affairs.
2. J. Cumming, General View, H.M. 529, pp.52-54 and 71.
3. Ibid., pp.57-60.

September 1807, sanguinely talked of obtaining details of every kind of land in cultivation, and their customary rates of rent in about two months' time. However, in the same report, he stressed the futility of depending either on Patwari or Kanungo accounts. As the Patwaris were the servants of the Zamindars, no credit was to be placed in their accounts. The estimates of the Kanungo prepared in the ordinary way, would be slanted in favour of the Zamindar. Even if he chose to give the supposed real capacity of the 'estates' that would remain unsubstantiated from want of proof of accuracy.[1] In Allahabad, as the first Commissioners remarked, the Tahsildari records were utterly unsatisfactory, and those of the Kanungo equally unreliable. (In Allahabad generally but particularly in Ekdallah pargana the Kanungos held lands, which would give them the motive to fake the records).[2]

Ignorant as the Collectors were, and unreliable as the records were, the situation was further worsened by the continuation of the contract revenue system. This was undoubtedly the easiest way of increasing and collecting the revenue. A professional class of revenue farmers linked with bankers and sureties, was already in existence. The Tahsildars either belonged to this class or were aligned

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1. Ibid., pp.54-55.
2. Commissioners' Report, 13.4.1808, paras. 204-05, Bg.R.C. 20.6.1808, 2.

with it or were its willing tool. To become a Tahsildar required sufficient financial means as he had to furnish security to the government. If he had no capital of his own he was sure to become a tool of prosperous speculator. If he had capital of his own it was easier for him to obtain a surety. His office had social and financial advantages, it brought him ten per cent on the collections. The larger the amount of his demand and collection, the greater would be his profits. He thus had a sense of purpose in fixing the demand at a higher pitch. So far as the engagers were concerned, no regard was had to the ownership or possession of land. All that mattered was who accepted the jama proposed by the Collector or Tahsildar, which in itself was determined by competitive bidding, thus opening the door for the revenue farmer.

The case of Allahabad, whose early Settlement was characterised by Cox and Tucker as 'fictitious', offers a good illustration of auction-bidding. The second Collector of Allahabad, writing to the Board of Revenue and the government in June and November 1805, showed how the jama of the first triennial settlement was determined. No ascertainment of the assets was attempted and the documents used were few and imperfect. The Settlement was made with persons bidding the highest jama. In this bidding even the 'proprietors' were involved from the wish to retain their

lands and agreed to pay the competitive jama. But a large number of engagers came from the city of Benares who had no knowledge of the quantity of lands under cultivation or the state of cultivation, and who engaged for entire parganas at a high assessment.[1]

If the early settlements led to over-assessed and unequal jama, they also produced considerable injury to landed rights. The rights fall into four categories - those of the Zamindars, Taluqdars, village Zamindars and raiyats.[2] It has been argued by James Cumming that the Zamindars and Taluqdars according to the custom of the country, were not the proprietors of the holdings in their jurisdiction. They were mere Collectors of the revenue of their respective zamindaris or taluqdaris for which they were remunerated by the ruling power. In their private capacity they might have owned lands, but in their official capacity as Zamindars or Taluqdars they certainly did not own the zamindaris or taluqdaris.[3] The incontrovertible evidence in support of this argument was the observance of the law of primogeniture, in the succession to zamindaris or taluqdaris, whereas the law

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1. Collector of Allahabad to BOR., 17.6.1805, B.O.C. Proc. 5.7.1805, 1; Collector of Allahabad to Bg. Govt., 19.11.1805, Ibid., 24.12.1805, 2.
2. This classification is used in the sense in which the British acknowledged the rights or what they thought the 'proprietary' rights were. For a discussion on rights see Chap.3 below.
3. J. Cumming, General View, op.cit., pp.143-45 and 175n.

of property was that of the joint succession of male heirs, both among the Hindus and Muslims. The right of property in land was basically vested in the village Zamindars. In this case also it should be stated that the village Zamindar who engaged in behalf of his co-sharers, was not the 'proprietor' of the whole village, but only of that portion which belonged to him. From the standpoint of revenue collection he stood in the same position in regard to his village as the Zamindar stood in relation to his entire Zamindari. He formed a direct link with the Zamindar or Taluqdar or his subordinates and agents. It should, however, be pointed out that the official position, the influence, the opulence and the hereditary nature of the office of Zamindar, Taluqdar, and village Zamindar placed them at a vantage point in acquiring lands or even in encroaching upon the rights of others. At the lowest level were the rights of the raiyats, some of whom paid their dues at a fixed rate, and had certain privileges attached to their tenure.

The Regulations in the first place had confounded the various rights relating to land. The description of individuals with whom Settlements were to be made, and whose supposed 'proprietary' rights were confirmed, was based on artificial and erroneous rules, instead of being deduced from the real state of things and the nature of landed institutions. When those rules were framed in 1793

very little acquaintance with the language of the country existed and almost no study of the customs and landed institutions had been made. Those rules had been extended to the Ceded and Conquered Provinces without any enquiry about their suitability, although Henry Wellesley as well as Lord Wellesley, had intended to modify them according to the situation.[1] Accordingly the Zamindars and Taluqdars were to be the persons with whom the settlement was to be made. The use of the term 'other actual proprietor', was an alternative or saving clause where Zamindars or Taluqdars did not exist. It was not used in any specific sense or even defined, but it was probably intended to mean the village-Zamindars and the Mukaddams.[2] The meaning of the terms 'proprietor', 'estate', zamindari and taluqdari were not defined in any of the Regulations, and were used in the official correspondence indiscriminately. For example, a Zamindar, a Taluqdar and a village Zamindar would all be described as 'proprietor'. The term estate would be used for a zamindari, taluqdari and a village under joint ownership. The rules relating to the acknowledgement and determination of 'proprietary' rights, to the separation of smaller holdings within a bigger one, and to the division of joint-holdings were utterly inadequate. In regard to the protection of raiyats, the

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1. See above, pp.34-5.
2. J. Cumming, General View, H.M.529, pp.149-50.

patta Regulation had nothing radical to offer. It was simply designed to prevent the extension of abuses already in existence, which would in effect, though unintentionally, allow the existing abuses to be confirmed.[1] It would not be unfair to state that in the absence of a knowledge of rights on the part of the government, and in the prevalence of general confusion in the province, an unintentional, though great injury to rights occurred from the haste with which laws and regulations were passed on questions which were not understood by the government.

In the actual handling of the big Zamindars and Talugdars alternative policies were adopted. Where the big landholders were reluctant to become peaceful and law-abiding subjects of the new government, force was employed to crush them; on the other hand, where they accepted the British authority, a conciliatory policy was pursued towards them. The main cause of contention between the Chiefs and the government was over the questions of mud forts and the collection of sayer duties. It had been the policy of the government for political reasons and those of general law and order to seek the demolition of the mud forts, and for economic reasons to prohibit the collection of sayer duties. To the Chiefs the possession of mud forts and the collection

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1. Ibid., pp.75-77.

of sayer were the sources of strength and wealth and therefore their surrender was against their self-interest. Those of them who were short-sighted and vindictive resorted to armed insurrection, in which they were encouraged by the disturbed political condition on account of the second Maratha war and the irruption of Amir Khan. Cases of contumacy occurred mostly in the districts of Etawah, Moradabad, Bareli, Farrakhabad, Kanpur and Gorakhpur. Such Chiefs were crushed by the use of military force and their forts destroyed and lands confiscated by the government.[1]

A leading example of the severe policy adopted in cases of recalcitrance may be cited here. Raja Bhagwant Singh, the Talugdar of Sasni in the district of Etawah, had raised himself from a position of obscurity to that of power and wealth.[2] He had two strong forts, one at Sasni and the other ar Bijaigarh, well stocked with cannons and surrounded by a deep and broad ditch. He could muster a force of 20,000 men and could seek support from Raja Daya Ram,a powerful jat Chief of Hathrass in Aligarh, with whom he had a family connection.[3] When the British authority was introduced in

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1. See B.O.C. Proc. 3.1.1803, 5 and 6; 12.4.1803, 2; 15.4.1803, 1; 13.5.1803, 1; 16.9.1803, 14; 27.9.1803, 17 and 18; 7.10.1803, 14, 33 and 34; 11.10.1803, 10; 18.10.1803, 7 and 8; 15.11.1803, 9; 3.1.1804, 3; 13.1.1804, 6; 2.3.1804, 3; 19.6.1804, 14.
2. H. Wellesley to Lord Wellesley, 12.11.1802, Bg.P.C. 13.3.803, 15.
3. R. Cunynghame to H. Wellesley, 28.10.1802, Bg.P.C. 31.3.1803, 18; J. Gerard (Adj.General) to H. Wellesley, 8.11.1802, Ibid., 20; J. Gerard to J.Limsden, n.d.Ibid.,21.

1801 he made no attempt to enter into an engagement for the revenue of 1801-02. The Collector had to take the initiative in negotiating a fair arrangement regarding the revenue of his talug.[1] The efforts of the Collector proved futile as Bhagwant Singh was not prepared for any compromise over the sayer question.[2] In order to deter landholders from flouting British authority, a strong military action was ordered against Bhagwant Singh.[3] As a result of this, he had to seek refuge in the Maratha territory.

In contrast to this severe policy a conciliatory one was simultaneously pursued wherever the Chiefs manifested no hostility to the British. Settlements were made with them for entire parganas at favourable terms. This was the case in regard to several powerful Chiefs in Saharanpur and Aligarh.[4] In Aligarh two of the Taluqdars were even allowed to retain their forts for a temporary period of time, and were paid lavish compensation for the loss of the privilege to collect the sayer duties.

The severe and the conciliatory aspects of policy had

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1. H. Wellesley to Lord Wellesley, 12.11.1802, op.cit.
2. R. Cunynhame to H. Wellesley, 28.10.1802, op.cit.
3. H. Wellesley to Lord Wellesley, 12.11.1802, op.cit.
4. See Collector of Saharanpur to C.-in C. 14.7.1805, B.O.C. Proc. 2.8.1805, 11; J. Malcolm (Resident at Mathura) to Collector Saharanpur 20.7.1805, Ibid., 13.8.1805, 5; Bg. Govt. to BOR., 15.8.1805, Ibid., 23.8.1805, 15; Collector of Aligarh to BOR.6.7.1806, 16.7.1806 and 18.8.1806, Ibid., 29.7.1806, 17; 1.8.1806, 13; 5.9.1806, 17.

originated from the same motive, which was essentially political. The apprehensions entertained of the Marathas, the Sikhs and the French had a bearing on the policy towards the Chiefs. On the one hand, any outbreak of armed action on the part of a Zamindar had to be prevented from spreading to the other parts of the province by a swift military action. On the other, the possibility of armed insurrection had to be avoided by placating the Chiefs through substantial concessions. It was thus an ambivalent policy based on expediency. This policy, it should be pointed out, in relation to land-owning rights produced contradictory results. In cases where the Chiefs were eliminated the opportunity for the village Zamindars and Mukaddams to engage for the revenue was increased. Where the Chiefs were continued the rights of the village Zamindars and Mukaddams were neglected.

If that section of the zamindari and taluqdari class towards whom a soft policy was pursued benefited under the early settlements, then the village Zamindars generally suffered under those arrangements. The defects of the Regulations regarding proprietary rights have already been pointed out. This was also noticed by the first Commissioners in their report of April 1808, in which they warned the government that until the revenue law was revised 'proprietary' claims would remain undecided, and in a state

of conflict.[1]

The rights of village Zamindars were affected in different ways. Those who were acknowledged as 'proprietors' but excluded from the first settlement because of their refusal to agree to a jama, found themselves excluded in the subsequent settlements. Such others who had not established their claims to 'proprietary' rights during the first settlement were to remain excluded for the entire ten year period. In both these cases the settlement for their lands was made with the revenue farmers, and was to be continued for the subsequent settlements with the same persons as provided in the Regulation. The acknowledged but excluded, and the unacknowledged 'proprietors' were loudly urging their claims. Some of them according to the Collector of Etawah had taken their cases to the Civil Court where they remained undecided. But the majority of claimants did not go to Court, through ignorance or fear of expense or discouragement at the tardiness of justice.[2]

Where the village Zamindars were comprehended within large zamindaris and taluqdaris, the law had recognised the former's right to separation and engagement. In this case also, no definite principle was laid down for the guidance of revenue or judicial officers. In a dispute over separation

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1. Commissioners Report, 13.4.1808, paras.28-29 and 34, Bg.R.C. 20.6.1808, 2.
2. See J. Cumming, General View, H.M. 529, pp.81-84.

both parties would plead possession under different tenures, and the Regulation did not state what constituted a '~~proprietor~~' 'proprietary' right. It was simply provided that where the larger landholder was merely a channel of revenue collection separation was to take place, but this question itself involved an investigation of the character in which the superior holder paid the revenue, which automatically opened the question of relative rights.[1] As no records existed which showed the grounds of exclusion of the village Zamindars it was difficult to say, at least technically, whether the village Zamindars or the landholders had the better case.

If the village Zamindars suffered as against the revenue farmers and the landholders, they also suffered amongst themselves where they were recognised and settlements were made with them. This related to lands under joint ownership with several co-sharers. It was not provided how settlements were to be formed in such cases. The person or persons with whom settlements were made would surely benefit to the disadvantage of the other members of the community. Nor was it laid down how disputes among them were to be decided. Where the joint-holding was in arrears of revenue, multiple rights would be annihilated without ascertaining the actual persons responsible for it.

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1. R.W.Cox and H. St.G. Tucker had expressed this apprehension in their report of 27.11.1807, q. J.Cumming, Ibid., pp.107-11.

A great injury also occurred to the village rights as also to those of some of the holders of large zamindaris from fraudulent public sales brought about by the Tahsildars. This mischief was confined to Allahabad, Kanpur and Gorakhpur. According to Edward Colebrooke and John Deane, who accidentally discovered the tactics and frauds of the subordinate servants during the early settlements, the lands were acquired by putting them on sale for alleged arrears, by the pretended purchase of obsolete titles, by transfer in liquidation of alleged arrears, by deeds conveying the 'property' through mortgages, and by temporary assignments for a number of years.[1] On enquiry it was revealed that the persons from whom they acquired lands had no 'proprietary' rights, as they were revenue farmers. In Kanpur such revenue farmers denied that arrears of revenue occurred when the lands passed from their hands. These lands were acquired at a cheap price: a village could be had for between Rs.2 and Rs.10. And after acquiring land the purchasers even succeeded in obtaining a reduction of the jama.[2]

In Allahabad for instance, Devkinundan had enlarged one paternal 'estate' assessed with a jama of Rs.800 into a

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1. See Reports of E.Colebrooke and J. Deane on the Third Settlement of Allahabad, Kanpur and Gorakhpur, Bg.R.C. 2.7.1810, 33; 17.11.1810, 7; 29.12.1810, 35.
2. Ibid.

taluq of 74 villages.[1] Jai Gopal Pandey in Gorakhpur had acquired two taluqs consisting of nearly 200 villages.[2] In Kanpur Mirza Ahmad Baksh who had been Nazir to the first Collector, and was an uncle of a Tahsildar, acquired 33 'estates' assessed with a jama of Rs.58,000.[3]

Such nefarious acquisitions were the result of several factors. The Tahsildar and his associates were well conversant with the revenue code and its weaknesses. They were persons of financial substance and had their links in the Collectors' and Judges' establishments to cover up their actions and protect their interests in case of any complaint. As the Collector heavily relied upon the reports and opinions of the Tahsildar it was easy for the latter to further his self-interest without the risk of detection. As the Collector knew very little about the revenue affairs of the province, and as he was completely under the influence of the subordinate Indian Civil Servants, his control over them was negligible. Finally, the people who were being tricked out of their lands had no knowledge of the laws and regulations introduced by the British, and may therefore have relied upon the Tahsildars, and discovered the loss when it was too late. During this period, the government could do little to redress these wrongs. But in 1821 a positive measure was

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1. Ibid.
2. Ibid.
3. Ibid.

taken which to some extent, helped to mitigate the consequences of that great evil.

Before 1820 when the decision was finally taken to constitute a Special Commission to investigate fraudulent acquisitions of land in the early period, some effort was made to redress wrongs and positive measures were suggested by some of the judicial officers. Soon after 1807 the Board of Commissioners was admitting the injury done to numerous individuals and found it difficult to suggest a remedy. It was capable of providing redress but did not have judicial authority. On the other hand, the Civil Courts had the power to help victims of fraud, but the clique of subordinate servants in the Courts who were themselves manipulators of the fraud, would defeat the ends of justice. People were aware of it and therefore they did not go to the Courts. The government, however, had attempted to provide redress by extending legal facilities to enable victims to obtain possession of land through the Courts. The effort failed because of the vested interest of the subordinate judicial servants.[1]

A radical and salutary organ was needed to cope with the consequences of the great fraud. The proposal of a Special Commission was first suggested by the Board of

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1. T. Fortescue to C.M. Ricketts, 1.9.1814, H.M.530, pp.576-89.

Commissioners in 1810. In 1818 and 1820 the creation of such a Commission was strongly urged by T.C.Robertson, Judge and Magistrate of Kanpur. In 1810 the Governor-General had declined the formation of such a Commission on the ground that first the cases should be examined. In 1820 the government no doubt, was influenced by the reformist trend which was current in British India and among the Home Authorities after the publication of the Fifth Report of 1812. The only opposition came from the Judges of the Sadr Diwani and Nizamat Adalats, who considered a Special Commission as extra-legal and investigations into past cases which in the first place flowed from state action as a breach of faith. The views of the Judges were ignored and Regulation I of 1821 was enacted to provide for the examination and settlement of complaints against fraudulent acquisitions in the early years. The Court of Directors fully endorsed this step.[1]

The jurisdiction of the Commission covered Allahabad, Kanpur and Gorakhpur, which were the three affected districts. Of these it appears that nothing was done by the Commission in Gorakhpur. In Allahabad by 1828, 96 'estates' with a jama of Rs.286,826 were restored. In Kanpur, where a total of 405

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1. B.O.C. to Govt., 18.9.1810, SRRNWP. 3,pp.19-21; Govt. to B.O.C., 16.10.1810, H.M.530, pp.574-76; Bg.R.L.(C & C.P.), 10.8.1821, paras. 3,5,6 and 8; Bg.R.D.(W.P.), 2.1.1829, paras.6-9.

auction sales had taken place, 243 were complained against and 185 were reversed. In Kanpur there were also 64 complaints against private sales arising from foreclosures of mortgages of which 11 were found bad.[1]

It has been stated that as a result of tahsildari frauds half of the lands in Allahabad and Kanpur changed hands and that thousands of landowners were ruined.[2] This is, however, an exaggeration. Lord Hastings in his minute of September 1815, forcefully discounted the current opinion, that the system produced insecurity and transfer of land generally. He considered such opinions as inaccurate and

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1. J. Dunsmure to H. Mackenzie, 6.2.1828, Bg.R.L. 10.12.1828, App.E; B.H.Baden-Powell, op.cit.,p.119. In 1829 when revenue administrative reorganisation took place, the Commission ceased to function and its power was transferred to revenue Commissioners. By Act III of 1835 the attempt to provide redress was given up. Any fresh complaint was to be preferred before the ordinary Court of law, but the ones which were pending were to be disposed of. On 1 January 1835, 322 cases were pending before the Sadr Board, 803 before the Commissioner of Allahabad, 470 with the Commissioner of Gorakhpur, besides 1,324 petitions were pending before the two Commissioners for the admission of suits. Elsewhere the cases pending were negligible. A.R.L., 3.8.1835, 4, paras.2-4; The fairly large number of cases was the result of the modification of Regulation I of 1821 in 1829. Formerly, complaints against transfers during the early years of British rule, were admissible. Now complaints relating to any year of the British rule were admissible.
2. See D. Bhanu, History and Administration of the North Western Provinces, p.48; R.N.Nagar, 'The Tahsildar in the C. & C.P. 1801-33', op.cit., p.31.

a mere 'deduction from appearances'.[1] Lord Hastings, in all probability, was nearer the truth. Such transfers of land took place before 1807 and without the knowledge of the revenue authorities. A precise determination of the quantum of fraudulent sales is possible only by obtaining the exact number of 'estates' sold in Allahabad, Kanpur and Gorakhpur from which cases of fraud should be separated. Such a determination is, however, not possible. Total annual returns of public sales during this period were not kept. Individual cases of sales as they came up before the Board of Revenue and the government, originated from the reports of Tahsildars, and there is no reason whatsoever to suppose that they would incriminate themselves by communicating the truth. In regard to the private transfer of lands, no information is available, as it never came up in the revenue records. It can only be said therefore, that as a result of fraudulent sales in the three districts, some lands changed hands. Kanpur is an example of this. In this district, according to the Second Commissioners, 289 'estates' were sold for public default between 1802-07, some of which were bought by the government itself.[2] This surely does not warrant the deduction that half of Kanpur was sold out or

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1. Minute of Lord Hastings, 21.9.1815, paras.79-80, Bg.R.C. 16.9.1820, 33.
2. E.Colebrooke and J. Deane on the Third Settlement of Kanpur, Bg.R.C. 2.7.1810, 33.

thousands of 'proprietors' were ruined. It is even difficult to say how many of the sales in Kanpur were genuine and how many were fraudulent.

To sum up what has been said above regarding the question of assessment and the question of rights, the early policy was a failure. Its most vehement critic stated that the government, at a time when it was ignorant of the resources of the country and lacked the information to judge the best course to secure its own interests and those of the people alike, blindly pledged itself to a course of policy for ten years and its permanent adoption after that period.[1] It was not even aware of the problems facing it which began to be slowly understood only after 1807. As late as 1808, when certain questions relating to 'proprietary' rights came for decision before the Bengal Council, it expressed its inability to decide them.[2] When compared with the Nawab's administration, that of the British seems slightly better, because the unbridled oppression of the Amils was eliminated and at least in theory, a coherent settlement scheme was framed. The collection of revenue was sought to be placed on sound footing, but in practice the revenue market as it flourished under the Nawab was continued. Indeed, the settlements during this period were essentially a continuation

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1. J. Cumming, General View, H.M. 529, pp.21-22.
2. See Bg. R.C. 20.6.1808, 3-4.

of practices which the British found to exist in the region at the time of their acquisition of power. Perhaps there could have been no other alternative.

If the over-assessment may have adversely affected agriculture - an object whose promotion the government sought - this was more than compensated by indirect factors. The administration brought peace and individual security, a pre-requisite to any industry. It linked the Ceded and Conquered Provinces on the one hand, with the British India market, and on the other, through the East India Company's trade with the international market. Commercially this must be considered of far-reaching significance for the agricultural products of the region. Also, through the introduction of contractual law in revenue collection, it at least theoretically created a land market. In actual practice this amounted to forced sales rather than a market based on competition. There were actually more sales of land than there were buyers, and where land was bought, the price was a mere trifle. In creating the Western type of 'proprietary' right and permitting private transfer of land, the implication clearly was to treat land as a marketable commodity. In practice there were perhaps very few private sales of land. A free-will land market had not yet emerged.

Chapter II

The Rejection of the Policy of a Permanent Settlement 1807 - 13

The Bengal government under Lord Wellesley had promised a permanent settlement for the Ceded and Conquered Provinces. But between 1807 and 1813 the applicability of that policy to those regions was earnestly discussed, and a radical departure from the Bengal system of land settlement emerged. The two major policy making organs - the Bengal government and the Home Authorities - were involved in this battle of policy making.

A permanent settlement was to fall due in the Ceded Provinces in 1812-13, and in the Conquered Provinces and Bundelkhand in 1815-16. For the fulfilment of the promise of permanency of assessment certain conditions had been set. The Zamindars must have fulfilled their temporary engagements, the 'estates' must be in an advanced state of cultivation, and the assessment to be offered to the Zamindars in permanency must be accepted by them.[1] The Bengal government was so over-anxious to complete the arrangements, that it decided to hasten the measure in regard to the Conquered Provinces and Bundelkhand. By Regulation X of 1807 the three constituent regions of the Provinces were to come under permanency in the year 1811-12

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1. See Reg. XXV of 1803, S.29 and Reg. IX of 1805, S.6.

and 1812-13. The government also dropped the earlier condition of a fresh assessment before declaring it permanent. Now the existing jama of the years 1811-12 and 1812-13 were to be made permanent.[1] The shortening of the time limit for the Conquered Provinces and Bundelkhand and the exclusion of the condition of revision of assessment originated from the same source. That was the belief of the government in the efficacy of a permanent settlement in improving the conditions of the Zamindars and also of agriculture. Temporary settlements, on the other hand, were considered to be ruinous for all concerned. The government was so determined, and at the same time so naive, that in 1807 it was asking the court to confirm the settlements which would be made under the provisions of Regulation X.[2] A commission which had been appointed under that Regulation to do the job, had not even started its proceedings. It was an extraordinary request.

On one matter, however, Regulation X of 1807 contained a sensible clause which was to be used later on by the Court as one of the arguments in justifying the legality of the denial of permanent settlement. Lord Wellesley, while making the promise of permanency in 1802, 1803 and 1805, had omitted to state that the declaration was subject to the approval of the Court of Directors. This was actually not a

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1. See Reg. X of 1807, S.5.
2. See Bg. R.L. 31.7.1807, para.38.

serious lapse on the part of the Governor-General, because before a permanent settlement was made it was bound to come up before the Directors. However, the Regulation of 1807 enacted under the brief tenure of George Barlow included a clause stating that the permanent settlement would be subject to the approval and sanction of the Court of Directors.[1]

There were two important reasons for appointing a temporary commission in 1807, which was put on a permanent footing in 1809 by Regulation I of that year. It was on this Commission that the government relied for giving effect to the policy of permanent settlement. The other important reason was an administrative one.[2] When the temporary Commission under Henry Wellesley was dissolved in March 1803, the revenue administration of the Ceded and Conquered Provinces had become the responsibility of the Board of Revenue at Calcutta. It was this Board that continued to discharge its responsibility for the regions in question until 1807. The jurisdiction of the Board of Revenue was an extensive one, because it supervised the revenue administration not only of the Bengal Presidency but also of the Ceded and Conquered Territories. Consequently its control over the Collectors and the other subordinate servants had not been efficient, especially in the far flung regions of

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1. Reg. X. of 1807, S.5.
2. See Bg. R.L. 31.7.1807, paras. 30-31.

Northern India. An exciting period in the revenue history of Northern India was about to begin, which required close supervision which Calcutta was not in a position to provide. Over-assessment and under-assessment had to be guarded against, and the declared objects of the government's policy had to be implemented. Those objects could be best realised under a local Commission. The appointment of the Commission of 1807 therefore had a very important bearing on the future course of policy, and on the land revenue history of the region under consideration.

The Board of Commissioners was to consist of two members, and was vested with the same powers which the Board of Revenue had exercised over the Ceded and Conquered Provinces.[1] These were full control of the revenue administrative machinery, responsibility for revenue matters, and continuous consultations with the Bengal government. The two members appointed to the Commission were R.W. Cox and Henry St. George Tucker. Of the two, Tucker was the more important, and subsequently he was to become quite famous in East India affairs, at the India House. R.W. Cox at the time of his appointment was a member of the Board of Revenue,[2]

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1. See Reg. X of 1807, SS. 1-3.
2. Cox arrived in Bengal in 1781. Up to 1800 he was chiefly employed in the commercial branch of the service. In 1801 he became a member of the Board of Revenue, and remained in that situation until his appointment in the Ceded and Conquered Provinces. He returned to the Board of Revenue in 1808, and left Bengal in 1809 after resigning from the service. Personal Records, 3, pp.131-32.

while Tucker had no employment as he had resigned the important office of the Accountant-General in January 1807. Tucker had arrived in Bengal in 1786, and began his official career in 1791 in the office of the Accountant-General as an assistant. Very soon he obtained fairly important positions in the Judicial and Revenue branches of the administration. In 1794 he was Deputy Register in the Sadr Diwani and Nizamat Adalat and Assistant Secretary in the Revenue and Judicial department, holding both the offices simultaneously. His bent of mind was essentially on financial subjects. He became officiating Accountant-General in 1800, in which position he was made permanent in the following year. In 1803 he became associated with Calcutta mercantile houses, and in 1804 he resigned his position with the government to join Fairlie & Co. He apparently met with no success in his commercial speculations and rejoined the Civil Service as Accountant-General in 1805, only to resign a second time in January 1807.[1] Tucker, undoubtedly had considerable influence in top official circles in Calcutta, which made possible his several resignations and re-entry into important positions. He was on very intimate terms with Minto, as their private correspondence clearly reveals.[2]

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1. Personal Records, 3, pp.661-67. D.N.B., LVII, p.282. On 10 December 1806 Tucker was sentenced for six months imprisonment and a fine of Rs.4,000 for attempted rape. Ibid., p.281. It was after his release that he was appointed a member of the Commission in the Ceded and Conquered Provinces.
2. See Minto MSS. 502.

The Commissioners were appointed in June 1807, but they did not assume office until September of that year. In their task of forming a permanent settlement, Cox and Tucker proceeded with great circumspection. On their own admission, as contained in their letters to the government and to the Collectors of September 1807, they were partial to a permanent settlement. The reasons for their partiality arose from their Bengal experience, and from a genuine belief that the present prosperity of Bengal was the result of the permanent settlement. They wrote to the government expressing their willingness to carry out a permanent settlement wherever it was found to be desirable. At the same time they stated that their private enquiries had shown the existence of extensive waste land, which might well be a strong argument for postponing a permanent settlement. On the other hand, they wrote to the Collectors asking first, for their individual opinions on the nature of the settlement to be formed in their districts and secondly, for general information relating to the state of cultivation, the population and the 'proprietary' rights. Their recommendation to the government was to be based on answers to those questions.[1] It may be of some interest to point out, that the government without foreseeing the implications of the Commissioners' approach had signified its approval in a

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1. Commissioners to Bg. Govt., 7.9.1807, Bg. R.C. 2.10.1807, 17; Commissioners' Circular to Collectors, 7.9.1807, Ibid., 18.

letter of 2 October 1807.[1]

Five of the Collectors - those of Agra, Aligarh, Kanpur, Gorakhpur and Etawah were quick in replying to the Commissioners' questions. The instructions which the Commissioners issued in regard to three of the districts incurred disapproval of the government. Between October and November 1807 there was already a cleavage of opinion on the question of permanency between the Commissioners and the government.

The replies of the five Collectors show the districts with the exception of Agra in a terribly depressed state. Waste and rent-free land was extensive. The records relating to assessment were defective. In some of the districts 'proprietary' rights were in dispute and large taluqdaris existed. The Collector of Gorakhpur was, however, in favour of an immediate permanent settlement, that of Aligarh was totally against its introduction, and the Collectors of Agra, Kanpur and Etawah, though they favoured a permanent settlement, actually recommended its postponement.[2]

In October 1807 the Commissioners were quick to make up their minds in regard to the settlement of Gorakhpur, Etawah and Agra. A permanent settlement of Gorakhpur and

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1. Bg. Govt. to Commissioners, Bg. R.C. 2.10.1807, 20.
2. See Collectors of Agra, Aligarh, Kanpur, Gorakhpur and Etawah to Commissioners, 29.9.1807, 12.10.1807, 20.10.1807, 20.10.1807 and 28.10.1807 respectively, Bg.R.C. 16.10.1807, 17; 6.11.1807, 19; 6.11.1807, 20; 27.11.1807, 39; and 27.11.1807, 41, respectively.

Etawah should be deferred.[1] They did not think the two districts were fit for it. Therefore a four-year settlement as provided by the Regulation of 1803 was to take effect.[2] For the district of Agra, on the other hand, the Commissioners were in favour of a permanent settlement, and they made such a recommendation to the government. They took into consideration the smallness of the district, where an experiment in permanency could safely be made without much sacrifice of revenue. Besides, Agra was a frontier district, and much political advantage would be gained by awarding a permanent settlement to the landholders.[3]

For the province as a whole, with the exception of Agra, the Commissioners in fact requested the government to postpone a permanent settlement by altering section 5 of Regulation X of 1807, on the grounds that the country was not fit for it, the administrative machinery was not equal to the task, and the government stood to lose some revenue.[4] According to Regulation XXV of 1803 two triennial and one quadrennial settlements were to precede the consideration of a permanent settlement in the Ceded Provinces.[5] This ten year period beginning from 1802-03 was to end in 1811-12, and the question would be raised only in 1812-13. In the

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1. Commissioners to Collectors of Gorakhpur and Etawah, 31.10.1807, Bg.R.C. 27.11.1807, 40 and 42.
2. Commissioners to Bg. Govt., 31.10.1807, Bg.R.C. 27.11.1807, 38.
3. Commissioners to Bg.Govt., 5.10.1807, Bg.R.C.16.10.1807,16.
4. See Bg.Govt. to Commissioners, Bg.R.C. 6.11.1807, 28.
5. See Reg. XXV of 1803, S.29.

Conquered Provinces and Bundelkhand the temporary settlements were to last from 1805-06 to 1814-15; in the former they were to consist of two triennial and one quadrennial settlements, and in the case of the latter, one annual and three triennial settlements.[1] Here then, the question of permanency was to be opened only in 1815-16. Section 5 of Regulation X of 1807 had modified the provisions of Regulations XXV of 1803 and IX of 1805, which had laid down a Settlement Scheme. Now the permanent settlement was to come into force, subject to the approval of the Court of Directors, in the Ceded Provinces and Bundelkhand in 1812-13 at the jama of 1811-12, and in the Conquered Provinces in 1811-12 at the jama of 1810-11. Thus the 1807 Regulation had radically altered the former provisions. The permanent settlement was no longer to be considered at the end of the prescribed ten year period, but was to become a fact in the Ceded Provinces at the end of the quadrennial settlement, and in the Conquered districts and Bundelkhand at the end of the second triennial settlement. Cox and Tucker considered section 5 of Regulation X of 1807 as unrealistic, and therefore asked the government to revert to the provisions of 1803 and 1805.

The government rejected their recommendation, and treated them to a small lecture revealing the Bengal

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1. See Reg. IX of 1805, SS.3-7.

government's blend of administrative and economic policy. By postponing a permanent settlement, the government agreed that some increase in revenue would be obtained. It would however be an uncertain increase, not to be compared with the reasons underlying the introduction of permanent settlement, which had prompted the government to enact the rule in question. It was only through a permanent settlement that the condition of the landholders would improve, and it was only by improving their condition that they would be made loyal to the government. A permanent settlement would also bring prosperity to the country, which, when combined with the increasing wealth of the people, would offer new subjects of taxation. To the Bengal government,its own arguments appeared weighty when juxtaposed with those underlying the proposal to alter section 5 of Regulation X of 1807.[1] The government also approved the proposed permanent settlement in Agra, and overruled the objections to it in Gorakhpur and Etawah.[2]

The difference of views between the Commission and the government on the implementation of a permanent settlement was considerable. This difference developed as early as November 1807. Cox and Tucker soon resigned, essentially for personal reasons (as shall be shown below),

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1. Bg.Govt. to Commissioners, Bg.R.C. 6.11.1807, 28.
2. Bg. Govt. to Commissioners, Bg.R.C. 16.10.1807, 23; Ibid., 27.11.1807, 44.

and they strongly opposed a permanent settlement in their report of 13 April 1808, with the exception of Agra and two parganas of Etawah.

A close study of the report of 1808 suggests that it was written with a view to prevent a permanent settlement altogether. The Commissioners stated that they had toured all but one of the eleven districts of the Ceded and Conquered Provinces,[1] and had held individual consultations with the Collectors. Thus the report was based on their personal observations and the recommendations of the Collectors. The influence of the latter seems to be the more likely; because the Commissioners functioned as such only from September to December 1807.

The report contained a general description of the districts, an estimate of their potentiality and a recommendation regarding the settlement of each. In the province as a whole, waste land abounded, capital was scarce and population was inadequate to the cultivation of the available land. In every district, but particularly in Moradabad, extensive rent-free tenures existed. Similarly, a significant proportion of the land revenue was engaged

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1. Gorakhpur was the district which they could not visit, Commissioners' Report, 13.4.1808, para.207, Bg.R.C. 20.6.1808, 2.

for by the revenue farmers, especially in Saharanpur. Every part of the province was susceptible to improvement. The mistakes made in the earlier settlements under the British also required correction. Cox and Tucker were therefore against an immediate permanent settlement of the Ceded and Conquered Provinces, with the exception of Agra and two parganas of Etawah district, situated on the western bank of the river Jamuna, for political reasons.[1]

Cox and Tucker then proceeded to raise formidable objections to an immediate conclusion of a permanent settlement. The existing gross annual revenue was Rs.22.5 m. On a rough computation one-fourth of the arable land still lay uncultivated. They therefore feared an annual loss of revenue of Rs.7.5m. from the conclusion of a permanent settlement.[2] Besides, in big taluqs and 'farms' about whose internal resources nothing was known, an untold loss of revenue would result.[3] Deficient information about the resources of 'estates', which in their opinion was the result of the quick transfer of Collectors, would prevent an assessment on a 'just and equal footing'.[4] In any case, the shortage of population in relation to land would make

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1. Commissioners' Report, 13.4.1808, paras. 19,74,76,90-92, 98,93-5,111, 118-9,123,130,160,168,191,193,196,198, 200-01,203-4,207,211, Bg.R.C. 20.6.1808, 2; see above p.120.
2. Commissioners' Report, 13.4.1808, para. 214, Bg.R.C. 20.6.1808, 2.
3. Ibid., para.215.
4. Ibid., para.217.

the assessment unequal. The cultivators would move from fully cultivated 'estates' to those containing arable land. Such a shift of labour would affect the interest of the government and individuals alike.[1] The land in the province generally was in such a state, that, unless capital was invested it was not likely to develop. And the landholders generally did not have capital for investment. Consequently, no assessment was likely to be formed with reference to the actual capacity of land.[2] Like capital, commerce, too, had a bearing on agriculture and revenue, the Commissioners argued. At present the commerce of the country was undeveloped. A fully developed commerce would give value to the produce, and stimulate agriculture. Under the present circumstances therefore, Cox and Tucker stated, the government would not draw a revenue, 'from the land proportioned to its productive powers, until there exist a demand for its produce sufficiently extensive to bring those powers into action.'[3] Another economic difficulty arose from not having fixed the value of the standard coin. When at a later date the value was fixed, then, either the government or the people would be put to loss.[4]

The interest of the people and government would also be affected by the existence of revenue farmers, and rent-

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1. Ibid., para.219.
2. Ibid., para.220.
3. Ibid., para.221.
4. Ibid., para.227.

free tenures. According to the existing Regulations, a number of 'estates' would remain in the hands of revenue farmers till the end of the ten year plan of 1802.[1] As revenue farmers had very little inclination to improve the land, Cox and Tucker argued that any limitation of revenue in such cases would be, 'attended with very mischievous consequences'.[2] The presence of rent-free land in the midst of malguzari[3] land was another formidable problem. The government would be precluded even from making an investigation with a view to its resumption.[4]

Another difficulty in the formation of a permanent settlement was the dispute about the ownership of land, which was prevalent in almost every district. The rules regarding ownership and settlement making were imperfect and vague. They were liable to different and conflicting construction by Judges and Collectors. Hence how could a settlement be made with individuals holding uncertain titles, Cox and Tucker asked?[5] Similarly, the law relating to the partition of 'joint-estates' was defective. Internal sub-division of such 'estates' created friction among members of the community, specially over the question of revenue responsibility. As a result the collection of

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1. Ibid., paras. 224-25.
2. Ibid., para. 224.
3. Malguzari land = land assessed to revenue or revenue paying land.
4. Commissioners' Report, 13.4.1808, para.225, Bg.R.C. 20.6.1808, 2.
5. Ibid., paras. 28,31-34 and 228. See Chap.I, pp.37-40, 59-60, 64-5, 97-9 and 102-04.

revenue was affected.[1]

The Commissioners also expressed doubts about the willingness of the landholders to agree to a permanent settlement: they were used only to short engagements, and the unfavourable seasons in the previous years had created an impression in their minds, which would reject any long-term engagament.[2] Finally, Cox and Tucker drew attention to the nature of the promise of permanency made to the landholders. It could cause considerable misunderstanding. If the Court of Directors turned down the prospects of permanency, then, the landholders would consider themselves to have been duped by the promise into paying an increased revenue. They were used to direct administration, and did not understand the organisation of the British government in India.[3]

On several grounds, as described above, the Commissioners had recommended the postponement of a permanent settlement, with the exception of Agra and the two parganas of Etawah. They also recommended that the settlement of other districts was to continue according to the provisions of the Regulations of 1803 and 1805. During the remainder of the ten year plan period several practical steps should

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1. Commissioners' Report, 13.4.1808, paras.35-49, Ibid.; Bundelkhand was the region which was becoming a headache from the point of revenue collection due to joint tenure.
2. Commissioners' Report, 13.4.1808, para.223, Ibid.
3. Ibid., para.229.

be taken. The Court of Directors should be requested to grant authority to form an unconditional permanent settlement at a future date. A more efficient and permanent machinery for the administration of the Ceded and Conquered Provinces should be created. The Collectors should be asked to assemble data for assessment. The Commissioners also proposed a revision of the rules for the determination of land rights and for the prevention of sub-division of 'estates' beyond a certain point. At the expiration of the next settlement, 'proprietors' of 'estates' in a high state of cultivation should be granted istmrari[1] engagements; and where such a grant was not possible then a rasadi settlement for a term of years should be made, and the jama of the last year, whenever circumstances warranted, should be declared permanent.[2]

The Bengal government gave only perfunctory attention to the report and to any opposition to the immediate conclusion of a permanent settlement. The main reason was its belief in the objectives underlying the policy of a permanent settlement. Those immediately responsible for the policy of haste were George Barlow, Minto, the two Councillors, Henry Colebrooke and John Lumsden, together with George Dowdeswell, Secretary in the Revenue and

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1. Istmrari = right to pay a fixed amount of revenue generally during the life of the grantee.
2. Commissioners' Report, 13.4.1808, paras. 76,82,254-5, 256-62 and 266, op.cit.

Judicial Department. All of them were avowed advocates of a permanent settlement, and with the exception of Minto had grown into administrators in the Cornwallis tradition. George Barlow, now gone to Madras as Governor, had been very closely consulted by Lord Wellesley as early as 1802, while the plan for the Ceded Provinces was being hammered out.[1] He was the person who was responsible for enacting Regulation X of 1807 during his period as Governor-General. Minto himself was a liberal in the Burke tradition, and had been his very close associate.[2] This may well be a reason for his sympathies for the Zamindars. On revenue and financial matters as also on other important issues, the influence of the two Councillors over Minto was considerable. Minto entertained a very high opinion of the merits and judgement of Henry Colebrooke and John Lumsden.[3] George Dowdeswell on his own acknowledgement was behind Regulation X of 1807, and until 1812 he must have drafted the revenue letters to the Court of Directors, and orders to the Board of Commissioners for the Ceded and Conquered Provinces.[4]

Of all of them Henry Colebrooke stands out as the theorist of the Bengal government. The views expressed by

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1. See Lord Wellesley to H. Wellesley, 29.5.1802, Henry Wellesley Papers, Eur.MSS. 175.
2. Countess of Minto, Lord Minto in India, p.6.
3. Minute of Minto, 2.10.1813, Minto MSS. 505.
4. Minute of Dowdeswell, 7.10.1819, Bg.R.C. 17.12.1819, 39; From 1801 to 1812 he was secretary in the Revenue and Judicial Department, Personal Records, 3, p.155.

him in his minute recur in several of the revenue letters to the Court of Directors. Colebrooke had arrived in Calcutta in 1783, and began his official duties as an assistant under the Persian Translator and in the Secret Department. Next, he served successively as assistant to the Collectors of Tirhut and Purnia. In 1793 he was appointed Collector of Rajshahi, and in 1795 Judge and Magistrate of Mirzapur. In 1805 he became Chief Judge of the Sadr Diwani and Nizamat Adalat. In 1806 he attained the highest office which a Bengal civilian could aspire to - a seat in the Bengal Council.[1] Besides his distinguished official career he was a scholar.

Henry Colebrooke and John Lumsden had each written a minute on the Cox and Tucker report, justifying the government's policy and dismissing all objections to it. Undoubtedly, when the Commission was appointed the government had expected it to present arguments confirming the policy of a permanent settlement. Of the two, Colebrooke was censorious of the conduct of the Commissioners; he even questioned their competence to discuss the inexpediency of the measure 'which they were selected to execute'. Especially when the government had already decided the question, there was no need for them to begin a discussion on the policy.[2] Lumsden, on the other hand, took a balanced

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1. Personal Records, 3, pp.127-30.
2. Minute of H. Colebrooke, n.d., para.5, Bg. R.C. 20.6.1808, 3.

view of the report: although he differed with the views of the Commissioners, he considered those views to be useful. Because, their views would help the Court of Directors in making a decision on a permanent settlement.[1]

Colebrooke proceeded to discuss the question by citing the authority of Cornwallis. He asked whether the Commissioners' objections were not raised in Bengal in 1789-90, and in Madras in 1799. Had not Cornwallis effectively answered all objections, and had not his answers received the approval of the Court of Directors? In the context of the past discussion the objections of the Commissioners should be rejected.[2] A very similar sentiment to that expressed by Colebrooke was contained in a revenue letter to Court of 15 September 1808.[3] Like Cornwallis Colebrooke thought that if anything could make the Court hesitate in supporting a permanent settlement, it was the expression of doubt about the measure in official circles in Bengal. He accused the Commissioners of creating a controversy where none existed.[4] John Lumsden at first was much impressed by the objections of Cox and Tucker, and some of them he considered still required serious consideration. But after reading Colebrooke's minute, which led him to the Bengal revenue proceedings of 1789-90, he

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1. Minute of J.Lumsden, n.d., para.4, Bg.R.C.20.6.1808, 4.
2. Minute of H. Colebrooke, n.d., paras. 1,2 and 10, op.cit.
3. See para. 42.
4. Minute of H. Colebrooke, n.d., para.17, Bg.R.C. 20.6.1808, 3.

became a firm supporter of an immediate permanent settlement.[1] His minute, however, is an echo, argument for argument, of that of Colebrooke.

The fundamental economic principle underlying a permanent settlement, as one learns from Cornwallis, Colebrooke and the Bengal government was to excite and generate agricultural development. Such development according to this theory was possible only through the lure of valuable private property. It would only be by giving a valuable interest in land, that the waste would be brought under cultivation, and the cultivated land would improve. A great obstacle to improvement in India was the scarcity of capital. There were, according to the theory, two interconnected ways of creating conditions for the accumulation of capital, by state action. By perpetually fixing the revenue, and by handing over waste land free of tax to the 'proprietors', adequate capital would be created within a reasonable distance of time. The subsidiary arguments of the main principle of the theory were: that the prosperity and wealth resulting from a permanent settlement would stabilise land revenue, and open new sources of taxation.[2]

In keeping with its fundamental principle, Colebrooke explained that the settlement in Bengal and the

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1. Minute of J.Lumsden, n.d., para.3, Bg.R.C. 20.6.1808, 4.
2. See Minute of H. Colebrooke, n.d., paras. 14,15,21,22, 24 and 25, op.cit.; Minute of J. Lumsden, n.d., paras. 8-10, Bg. R.C. 20.6.1808, 4.

Northern Circars of the Madras Presidency were made. One-third of the land as computed by Cornwallis was jungle, but capable of future cultivation. A like proportion lay waste in the Coromandel Coast. The waste was handed over to the 'proprietors' - deliberately. While in the Ceded and Conquered Provinces, Colebrooke complained the Commissioners considered one-fourth of land which was waste, as too great a sacrifice. The result of a permanent settlement in Bengal both Colebrooke and Lumsden claimed had been salutary. Bengal had prospered. Revenue, despite set-backs in foreign trade had increased.[1]

Colebrooke's purpose in highlighting the principles of a permanent settlement, and in using Cornwallis's authority, was to demonstrate their soundness, and perhaps to counteract the impression which the Cox and Tucker report was likely to make upon the Court of Directors. If the theory of a permanent settlement was sound, there was only one conclusion to be drawn from it. Colebrooke, with the zeal of a propagandist wrote in his minute, that if in Bengal the permanent settlement was 'a judicious measure, which justice called for, which policy dictated, and which the interest of the Company countenanced ...'; it was much more applicable to the Ceded and Conquered Provinces.[2] Economic arguments apart, here it was sheer political

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1. Minute of H. Colebrooke, n.d., paras.11-14, 26-7 and 32-3, Bg.R.C. 20.6.1808, 3; Minute of J. Lumsden, n.d., paras. 9-10, Bg. R.C. 20.6.1808, 4.
2. Minute of H. Colebrooke, n.d., para.34, Ibid.

necessity. The contimacious nature of the Zamindars of the region was well-known. They must be conciliated, 'to uphold the permanence of the British domination'.[1] He also gave rather an obscure military reason. At the moment there was a large dispersion of troops in the region. With the conclusion of a permanent settlement many of them could be safely deployed elsewhere, if a war broke out. And in peace-time the size of the troops could be reduced. This would save money.[2]

Colebrooke and Lumsden also controverted the specific objections to an immediate permanent settlement presented by Cox and Tucker. Like all over-zealous people they had ready-made replies to the objections of the Commissioners. The controversy in Bengal at the time of the permanent settlement recurs in their theme continuously. Such objections had been raised then, but they did not materialise in Bengal and they would not materialise in the Ceded and Conquered Provinces.

Here is how Colebrooke and Lumsden replied to the objections of the Commissioners. The estimated future loss of revenue which was an important point made by the Commissioners, was superficially replied to. Future additional revenue from land was an uncertain proposition. The loss of land revenue at any rate was not as important

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1. Ibid., para. 34.
2. Ibid., paras. 37 and 40.

as the advantages of a permanent settlement. One of those advantages was new sources of taxation. Knowledge of the resources of the country was not an important aspect of assessment. A perfect knowledge of resources had not existed in Bengal, it was not possible without vexatious scrutiny; and even if that was applied in the Ceded and Conquered Provinces, reliable information was not possible even in the next ten years. Inequality of assessment was inevitable, no precision was possible, and whatever experience had been gained in the past was to be relied upon. A depressed population, scarce capital, extensive wastes and meagre commerce were evils perpetuated by temporary settlements. The currency situation was in full control, as the standard weight of the Lakhnau sicca rupee was fixed in 1806. Rent-free tenures offered no problem as the investigation and prosecution of cases could continue, and afterwards their jama could be added to 'estates' of which they formed a part. No movement of cultivators from cultivated to waste and rent-free land had occurred in Bengal, and it would not occur in the Ceded and Conquered Provinces either. The determination of 'proprietary' disputes and the admission of 'proprietors' as against revenue farmers were not difficult questions. In the first case orders had been issued to the Commissioners, but the second would require a declaratory Regulation. The infinite sub-division in 'joint-estates' would require consideration,

though it was not a very important subject and could be done later on. The relative rights of village Zamindars and Taluqdars was a problem not easy of solution. Information on that question was lacking. It could however be settled on the basis of 'justice and preferable title'.[1]

The Councillors recommended the implementation of Regulation X of 1807 generally, though they conceded that some exceptions would have to be made. The Regulation was passed with full awareness of the circumstances alleged by the Commissioners.[2] Its abandonment a year after its enactment, when certain steps had already been taken would not only be a breach of faith, but it would also damage the reputation of the government and demonstrate its 'fickleness'.[3]

The government's policy in regard to the permanent settlement of the Ceded and Conquered Provinces was thus unaffected by the report of Cox and Tucker. To the Court of Directors the Bengal government justified its policy, and subtly it even tried to prejudice them against the Commissioners' report. In September 1808 it wrote to the Court, that the Governor-General after considering the documents relating to a permanent settlement in Bengal,

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1. Ibid., paras. 29-31, 41, 48-50, 55 and 57; Minute of J. Lumsden, n.d., paras. 8-10, 5-6, 11-17 and 20, Bg.R.C. 20.6.1808, 4.
2. Minute of H. Colebrooke, n.d., paras. 3,4 and 43, Bg.R.C. 20.6.1808, 3; Minute of J.Lumsden, n.d., para.3, Bg.R.C. 20.6.1808, 4.
3. Minute of H. Colebrooke, n.d., para.4, Ibid.

Benares, Madras, and the Ceded and Conquered Provinces, 'was entirely satisfied of the sound policy or rather the urgent necessity of that measure'. The Court were asked to consider the Cox and Tucker report alongside Colebrooke's and Lumsden's minutes.[1]

In reality, the difference between the Commissioners' report and the government's policy was not as great as the Councillors and the Bengal revenue letters made it out to be. Cox and Tucker had not deserted the permanent settlement school of thought. They were only against haste in its introduction, in which they were guided by the opinion of the Collectors. They had fully expressed their conformity to the objectives behind the policy of a permanent settlement. They even favoured the interests of large landholders, and, in Tucker's subsequent writing especially, one can discern strains of Whig notions of private property and government - a strain of thought with which Cornwallis is said to have been influenced.[2] At the same time, the Cox and Tucker report must be considered to have provided the factual basis, with which each and every argument in favour of a permanent settlement was to be destroyed. The report made a contribution, even if it was an unwitting one, in revolutionising land revenue policy in temporarily settled areas. It was unwitting because Cox and Tucker never

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1. Bg. R.L. 15.9.1808, paras. 44-46.
2. See Commissioners' Report, 13.4.1808, paras. 54-57, Bg. R.C. 20.6.1808, 2.

imagined that a permanent settlement would be denied for all time to come. As early as 1811, when Tucker was in London while the Fifth Report was under preparation, he had begun to regret the recommendation of the report of which he was the co-author.[1] In 1832 his regret was transformed into remorse, and in 1837 it had taken the form of righteous anger when a permanent settlement was categorically turned down by the Directors.[2]

The difference that existed between the views of the Commissioners and those of the Bengal government was however in no way responsible for their resignation. The view of some writers that they resigned because the government did not accept their recommendations is unfounded.[3] Their resignation originated purely from private reasons. In fact they resigned several months before the completion of the report of 13 April 1808. In January 1808 Edward Colebrooke and John Deane were functioning as the new Commissioners. As early as 25 October 1807 Cox had asked the government for permission to return to the Board of Revenue at Calcutta.[4] In a joint letter of 31 October 1807

1. See H. St.G. Tucker to Lord Minto, 6.9.1811, Minto MSS.502.
2. See below pp.428-30.
3. B.B.Misra, op.cit., pp.143 & 206; B.R.Misra, op.cit., pp.22-3; The Court had also shown curiosity over the Commissioners' resignation. Bg.R.D. 27.2.1810, para.44. But in subsequent correspondence no further reference was made to the matter; the Fifth Report is also in error when it states that Cox's and Tucker's resignation was due to their differences with the government, pp. 52-3; Likewise the D.N.B. in its sketch on Tucker is also in error, LVII, p.281.
4. R.W.Cox to Bg. Govt., 25.10.1807, Bg.R.C. 27.11.1807, 47.

Cox and Tucker had pressed the government to accept their resignation.[1] Their letter makes their reason for resignation very clear. They wrote, 'our present situations were not sought by us. The duty was undertaken with reluctance, and we shall lay down the trust without regret whenever Government shall be of opinion that our services in this part of the country may be dispensed with. The duty is in our judgement of such magnitude, and we feel it so difficult to do justice to it, that we should gladly see it committed to those who have had more experience and are better qualified for the situation....'[2] It should be noted, the request to resign in October precedes even the first difference of opinion which had occurred between them, and the government in November over the permanent settlement of Etawah and Gorakhpur, and over the amendment of section 5 of Regulation X of 1807.[3] After their resignation Cox returned to the Board of Revenue. Tucker was in bad health, but in April 1808 he was made a supernumerary member of the same Board, in 1809 he became Secretary in the Public Department, and afterwards when the Finance Department was separated he was the first to be its Secretary.[4] Tucker was and remained on intimate terms with Minto.[5]

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1. Bg.R.C. 13.11.1807, 27.
2. Ibid.
3. See above, pp.119-23.
4. Bg. R.L. 15.9.1808, paras. 27-30; Personal Records,3, pp.132 and 667; D.N.B., LVII p.281.
5. See Minto MSS. 502 for their private correspondence.

To continue with the theme of a permanent settlement after this slight digression, the government had instructed the new Commissioners - Edward Colebrooke and John Deane - on 20 June 1808 to accept engagements for a permanent settlement with due provision for the approval of the Court of Directors.[1] From the point of view of the government's policy, its relation with Colebrooke and Deane were also far from satisfactory. The government had undoubtedly expected them to make recommendations which would be the opposite of the one made by Cox and Tucker.

Like their predecessors, Colebrooke and Deane were subscribers to the theory of a permanent settlement, but considered the time was not opportune for its universal introduction in the Ceded and Conquered Provinces. Both of them were able officers and earned distinctive approbation from the government and the Court of Directors for their services as Commissioners. Colebrooke had arrived in Bengal in 1777, and was soon placed under the Persian Translator as an assistant. In 1780 he became Persian Translator himself, and in the same year his career was almost wrecked. He had been indiscreet enough to put his name as a joint-guarantor of a Capt. Dalrymple for a sum of Rs.50,000, in a transaction with the East India Company. Dalrymple defaulted and legal proceedings were started against Colebrooke, but later on he was allowed three years to make good his

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1. See below, p. 143.

guarantee. His prospects afterwards revived; in 1789 he became Collector of Calcutta, and between 1793 and 1808 he served in the judicial branch of the service in important positions in the districts of Chittagong, Dacca, Murshidabad and Patna. In January 1808 he was appointed Acting President and senior member of the Board of Revenue, but, in the same month he was transferred to the Ceded and Conquered Provinces.[1]

His junior colleague John Deane had arrived in Calcutta in 1791. He was placed as a second Assistant to the Judge of Midnapur; in 1793 he was Register to the Diwani Adalat in Sarun. From 1794 to 1797 he was transferred to the Revenue branch of the service, successively occupying the positions of sub-secretary to the Board of Revenue, assistant to the President of the same Board and Collector of Shahabad. In 1800 he was Judge and Magistrate of Benares and in 1801 he was one of the first Collectors to be deputed to the Ceded Provinces.[2] It has recently been stated that while he was Judge and Magistrate of Jaunpur (from 1802 to 1806), a charge of bribery was brought against him by a subordinate Indian servant.[3] From November 1806 until his appointment as a junior Commissioner in the Ceded and

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1. Personal Records, 7, pp.407-14.
2. Ibid., pp.267-68.
3. See B.S.Cohn, 'The British in Benares: A nineteenth Century Colonial Society,' Comparative Studies in Society and History, Jan. 1962, p.192.

Conquered Provinces, he was serving as a Judge of the Bareli Provincial Court of Appeal.[1]

On taking charge of their duties Colebrooke and Deane were in favour of an immediate permanent settlement. They actually framed specific rules for the guidance of Collectors in forming a permanent settlement.[2] But soon after they noticed, like Cox and Tucker, the existence of extensive waste land in the province. They therefore became advocates of a discriminating permanent settlement. It was to be conceded in 'estates' where not more than a third of the arable land lay waste. Otherwise only a lease for a period of ten years was to be given. A permanent settlement or the ten year settlement was to be made with the 'proprietors'. The revenue farmers were to be continued for four years in the Ceded Provinces and for three years in the Conquered Provinces and Bundelkhand.[3] There was nothing new in any of their recommendations. Up to a third of the waste land in an 'estate' was allowed to the 'proprietor' in Bengal and the Northern Circars. A ten year lease had been suggested by John Shore on the eve of the Bengal permanent settlement. And according to the Regulations of 1803 and 1805 the revenue farmers were not to be admitted to

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1. Personal Records, 7, pp.268-69.
2. See Commissioners to Bg. Govt., 14.3.1808, Bg.R.C. 13.5.1808, 50-51.
3. See Commissioners to Bg.Govt., 26.4.1808 and 17.5.1808, Bg. R.C. 20.6.1808, 8 and 12.

a permanent settlement, because that would prejudice the rights of others for ever. In order to convince the government of the soundness of their criterion, Colebrooke and Deane referred to the Regulations of 1803 and 1805. It was stated in them that the land must be in a sufficiently advanced state of cultivation to warrant a permanent settlement.[1]

The government's attitude remained inflexible: it was uninfluenced by the second commissioners' recommendation. The permanent settlement was generally to be made. In forming a permanent settlement the only caution which seemed necessary to the government was to explain to the 'proprietors', that the final approval of the Court was necessary. In each engagement for a settlement that reservation was to be mentioned.[2] Thus in 1808 the government had twice ignored the recommendations of the local Commission. The settlement work proceeded in accordance with the government orders of 20 June 1808.

It may be of relevance to indicate the trend towards a permanent settlement, which had been moving for some time, from Bengal to the Madras Presidency. A permanent settlement in the Northern Circars had already been introduced. In 1798 Lord Wellesley had ordered the general introduction of a

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1. See above, pp. 44, 58 and 65-6.
2. Bg. Govt. to Commissioners, Bg.R.C., 20.6.1808, 16; From the projected arrangement for permanency all revenue farmers were to be excluded.

permanent settlement in the Madras Presidency. With the arrival of George Barlow as Governor in 1807 the cause of a permanent settlement soon acquired momentum; the Madras Board of Revenue was in full harmony with the new Governor. It was with the objective of declaring a permanent settlement that the decennial leases were generally introduced in 1808.[1] The similarity and contrast between the policies in Madras and the Ceded and Conquered Provinces in 1808 were: in Madras there was no friction between the government and the Board of Revenue, while in the latter there was a considerable difference of views on the immediate introduction of the measure between the government and the Board of Commissioners. In Madras, before 1808 the opposition to the measure had come from Munro and Bentinck, but for much deeper reasons. They were opposed to the introduction of the Cornwallis system of administration. They were not opposed to permanency as such, but to the zamindari settlement. In the Ceded and Conquered Provinces the Commissioners had not advanced any of those arguments against permanent settlement.

The policy of a permanent settlement in the Ceded and Conquered Provinces was kept alive by the Bengal

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1. B.S. Baliga, 'Home Government and the end of the Policy of Permanent Settlement in Madras - 1802 to 1818', Indian Historical Records Commission Proceedings, December 1942, pp.8-9; C.H.Philips, The East India Company (2nd ed.), p.201.

government on its own authority until 1811. Thereafter at the instance of the Court of Directors that policy had to be abandoned, though the Bengal government was to raise the question again in 1820 and 1835, and inside the Court it was to be raised on three occasions - in 1821, 1832 and 1837 - only to be defeated on each occasion.[1] As an alternative the policy of a periodical settlement was proposed by the Court, which in fact became the official policy in the Ceded and Conquered Provinces. Up to the end of the year 1809 in the Revenue Despatches to Bengal, there were no instructions regarding a permanent settlement. The years 1810-13 were most crucial from the stand-point of policy formation. The despatches during those years raised fundamental objections to the theory of a permanent settlement, rejected the proposals of the government for permanency and forcefully propounded the theory of periodical settlement. Despite the unwillingness of the government to accept the views of the Court, the views of the latter became the basis of policy. By 1813 the fundamentals of land revenue policy had thus been discussed.

The Court's criticism of the theory of a permanent settlement stands in contrast to its acquiescence in the same measure in 1792. What led to the change in its view is a question, that can be answered after the discussion

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1. See below (Chap.3 and Conclusion).

between the Court and the government has been described.

In its despatches to Bengal of 1 February 1811 and 15 January 1812, the Court developed a critique of the principles underlying the permanent settlement. This task was effected shrewdly and in a masterful manner. It undoubtedly did not wish to wound the susceptibility of the government, nor did it desire to be spiteful to the services and achievements of Lord Cornwallis. It used sweet reasonableness to produce a change in the government's thinking on land revenue policy. The Court disclaimed any hostility to the principles of permanent settlement. They were 'politic and wise', and the sentiments behind them were 'liberal and disinterested'.[1] Yet it asked rather pungently if the permanent settlement '... be so indisputably just in theory as to entitle it to our unreserved recognition in all settlements of the land in time to come.'[2] The Court also stated subtly but contradictorily, that, permanent settlement was not the issue under discussion; the subject requiring decision was, whether in future settlements should the 'proprietors' be given a pledge that under no circumstances the revenue should be increased, after it had been fixed once.[3]

To the Court the striking flaws in the assumptions behind a permanent settlement were, that they were not

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1. Bg. R.D. (C. & C.P.), 15.1.1812, para.65.
2. Ibid., para.77.
3. Ibid., para.75.

founded on reality - in other words on a knowledge of the resources of the country and of the requirements of the state and an understanding of the society from which the revenue was to be raised.[1] The fiscal assumption behind a permanent settlement was that an increase of revenue would come from indirect taxation. Indirect taxation was a concept applicable to England and not to India, where land remained the chief source of revenue. The expectations entertained of the rise of revenue in Bengal had not materialised. Nor had the permanent settlement taken into account the effect of a depreciation in the value of the currency on future revenue. It had also ignored the question how the increasing expenditure of the government was to be met if no increase in the revenue from indirect taxation occurred, while the revenue from land had been pegged down for all time to come. Would it not be a sensible proposition (especially when no government could predict its future expenditure), to keep an opening for the prospective replenishing of the exchequer from the land revenue?[2] The implementation of the permanent settlement was also defective. It did not provide for an institutional mechanism, whereby the resources of the land could be ascertained, and the nature of landholding together with the subordinate rights could be understood. On both heads mistakes were

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1. Bg. R.D. (C. & C.P.), 15.1.1812, para.64.
2. Bg. R.D., 1.2.1811, paras. 26-36.

committed in Bengal, even when the British had known the region for nearly thirty years.[1]

On the question of the permanent settlement in the Ceded and Conquered Provinces, the attitude and reasoning of the Court fall into two distinct parts, first the arguments and instructions contained in the despatches of 27 February 1810 and 1 February 1811, and secondly those contained in the despatches of 27 November 1811, 15 January 1812 and 29 January 1813. Both parts were interconnected. In the first part no commitment was held out to support the government's policy, and the implication was clear that the Court did not favour an immediate permanent settlement. The reason for circumspection was that the proceedings relating to a permanent settlement were not yet before the Court. In the second part, when the relevant papers had reached the Court, an immediate permanent settlement was rejected, and that rejection was justified.

In 1810 the Court wrote to the government: '... we desire to be distinctly understood that it is not our meaning to proceed immediately to a settlement of these countries [Ceded and Conquered Provinces] in perpetuity.'[2] Even if the Court subscribed to the theory of a permanent settlement, no decision would be given until all the papers relating to the measure were before it.[3] In February 1811

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1. Bg. R.D. (C.&C.P.), 27.2.1810, paras. 46-7.
2. Bg. R.D. (C.& C.P.), 27.2.1810, para.45.
3. Ibid.

the government was forbidden to declare a permanent settlement without the 'sanction and concurrence' of the Court.[1] This simple directive of the Court was intended to prevent haste in forming a definitive arrangement. The logic was simple but its implications were deep. In the Ceded and Conquered Provinces the British had been only for a short time. Their knowledge of the revenue resources was insufficient, and the people of the region were unaccustomed to their administration. In Bengal the British had been comparatively better acquainted with conditions, yet mistakes were made.[2] The moral was obvious, as the Court instructed the Bengal government in 1810, to observe '... great caution and deliberation in proceeding in our new acquisition to a measure [permanent settlement] which alone must be very important in its consequence.'[3]

The parallel of similar directive to Madras and Bombay Presidencies at once comes to mind. Similarly, when Lord Wellesley had been advocating a general permanent settlement in Madras, the Court did not approve of its immediate introduction. In 1801 it told the Madras government that no permanent settlement should be made without its sanction.[4] In 1804 while reviewing the temporary settlements of Canara, Malabar and the Ceded districts the

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1. Bg.R.D., 2.1.1811, para.39.
2. Bg.R.D. (C. & C.P.), 27.2.1810, paras. 46-7.
3. Ibid., para.47.
4. See M.R.D., 10.4.1804, para.41.

order of 1801 was repeated; and at the same time it was pointed out that very little was known about the revenue resources of those districts.[1] Again, in 1810 when Jonathan Duncan was the Governor of Bombay, the Court, while discussing the settlement of the Ceded districts of that Presidency, exhorted the government against sudden innovation. The customs and habits of the people, it was pointed out, must be studied first.[2]

In the meantime the Bengal government submitted the provisional permanent settlement of Agra, Etawah, Aligarh, Saharanpur, Kanpur and Gorakhpur for the approval of the Court.[3] In November 1811 in a short and perhaps hastily adopted despatch the Court rejected the recommendations of the Bengal government. An immediate permanent settlement was 'impolitic and unsafe',[4] and the Court further stated: 'the object of the present dispatch is to caution you in the most pointed manner against pledging us to the extension of the Bengal fixed assessment to our newly acquired territories',[5] an exhortation which had been made earlier also by the Court. The government was ordered to renew expiring leases only for a period not exceeding five years.[6] In 1809 the Court had exercised its power to refuse a

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1. Ibid.
2. B.R.D., 10.1.1810, paras. 2-13 and 110.
3. Bg.R.L. (C.& C.P.), 30.12.1809, para.99; Ibid., 31.8.1810, para.63; Ibid., 12.2.1811, paras. 22-27.
4. Bg.R.D., 27.11.1811, para.2
5. Ibid., para.3.
6. Ibid., para.4.

permanent settlement of the Ceded districts in Madras.[1] And in 1812 it was to reject a general permanent settlement of the Madras Presidency.[2]

Two sets of factors had combined in producing the decision of the Court - its growing doubts about the theory of permanent settlement and the desirability of its extension in new areas on the one hand, and on the other, the actual condition of the Ceded and Conquered Provinces from the standpoint of local conditions and the state of cultivation. The first factor has already been explained.[3] In regard to the second point the Court received the reports and other correspondence on the settlement of Ceded and Conquered Provinces only after September 1811.[4] It therefore found the views of the two Commissioners confirming its doubts. Here is what the Court wrote to the government in January 1813: 'the former Commissioners in their report d/- 13 June [sic] 1808 expressed themselves decidedly adverse to a general application of the principle of the permanent settlement to those territories and on grounds which we deem to be indispensable and conclusive the actual Commissioners [Colebrooke and Deane] recommend so many exceptions to the system in their reports as to lead us to infer that they do not differ materially in settlement from

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1. See M.R.D., 30.8.1809, para.21.
2. See M.R.D., 16.12.1812, paras. 1-7.
3. See above, p. 145 ff.
4. See Bg. R.D., 27.11.1811, para.4; Ibid., 29.1.1813, para.85.

their predecessors'.[1]

There was no need for the Court to underpin its order of November 1811 with many specific arguments. The Court drawing upon the reports of the Commissioners pointed out that in fact neither the revenue resources nor the ancient customs of the landholders were known to the government. The consequences of the early British assessment had not yet been overcome. There was extensive waste land in every district. The Zamindars themselves desired no permanent settlement nor did they understand its significance. A permanent settlement would only produce loss of revenue. The measure in relation to the Ceded and Conquered Provinces was premature.[2] While rejecting the permanent settlement of the Ceded district of Madras Presidency in 1809, the argument given by the Court was partly similar to what was given for the Ceded and Conquered Provinces. The Court had then stated, that, the knowledge of revenue resources and of the people was not known.[3]

In spite of the Court's criticism of a permanent settlement and its denial in 1811, it had not written it off completely for any future consideration.[4] Yet the Court earnestly desired a departure from that policy when it proposed a periodical settlement to the serious consideration

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1. Bg. R.D.,(C. & C.P.), 29.1.1813, para.91.
2. Bg. R.D., 27.11.1811, para.4; Bg.R.D. (C. & C.P.), 29.1.1813, paras. 85 and 90.
3. See M.R.D., 30.8.1809, para.21.
4. See Bg. R.D., 27.11.1811, para.4.

of the government. A periodical settlement was a mean between a temporary and a permanent settlement. It was deduced from Adam Smith's teaching on land-tax. Adam Smith had shown the prevalence of two forms of land-tax in western countries - constant and variable. A land-tax based upon a constant valuation, (by which Adam Smith meant, that once the tax was fixed it remained unalterable), had two basic flaws. It ignored the rise and decline in cultivation, which would over a period of time make the burden of taxation upon individuals unequal. Secondly, it did not take into account the possibility of a future alteration in the value of silver or in the weight and fineness of the coin. If the value of silver or the weight and fineness of the coin was to increase then the landlord would be a loser. If the converse happened then the state would be the loser. The constant valuation principle was thus unsuited to changing circumstances. A land-tax in his opinion should be so devised, as to overcome inconvenience to either party for all time to come. The physiocrats had advanced the principle of a variable land-tax, which took into account the rise and fall of land-rent or the improvement and decline of cultivation. Adam Smith accepted the principle of a variable land-tax and showed that if it was properly administered, it was better than a constant land-tax, and unobjectionable. The real danger to be guarded against under a variable land-tax was the discouragement to

agriculture. If the landlord was exempted for a period of time from the enhancement of his tax, so as to sufficiently indemnify him for improvements carried out by him, cultivation would continue to improve. The interval between revisions of land-tax should not be too long, but in the interests of agriculture and revenue it was better that it be too long, rather than too short. Adam Smith believed that the state from a regard to the improvement of its own revenue would sufficiently indemnify the landlord, because that was the basis of the improvement of agriculture; and the improvement of agriculture and revenue was one of the principal advantages of a variable land-tax. The revision of the land-tax at stated intervals would adjust itself to changes in the value of silver and the standard of the coin.[1]

Basing itself on Adam Smith's teaching the Court developed its theory of periodical settlement. In that, the Court saw a novel truth for India both from the standpoints of agriculture and revenue. To justify the theoretical soundness of its theory the Court quoted from The Wealth of Nations. Where Adam Smith's views did not support some of the Court's proposals, it went beyond them.

A periodical settlement at stated intervals of 15 to 20 years based on a survey, and ascertainment of resources had all the advantages of a permanent settlement

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1. See A. Smith, The Wealth of Nations, (ed. E.Cannan, University paperbacks, 1961), 2, pp.352-55 and 358-59.

without its disadvantages. It would prevent inequality of assessment, and produce a future increase in revenue. It was neither exceptionable in principle nor difficult in practice. A survey and inspection of accounts would not be vexatious to the people, because they were used to such scrutinies. It would also correct the maladjustment between revenue and agriculture arising from changes in value of specie and the coin.[1] Here an impressive extract from Adam Smith was quoted:"'in all the variations of the state of society, in the improvement and in the declension of Agriculture; in all the variations of the value of silver, and [in] all those in the standard of the coin, a tax of this kind would, of its own accord and without any attention of government, readily suit itself to the actual situation of things, and would be equally just and equitable in all those different changes'".[2]

A periodical settlement, the Court argued, gave the government a motive for undertaking reproductive works. In every country a minimum obligation to maintain public works had to be discharged by governments. In India such an obligation was the greater both by tradition, and in view of the backwardness of society. If the government was to fulfil

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1. Bg.R.D. (C.& C.P.), 15.1.1812, paras. 81-2, 79-80, 83-6, 87-9, and 72-4.
2. Ibid., para.90; see also A.Smith, op.cit., p.359; B.B.Misra, op.cit., pp.208-09 makes no distinction between the quotation in question and the advocacy of the Court. He gives the impression that the observation contained in the quotation originated from the Court.

that duty then it had 'a right to indemnity for the expence incurred in the undertaking.' The obligation and the indemnity would be best secured under a periodical settlement, and not under a permanent settlement. Under the latter the government might shrink from undertaking public works, because no 'indemnity' would materialise. Or in spite of it, if the government fulfilled its obligation the benefit would go exclusively to the Zamindars.[1] To support its argument the Court quoted Adam Smith, this time out of context and putting altogether a different meaning upon it. The quotation was, "'to draw the attention of the sovereign towards the improvement of the land from a regard to the increase of his own Revenue is one of the principal advantages proposed by this species of [Land]-tax,'" i.e. a periodical settlement.[2] Adam Smith had not considered the improvement of land through state initiative, but through the efforts of the landlord and the cultivators. In the above extract what he meant was, that under periodical settlement revenue was bound to increase; safeguarding it would be the adequate reason for the state to allow a period of indemnity to the landlord for improvement carried out by him.[3]

Finally, the Court observed, as Adam Smith had done, that a periodical settlement would lead to a harmonious

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1. Bg. R.D. (C. & C.P.), 15.1.1812, paras. 93-8.
2. Ibid., para.92; See also A. Smith, op.cit., p.358.
3. See Ibid., pp.358-9.

understanding between the government and the people regarding land-tax. For the third time Adam Smith was quoted but the quotation was inaccurate. A periodical settlement would "'give to the rule of settlement the character of a perpetual and unalterable regulation or what may be called a fundamental law of the Commonwealth rather than that of a tax to be levied according to a certain valuation.'"[1]

The Court had really set its mind on periodical settlement, but it avoided giving this impression to the government. The government was to consider it seriously, yet it was by no means an 'inflexible' line of policy. Its consideration might modify the principles of permanent settlement, or if on further consideration the principles of a permanent settlement still appeared to be sound, then a periodical settlement would not be necessary.[2] Perhaps to soften the impact on the government of its order on the immediate permanent settlement, the Court did not extinguish future hopes. The government was told that if at a future date a permanent settlement was introduced, all 'precipitation or haste' was to be avoided; and precautions were to be taken against the adverse effect of the depreciation in

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1. Bg. R.D. (C. & C.P.), 15.1.1812, para.91; The correct quotation should have been, 'it would, therefore, be much more proper to be established as a perpetual and unalterable regulation, or what is called a fundamental law of the Commonwealth, than any tax which was always to be levied accordingly to a certain valuation.' See A. Smith, op.cit., p.359.
2. Bg.R.D. (C. & C.P.), 15.1.1812, paras.64 and 107.

the value of money.[1]

The government reacted very strongly against the Court's criticism of a permanent settlement, against its denial in the Ceded and Conquered Provinces, and against the proposal of a periodical settlement. The criticism of the theory of a permanent settlement made by the Court, to recapitulate briefly, were that indirect taxation was not applicable to India, and revenue from other sources had not sufficiently materialised in Bengal; that it had not taken into account the effect of depreciation in the value of currency on revenue; and that it had not taken into consideration the necessity of knowing the resources of the country, and the customs and prejudices of the people.

The government stated that the expectation of increased revenue from indirect sources had materialised considerably. In future it would increase more with the increase in population, and with better means of collecting it. It was a misnomer to state that under a permanent settlement a 'sacrifice' of revenue occurred. Its main objective was to improve agriculture. Where a government absorbed 85 per cent of the gross collection, agriculture was bound to remain at a low level.[2] So far as the depreciation in the value of money was concerned, it was not likely to occur in India for a long time to come, or

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1. Ibid., para.107.
2. Bg. R.L. (C. & C.P.), 17.7.1813, para.16.

even for centuries. The value of money had remained constant since the British rule. This was borne out by the fact that the price of grain, and the wages of labour had remained stationary. Even if a heavy influx of bullion from other countries was to take place, it would be counteracted by external and internal factors. The demand from England and China for bullion would drain part of that influx. The rise in population and the habit of hoarding would absorb the remainder. There was on the other hand a likelihood of a shortage of precious metal.[1]

In regard to the sources of assessment, the government maintained that whatever be the revenue system they would remain the same. For the Ceded and Conquered Provinces the information available was greater than at the time of the Bengal permanent settlement, and it was not likely that the mistakes of the latter would be repeated. The revenue realisation of the Ceded and Conquered Provinces had been satisfactory, and there was no danger of loss of revenue, arising from what the Court had considered to be a defective state of information.[2] The government went on to defend the permanent settlement by stating that it did take into account the customs and prejudices of the people, which were the basis not only of the public revenue but also of the Indian Empire. The misgovernment of the past had made

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1. Ibid., paras. 17-24.
2. Ibid., paras. 5-13.

the people disorderly. Once they realised the benefits of real property they would settle down. A similar situation had existed before the permanent settlement in Bengal, but now the people were peaceable.[1]

The situation arising from the rejection of a permanent settlement by the order of the Court of 27 November 1811, was a real embarrassment to the government. The sole cause of this had been the enactment of Regulation X of 1807. Of course the government would not admit its mistake. Instead, it tried to overcome the embarrassment in two ways. On the one hand it returned to the provisions of permanency as contained in the Regulations XXV of 1803 and IX of 1805, and on the other it tried to persuade the Court to grant authority to modify its order of 1811. The strategy of the government was clear. If it did not succeed in obtaining modification of the order of 1811, then, the next best thing was to revert to the Regulations of 1803 and 1805. The matter was considered to be of such importance that Minto, who had hitherto contributed nothing to the discussion, decided to join the fray over a permanent settlement. He wrote a minute in July 1812, and in August sent a private letter to the chairman of the Court, and in October 1812 the government sent a revenue letter through the Secret Department.

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1. Ibid., paras. 17-8.

A retreat to the provisions of 1803 and 1805 was heavily defended, and certain spiteful remarks were passed on the Court. The defence of the Regulations of 1803 and 1805, and the remarks on the Court were unnecessary. The Court had only prevented an immediate permanent settlement, criticised the theory behind it and suggested a periodical settlement, but it had not asked the government to erase the declaration regarding a permanent settlement from the statute book. The government undoubtedly was in a state of panic, and it feared the Court might not approve a return to the early Regulations. The government therefore argued that by the proclamation of 14 July 1802 and the Regulations of 1803 and 1805, a clear promise of a permanent settlement had been made to the landholders. The Court had been fully aware of it, and it had not asked either for their annulment or modification. It had actually maintained silence in regard to those provisions, a silence virtually amounting to its 'tacit acquiescence' in them.[1] Moreover, those provisions had not included the necessity of the Court's sanction of the measure. The promise of permanency thus still stood, and its abandonment when the ten year period had expired in the Ceded Provinces, or two-thirds of that period in the Conquered Provinces and Bundelkhand, could not be reconciled to 'the dictates either of policy or justice'.[2] Accordingly

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1. Minute of Minto, 11.7.1812, enclosed in Bg.S.R.L., 9.10.1812; Bg. S.R.L., 9.10.1812, para.7.
2. Bg. S.R.L., 9.10.1812, para.8.

the government had enacted Regulations IX and X of 1812, by which section 5 of Regulation X of 1807 was repealed. Ironically, the modification now carried out by the government had been rejected by it when proposed by Cox and Tucker in 1807.[1] The provisions of 1812 with some modification revived those of 1803 and 1805. In the Ceded Provinces the permanent settlement was to be made in 1812-13, and in the Conquered Provinces and Bundelkhand in 1815-16; in the manner as provided in the early Regulations. The modification introduced was that those 'estates' which were not found to be fit for a permanent settlement by the Board of Commissioners would be settled for 3 or 5 years or any other period as determined by the government.[2] It should be noted that the two Regulations of 1812 did not lay down any criterion of fitness or unfitness for permanent settlement.

Having receded from the policy of Regulation X of 1807, the government wished for a modification of the order of the Court of 1811 in cases which would admit of a permanent settlement. Although the order did not constitute a breach of faith, because the permanent settlement was subject to the sanction of the Court, the Zamindars were unaccustomed to the constitution of the British government and must have taken the declaration for granted. (The latter part of the argument it should be noted had been made by

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1. See above, pp.120-22.
2. See Reg. IX of 1812, SS.1-5 and Reg. X of 1812, SS.1-5.

Cox and Tucker in their report of 13 April 1808). The government regretted that the Court had perhaps not studied the minutes of Henry Colebrooke and John Lumsden, who in its opinion had forcibly answered the objections of Cox and Tucker. The government further argued that the Zamindars in anticipation of a permanent settlement had invested capital in the improvement of the land. Refusal would put them to loss. It would disappoint them, and create a political problem for the government.[1] In the near past the population of the region had given evidence of violent behaviour on trifling matters. Minto was serious when he wrote to the Chairman of the Court, 'a more powerful incitement to seek redress by combination & violence, can be given in no country & cannot extend to a larger & more powerful class of the community, than injuries done, or apprehended to be done, to the whole landed property of a country, & the invasion of all its rights both in possession and inheritance.'[2]

The government did not agree with the Court's view of the advantages of a periodical settlement. It flatly stated that a periodical settlement would not only have a detrimental effect upon agriculture, but would also tend

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1. Bg. S.R.L., 9.10.1812, paras. 12-18; Minute of Minto, 11.7.1812, enclosed in Bg. S.R.L., 9.10.1812.
2. Minto to Chairman of Court, 22.8.1812, Minto MSS.502.

to check its expansion.[1] In support of its statement the government was not far behind the Court in quoting from Adam Smith. It claimed that Adam Smith himself had admitted certain exceptions to the theory of a variable land-tax. However, the quotations used by the government from The Wealth of Nations, do not support its objection to a periodical settlement. The only condition laid down by Adam Smith was sound administration.[2] This was fully acknowledged by the Court when it was recommending a survey, ascertainment of resources and a long duration as the basis of periodical settlement.[3] Here is what the government quoted:"'if by such a system of administration a tax of this kind be so managed as to give not only no discouragement but on the contrary, some encouragement to the improvement of land, it does not appear likely to occasion any other inconveniency to the landlord, except always the unavoidable one of being obliged to pay the tax.'"[4] This quotation does not support the statement of the government that a periodical settlement would be destructive to agriculture. The second quotation used by the government was a complete distortion of Adam Smith's exposition of a variable land-tax. It quoted from the beginning of a paragraph which stated the objection to variable land-tax, but left out Adam Smith's solution to

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1. Bg. R.L. (C. & C.P.), 17.7.1813, paras. 25-7.
2. See A.Smith, op.cit., pp.358-59.
3. See above, pp. 154-5.
4. Bg. R.L. (C. & C.P.), 17.7.1813, para.28; see also A.Smith, op.cit., p.359.

overcome it. The quotation in question was: "'the discouragement which a variable land-tax of this kind might give to the improvement of land, seems to be the most important objection which can be made to it. The landlord will certainly be less disposed to improve, when the sovereign who contributed nothing to the expense was to share in the profit of the improvement.'"[1] The crucial portion that was left out, which would have put the quotation in perspective was, 'even this objection might perhaps be obviated by allowing the landlord, before he began his improvement, to ascertain, in conjunction with the officers of revenue, the actual value of his lands, according to the equitable arbitration of a certain number of landlords and farmers in the neighbourhood, equally chosen by both parties; and by rating him according to this valuation for such a number of years, as might be fully sufficient for his complete indemnification.'[2]

The government also attacked the link shown by the Court between periodical settlements, and reproductive works of the state. It was based upon the assumption of increasing revenue. Such an increase, according to the government, would never materialise under a periodical settlement. It categorically stated that the revenue derived from the Ceded and Conquered Provinces had reached its optimum point. Any

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1. Bg.R.L. (C. & C.P.), 17.7.1813, para.29; See also A.Smith, The Wealth of Nations, 2, p.358.
2. See A. Smith, Ibid., p.358.

effort to force up the revenue would only react adversely upon the public resources themselves. The best course was to limit the state's rôle in reproductive works to those of 'indispensable necessity'. Such a restricted responsibility was best performed under permanent settlement, and had in fact been discharged in Bengal. The 'indemnity' of which the Court had spoken would come, according to the government, indirectly from the growth of commerce. The 'proprietors' themselves would undertake many reproductive works under a permanent settlement, because the 'profits of their industry and capital' would have already been guaranteed to them.[1]

On a comparative consideration of the merits of a periodical and a permanent settlement, the government gave its verdict in favour of the latter. Its advantages, the government thought, were self-evident. As to the periodical settlement, the government reflected, if the objections to tithes in England were valid, they applied more forcibly to India. The periodical settlement would spell the doom of agriculture. A permanent settlement was, according to the government, the only desirable policy.[2]

On receipt of the views of the government on permanent and periodical settlements, and the steps taken in modifying Regulation X of 1807, the Court effectively defended its order of 1811, restated its objections to an

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1. Bg.R.L. (C.& C.P.), 17.7.1813, paras. 30-31.
2. Ibid., paras. 38-41, 33-7, 42 and 56.

immediate permanent settlement, and gave a clear ruling on the question for the guidance of the government. The Court, however, did not reply to the defence put up by the government for the theory of a permanent settlement, nor to the criticism of the theory of a permanent settlement. There does not appear to be any clear reason for not replying on those two heads. The only explanation that can be advanced as likely seems to be the superficiality of the arguments of the government. The Court perhaps thought that the only effective way of defeating the government's objections was by presenting an incontrovertible case against an immediate permanent settlement.

The Court argued that its order of 1811 was fully consistent with Regulation X of 1807, which had provided for its sanction. It was also consistent with the Regulations of 1803 and 1805. In them, two conditions were laid down - the 'proprietors' must have fulfilled their engagements and the land must be in a sufficiently advanced state of cultivation. The Court was aware that those Regulations had not provided for its sanction. The reason for this, the Court thought, was the vagueness of the second condition, which led the government to omit the inclusion of a reference to the Court. It was not stated what constituted an advanced state of cultivation. This clearly implied that the question was open for future consideration, in which the Court was bound to be approached by the government. It was this construction

which the Court had put on the indiscretion of the government in 1803 and 1805; otherwise the government would have been censured by the Court.[1] Between 1807 and 1811 the government had taken several steps towards a permanent settlement. These were, in the Court's judgement, premature. Its disinclination was first expressed in its despatch of 27 February 1810, which was repeated in that of 1 February 1811. As the information relating to the Ceded and Conquered Provinces increased, the disinclination of the Court was transformed to disapproval as expressed in the order of 27 November 1811.[2] On the one hand, the decisiveness of the government had been growing in implementing a permanent settlement, on the other the doubts of the Court had solidified into a firm refusal. The Court was, as it wrote to the Bengal government, 'called upon to interpose between the design and its execution', emanating from Regulation X of 1807.[3] It cannot therefore be maintained, as the government had commented, that the Court was silent in the early years. It was silent no doubt so far as the correspondence was concerned, but the silence was meaningful and judicious.

No loss to the 'proprietors' and no political danger to the government were to flow from the denial of a permanent settlement, argued the Court. The government had maintained

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1. Bg. R.D. (C. & C.P.), 16.3.1813, paras. 7-11.
2. Ibid., paras. 11-13.
3. Ibid., para. 11.

a contrary point of view. The Court stated that the government had instructed the Collectors to explain to the 'proprietors', that the permanent settlement depended upon the Court's sanction. In the decision of the Court, therefore, there was no compromise of public faith.[1] According to the views of the Collectors and Commissioners, there was an acute shortage of capital in the region. How could the Court agree with the government's view that the 'proprietors', in anticipation of a permanent settlement, invested capital in improving the land. Even if it was agreed that they did spend capital on land, the Court believed they had every prospect of a return under the periodical settlement.[2] The Court sought as much political stability through the land revenue policy as the government. But it was not to be achieved through the permanent settlement. It would in fact produce grave results because rights to land were in conflict with each other, and the data of assessment were insufficient. The notion of permanency was foreign to the people, who, if they had a choice, would prefer their own system. There was thus no political danger to be apprehended from withholding a permanent settlement.[3]

The government had considered a permanent settlement applicable to the region, and it was confident

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1. Ibid., para. 19.
2. Ibid., para. 20.
3. Ibid., para. 22.

that the Colebrooke-Lumsden minutes had fully demonstrated it, and had sought authority to modify the Court's orders of 1811. So far as the Court was concerned the minutes of the Councillors had made no impression upon it, and it was guided by the local situation as shown in the report of Cox and Tucker.[1] There was no need to withdraw its order, as a permanent settlement was simply not applicable to the Ceded and Conquered Provinces. The government had stated that there was no likelihood of the mistakes committed in Bengal recurring in the Ceded and Conquered Provinces, as more was known here and revenue administration had been very good.[2] This view was utterly without foundation, and the Court was quick to notice it. It was a well-known fact acknowledged by the Collectors and Commissioners that the data of assessment were hopelessly out of date. Very little was known about the tenures. Such questions as what rights the Taluqdars, the Zamindars and the village Zamindars possessed were not even raised. No one had even bothered to ask what rights the raiyats had, what portion of the produce they paid and how, to the revenue engagers.[3] Mistakes in Bengal had arisen from want of information on all those points. Nor was there any prospect of obtaining information after the permanent settlement had been concluded. From the experience of

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1. Ibid., para.16.
2. See above, p.159.
3. Bg. R.D. (C. & C.P.), 6.1.1815, paras. 22,33 and 40; Ibid., 17.3.1815, para. 13; See also Chap.1.

mistakes in Bengal a positive conclusion should be drawn. The conclusion according to the Court was the need for inquiry on all the aspects of settlement-making.[1] Many blunders in the triennial settlement of the Ceded and Conquered Provinces had been made. 'Proprietary' rights were in conflict. Large revenue farmers were in existence. Waste land was immense. The Zamindars did not understand the implications of a permanent settlement. They were not fit to receive this boon.[2] There were thus, according to the Court, no grounds for an immediate permanent settlement of the Ceded and Conquered Provinces.

In regard to the future formation of a permanent settlement, the Court gave unequivocal instructions in order to prevent misconstruction of its intention by the government. It took a logical and legalistic basis for its instructions. The Regulations of 1803, 1805 and 1812 were to be strictly observed. Those Regulations provided for a permanent settlement of land in an advanced state of cultivation. The Court argued on the basis of those Regulations that the waste land was to be completely excluded from a permanent settlement, or that if the waste was to be included it must be inconsiderable. To this interpretation, the Court pointed out, the government also subscribed, as it had enacted the two Regulations of 1812

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1. Bg. R.D. (C. & C.P.), 6.1.1815, paras.34-5.
2. Ibid., paras. 39-40; see also Chap.1.

and accepted certain exceptions to permanency. Further, the Court laid down that the resources of the land must be ascertained, and rights in land must be investigated. Its final decision would depend upon the Court, on the basis of the proceedings of the government.[1]

In reality the Court let it be known to the government that there was no immediate prospect of permanent settlement. If waste could be completely separated from the cultivated land, one of the objections of the Court would have been obviated. Such a separation was not possible, because in the heart of every 'estate' existed waste land.[2] It was also not possible to lay down a distinct criterion for developed 'estates', and none of the Regulations had provided for it.[3] (Unless every 'estate' was measured and surveyed a paper criterion would be meaningless). As few or none of the 'estates' would qualify for a permanent settlement, the Court wrote to the government, 'We were inclined to believe that the measure would be postponed in toto.'[4] To the Bengal government, the danger of a partial measure was also pointed out by the Court. It would create a tension between the haves and have-nots. On top of it, the former would attract cultivators from the latter, an argument presented by Cox and Tucker also.[5]

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1. Bg.R.D. (C.& C.P.), 16.3.1813, paras.14-15 and 23-4; Ibid., 6.1.1815, para. 54; Ibid., 17.3.1815, paras.10, 14 and 15.
2. Bg.R.D. (C. & C.P.), 17.3.1815, para.11.
3. Ibid., para.10.
4. Ibid., para.15.
5. Bg. R.D. (C. & C.P.), 16.3.1813, para.23; See above, pp.124-5.

The government under Hastings ultimately agreed with the views of the Court, that the immediate consideration of a permanent settlement was a false question. The basic questions relating to rights and resources were to be resolved first.[1] So in none of the settlements under Regulations IX and X of 1812 was a permanent settlement recommended by the government. The Court on paper allowed the promise to be retained, but in practice a permanent settlement was rejected for all subsequent occasions. On two occasions before the mutiny, in 1820 and 1835 the measure was to be revived by the government, only to be summarily rejected by the Court.[2]

It may now be asked what were the influences working behind the rejection of the policy of a permanent settlement? We may ask whether the raiyatwari experiment, or the influence of the Fifth Report of the Committee of the House of Commons, which was under preparation between 1810 and 1812, had anything to do with the policy of the Home government in regard to the Ceded and Conquered Provinces. We may also ask whether the rejection was independent of the influences of the raiyatwari and the Fifth Report; and based on the considerations of the mistakes of permanent settlement in Bengal and the facts which were found to be in existence in the Ceded and Conquered Provinces. We may

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1. Bg. R.L. (C. & C.P.), 7.10.1815, paras. 4-6.
2. See below (Chap. 3 and Conclusion).

further ask whether the financial embarrassment of the Company arising from the problems of Indian revenues had any connection with the rejection of a permanent settlement and the undertaking of re-thinking of administrative policy by the authorities in London. It may also be of interest to ask whether the Court of Directors, or the Board of Control was the organ basically responsible for the rejection of a permanent settlement and the creation of an alternative policy in the Ceded and Conquered Provinces.

In regard to the raiyatwari and the Fifth Report, it is not proposed to discuss their long-term effect upon the revenue system of the Ceded and Conquered Provinces here. The analysis to be presented here will be confined to the question of the rejection of a permanent settlement in the Ceded and Conquered Provinces. Munro had returned to England in 1808; and it has been stated that he gradually succeeded in converting the Court and the Board to his views.[1] This is, however, a loose observation signifying very little so far as the permanent settlement is concerned. Of much greater substance is the suggestion put forward in a recent work, which states that the Court and the Board shared Munro's

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1. B.S. Baliga, 'The influence of the Home Government on land revenue and judicial administration in the Presidency of Fort William in Bengal from 1807 to 1822', (unpublished Ph.D. thesis, University of London, 1933) p.317. Munro's views = raiyatwari and a judicial system in which British judges would play much lesser rôle than in Bengal.

views by 1814.[1] Even this suggestion, so far as the Court was concerned, would admit of an important qualification. The Court's enthusiasm for raiyatwari ultimately turned out to be a short-lived one, as can be seen from the fact that in 1814 and 1817 it opposed the Board for its extension to the Ceded and Conquered Provinces.[2] The facts which cannot be refuted are: that James Cumming who wrote the Madras part of the Fifth Report was a great supporter of the ideas of Munro; that the Earl of Buckinghamshire and John Sullivan, both of whom had served in Madras were sanguinely favourable both to raiyatwari and to Munro's judicial ideas.[3] It cannot also be denied that from 1808 onwards Munro had the opportunity to impress the Court with his views or that the Court had the opportunity to be impressed by Munro. In the revenue despatches to Bengal relating to the Ceded and Conquered Provinces, during the years 1812 and 1813, the notions of raiyatwari were explained, and its introduction whenever opportunity offered was proposed.[4] As to the Fifth Report which was dated the 28 July 1812 had been in preparation since 1810. The Bengal part of the Report

1. T.H. Beaglehole, 'Thomas Munro and the development of administrative policy in Madras, 1792-1818: the origins of 'The Munro System',' (Unpublished Ph.D. thesis, University of Cambridge, 1960), p.149.
2. See Chap. 3,pp. 201-04.
3. See K.A. Ballhatchet, 'The Authors of the Fifth Report of 1812', Notes and Queries, 1957, p.478; C.H.Philips, op.cit., p.202; T.H. Beaglehole, op.cit., pp.153-54.
4. See Chap. 3, pp. 198-9.

(pp.1-76) was written by Samuel Davis a former civilian in Bengal, and now a director of the Company. The Madras portion of the Report (pp.77-166) as has been said before was written by James Cumming, clerk in-charge of the Revenue and Judicial Department at the Board since 1807.[1]

Ever since Davis became a director he was determined to, 'unmask the effects of Lord Cornwallis's code ... and to procure that change of measures which the condition of the people required', as he wrote to Elphinstone at a later date.[2] From his part of the Report, one can gather a strong criticism of the results of the permanent settlement in Bengal between 1793 and 1799. The points on which he directed his attack were well-known to the Court of Directors. The permanent settlement had on the one hand ruined a mass of large Zamindars, and on the other produced a loss of revenue. The ruin of the Zamindars had proceeded from various causes, all of them emanating from the 1793 code. Effective recovery of rent from the raiyats was not provided for while the government's arrears were promptly realised through the public sale of land. Nor were the disposal of rent-cases in the Courts speedy. In 1795 in Burdwan alone 30,000 suits were in arrears. The assessment at which the permanent settlement was formed was unequal - over-assessed land was a natural defaulter. Inequality in

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1. See K.A.Ballhatchet, op.cit., p.478.
2. Quoted in K.A.Ballhatchet, Ibid.

assessment proceeded from want of knowledge of resources, because scrutiny into the accounts was prohibited, the Kanungo office was abolished and the Patwari was declared to be the Zamindar's servant.[1]

The Fifth Report was, however, not indiscriminately critical of the Bengal permanent settlement. After 1799 it considered the revenue administration to have improved. There was less default of revenue, fewer 'estates' were put up for sale and the land had acquired value.[2] It also pointed out defects in the judicial and police administration of the Bengal Presidency.[3] In conclusion the Report stated although there were certain imperfections in the internal administration of Bengal, the administration on the whole had been beneficial to the people.[4]

In the report one does not find a condemnation either of the principles of a permanent settlement or its results in Bengal. Nor does one find in the Bengal part of the Report, a plea for the abandonment of a permanent settlement in the unsettled regions of the Bengal Presidency. What one can infer from the tone and the content of the Report is an advocacy for a reform of the revenue administration (as also of the judicial administration),

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1. Fifth Report from the Select Committee on the Affairs of the East India Company, (1812), P.P. 7, pp.55-8 and 60-61.
2. Ibid., pp.61-2.
3. Ibid., pp.65 and 69-70.
4. Ibid., p.76.

without departing in essentials from the Cornwallis principles. This is best exemplified in that part of the Report where the revenue administration of the Ceded and Conquered Provinces is reviewed. This section was written admittedly on scanty material.[1] That is why it only gets about seven pages, and there is not a single document regarding the region in the Appendix which accompanies the Report. The Report covers the period 1801-11, and fully endorses the attitude adopted by the Court in regard to the permanent settlement of the Ceded and Conquered Provinces.[2] It concludes by hoping the Bengal government would postpone a permanent settlement, and furnish information on the resources, cultivation, produce, mode of collecting rent, its proportion taken as revenue, local usage and the character of the people: 'All these particulars', the Report states, 'the Court of Directors will naturally desire to be made acquainted with, before they proceed to give their sanction to arrangements, which are to define and establish the land tenures, and fix, in perpetuity, the amount of territorial revenue to be derived to the State.'[3]

James Cumming fully shared Munro's views on raiyatwari (as also on the judicial administration), and considered that the Cornwallis system of settlement and

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1. Ibid., p.52.
2. Ibid., p.53.
3. Ibid., p.54.

judicial administration were incompatible with raiyatwari. It has been written that whether Munro converted Cumming to his own views, or merely confirmed the conclusions which Cumming had already reached was difficult to say.[1] That part of the Report dealing with the Madras Presidency and written by Cumming made a strong case for raiyatwari. There was no blatant criticism of the permanent settlement. Indeed, it was admitted, the permanent settlement had produced a more stable state of affairs in Bengal and in the Northern Circars, than had previously obtained in those areas.[2] Yet, it was made clear that the raiyatwari mode of settlement had many advantages. Its importance was self-evident as a result of some of the experience gained under permanent settlement (which related to assessment and to the persons with whom the settlements were made). In the Madras Presidency, wherever a raiyatwari mode had been pursued, it had yielded information relating to the Hindu system of economy and the local institutions, which helped on the one hand in removing abuses which had crept in under the Muslim rule, and on the other created real knowledge of the people. Under it, a large body of information relating to the resources of the land and the actual situation of the people connected with the land, were also obtained. Such possession of information was not possible under any other system of

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1. T.H. Beaglehole, op.cit., p.158.
2. Fifth Report, p.166.

settlement. The condition of the people, that of agriculture and revenue from land, the Report argued, had also improved under raiyatwari.[1] With the solid and demonstrable advantages of raiyatwari in hand, the Report recommended that the mode hitherto adopted of 'permanently settling the land revenues, should be reconsidered in its principles, before it be applied to provinces into which it has not yet been introduced...', with such modification and improvement as were necessary in the light of knowledge now in possession of the authorities.[2]

In the essentials of raiyatwari settlement, in the comments of the authors of the Fifth Report on settlements, and in the official despatches of the Court to the Bengal government from 1810 to 1815, one common feature may be seen - a recognition of the need to investigate the resources of the land and the rights attached to it. So far as the Report and the despatches were concerned the need for enquiry had arisen from two reasons. On the one hand the mistakes in Bengal had raised doubts about a permanent settlement, and on the other, it seemed definite that the enquiry which was a common feature of raiyatwari was bound to prevent the repetition of mistakes in the new regions under British rule. Thus in so far as the need for an enquiry was a reason for the rejection of a permanent

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1. Ibid., pp.166 and 123-24.
2. Ibid., p.166.

settlement in the Ceded and Conquered Provinces, the raiyatwari influence was clearly behind it. But, to repeat, the enquiry in itself would have meant nothing had not the mistakes of the permanent settlement been discovered first; and even if the raiyatwari experience had not been there to guide the Court, the permanent settlement of the Ceded and Conquered Provinces would still have been rejected. Through what process and at what date the Court was influenced by raiyatwari are questions which do not admit of a conclusive answer. Through its revenue correspondence it must have known about raiyatwari soon after 1792, and more particularly between 1800 and 1807. Alexander Read was its founder in the Baramahal districts, and Munro, who had served under him, subsequently gave it coherence in theory and practice, particularly in the Ceded districts. Munro's return to England in 1808 may have only strengthened the acceptance of the principle of enquiry by the Court. But there is no evidence to suggest that his return to England had any connection with the rejection of a permanent settlement in the Ceded and Conquered Provinces.

Between the Fifth Report and the despatches to Bengal there were some other common views. In both we find a disinclination for a hasty permanent settlement and a need for reconsidering the principles underlying it. In neither do we find an absolute condemnation of the permanent settlement, nor an absolute denial of a permanent settlement

in the future. In September 1811 it appears from a letter from Tucker (who was in London) to Minto that the India House as well as Samuel Davis (who was busy with the Fifth Report at that time) in their private opinion were opposed to the introduction of the permanent settlement into the Ceded and Conquered Provinces.[1] This consolidation of forces against a permanent settlement was at a time when the full papers from Bengal had not been received and the question was not under discussion at the India House.[2] It was also two months before the orders of 27 November 1811, and ten months before the Fifth Report was finalised. In spite of the similarity of views on several points between the Fifth Report and the despatches to Bengal, there is no evidence to suggest that the former was responsible for raising the doubts about a permanent settlement and in contributing to its rejection in the Ceded and Conquered Provinces. On the contrary, there is enough evidence to suggest that the Fifth Report merely confirmed the Court's policy regarding the permanent settlement of the Ceded and Conquered Provinces; thereby strengthening the case against a

1. H. St. G. Tucker to Minto, 6.9.1811, Minto MSS.502; Tucker does not mention Davis by name but simply as a friend who was writing the revenue and judicial report. As Davis was his contemporary in Bengal, it may be assumed that it was to him that Tucker was referring.
2. Ibid.; the papers from Bengal did not reach India House until September 1811; the delay had occurred because the ship carrying papers from Bengal was lost. Fresh copies had to be sent when the loss of the ship was discovered.

permanent settlement in the near future into those regions. The despatches to Bengal after the publication of the Fifth Report assume a tone of finality, for which that report can be considered to have been partly responsible.[1] It is of course well-known that the Fifth Report, at the instance of the Board of Control, led to the despatch of 16 December 1812 to Madras prohibiting a permanent settlement and ordering a reversion to the raiyatwari settlement in the temporarily settled areas.[2] But in Madras too the Court itself had expressed its disinclination to a permanent settlement in 1801, 1804 and 1809.

The Fifth Report bears the date 28 July 1812, whereas the earliest doubt expressed in the despatches to Bengal is that of 27 February 1810, which was repeated in that of 1 February 1811. The latter despatch was not conclusive on the permanent settlement question, but, as Tucker has mentioned it was intended to be decidedly opposed to the introduction of that measure.[3] In the despatch of 27 November 1811 when the Court was in possession of the papers relating to the Ceded and Conquered Provinces, the immediate permanent settlement was rejected. It may perhaps be argued that the Committee of the House of Commons responsible for the Fifth Report was appointed in 1810, therefore it was in

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1. See Bg. R.D. (C. & C.P.), 29.1.1813; Ibid., 16.3.1813; Ibid., 6.1.1815; Ibid., 17.3.1815.
2. T.H. Beaglehole, op.cit., pp.160-61.
3. H. St. G. Tucker to Minto, 6.9.1811, Minto MSS. 502.

a position to influence the despatches to Bengal. The argument is a probable one, but it cannot be substantiated.[1]

As a matter of fact in the private opinion of two important individuals, doubts about the extension of a permanent settlement to new territories had developed even before 1810. Robert Dundas, President of the Board of Control, in a letter of 27 August 1808 to Minto had considered a permanent settlement and the judicial system to be an 'unwise and impolitic measure'; and it was easier to avoid the 'original error', than to retrace the steps subsequently. Dundas disapproved of their extension to other areas in these words: 'Notwithstanding the high authorities whose opinions have concurred in the expediency of the Perpetual Settlement and the Judicial System, I cannot bring myself to approve of the extent to which they have been carried, and the indiscriminate rage for introducing them in every corner of our Territories, without the least consideration whether they were suited to the habits, feelings and prejudices of any District or Province where they have been established.'[2] The latter part of the argument, it should be noted, is similar to that of the Munro system as against that of Cornwallis. It can also be noticed

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1. The correspondence between the Board and Court, Court Minutes and Appendix, and the proceedings of the Committee of Correspondence throw no light on the Fifth Report and the permanent settlement of the Ceded and Conquered Provinces.
2. Minto MSS. 172.

in several revenue despatches to Bengal, Madras and Bombay Presidencies; and it can also be found to have been part of the hypothesis of the authors of the Fifth Report.[1]

Charles Grant, who was Chairman of the Court, in a letter of 17 January 1809 to Minto expressed his opposition to permanent settlement. He had been an active supporter of the Bengal permanent settlement. His views on the question now, were similar to those expressed in the revenue despatches to Bengal between 1810 and 1813. He wrote: 'I trust the Permanent Settlement which has been too hastily introduced into many districts under the Madras Government will not be brought forward in these late acquisitions [Ceded and Conquered Provinces] till we know them better and the people are more habituated to us. Tho' I was on the whole one of those who approved of the introduction of the Perpetual Settlement into Bengal, as the only cure for many inveterate evils, yet I can now at the distance of near twenty years see, that it had not fully answered all the purposes intended by it; and the first use to be made of our experience should be to employ more caution in extending that Settlement to countries of which we know far less than we did of Bengal. To possess an accurate knowledge of the value of lands is indispensable to the principles of that system, unless indeed we could without this exactness secure a Revenue sufficient for all the

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1. Cf. above, pp.147-50 and 178-80; Cf. K.A.Ballhatchet, op.cit., pp.477-78.

purposes of Government, now unhappily far from being the case; and it was one of the mistakes of Lord Cornwallis' plan to suppose that it sufficiently provided for the expenses of the State, as another mistake was that it reckoned too much on commerce as a resource for taxation, and did not take into account the depreciation of money in which the rent was to be perpetually paid.'[1]

The deeper cause behind the expression of doubts about permanent settlement seems to have been the financial embarrassment of the Company combined with the bad state of Indian revenues; and, the clamour that was to be expected at the renewal of the Charter.[2] The financial reason definitely forced the Company to look for subjects which required reform. Land revenue in this context automatically acquired priority. In 1808 and 1809 because of the financial reason, the Company was being urged by the Board, the Parliament, the Ministry and by several public figures to undertake an all-round reform in the Indian administration. A climate of opinion for reform was also prevalent in the Court. All this we have on the authority of Charles Grant. In the context of finance Grant in a letter to Minto was quoting, ' ' Reform, deep Reform, or Ruin''.[3] He went on to state, '... to satisfy

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1. Minto MSS. 192; Grant's views are similar to the arguments of the despatches of 27.2.1810, 1.2.1811 and 15.1.1812.
2. For the state of Company's Finance and Indian revenues between 1807 and 1813, see Bg.S.draft D. relating to finance 1807-12;Bg.Fn.L.1807-13; Private letters of Minto to Buckinghamshire,1807-13, Minto MSS.Box 60,67 and 75 and vols.172,192,359,377 & 502; A.Tripathi, Trade and Finance in the Bengal Presidency, 1793-1833, Chap.3.
3. C.Grant to Minto, 17.1.1809, Minto MSS.192.

the public mind as well as to exonerate ourselves, I fear we must attempt to exercise the pruning knife ourselves....'[1] Minto had orders from the Secret Committee in 1807 for economy and the creation of surplus revenue.[2] This was Minto's financial policy too, but his support for permanent settlement ran counter to his instructions on Indian revenues. So there was a fundamental conflict between the future progress of revenue and the permanent settlement. Once the Court became fully aware of this, the case for permanent settlement weakened. More arguments, theoretical and those emerging from the mistakes of Bengal, were added to it. Finally, the local situation in the Ceded and Conquered Provinces was such, that a permanent settlement even in the absence of doubts regarding it, and even in the absence of the financial reason, was still liable to be rejected.[3] Here is a passage from a despatch to Bengal which amply substantiates the statement just made. 'Our recommendation' wrote the Court to the government, 'was founded upon one of the most ordinary maxims of government namely that, before resolving upon any new arrangement by which the interests of the whole body of the people must be materially affected, not only its abstract merits, but (what is of far greater importance) its suitableness in

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1. Ibid.
2. See Secret Committee to Bg. Govt., 14.8.1807; R.Dundas to Minto, 9.12.1807, Minto MSS. 172.
3. See Bg.R.D. (C. & C.P.), 16.3.1813, paras. 11-13; See Chap. 1 for the local situation.

practice to the circumstances of the case ought well to be considered.'[1]

Lastly, regarding the rôle of Court and Board on the permanent settlement question of the Ceded and Conquered Provinces during the period under review, it is impossible to make a conclusive observation.[2] Despite this limitation one can still assert, that, the initiative was coming from the Court. Charles Grant's letter to Lord Minto of 1809 and Tucker's testimony of 1811 show the genuine interest of the Court. Although Robert Dundas had shown an interest in the question in 1808, the possibility of his influencing the Court seems to be slight. He was not a dominating type of politician,[3] he was too busy in the larger issues arising out of the negotiation for the renewal of the Company's Charter to closely follow up the permanent settlement question. One can argue that James Cumming at the Board might have initiated opposition to the permanent settlement. But, it should be noted that he was a minor civil servant who came to acquire a reputation only after the Fifth Report was completed. He was in a position to influence policy after 1812 when Buckinghamshire came to the Board, but by November 1811 the permanent settlement had been objected to

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1. Bg. R.D. (C. & C.P.), 6.1.1815, para.39.
2. The previous communication on revenue despatches do not exist, nor is there any correspondence between the Court and the Board on the settlement of the Ceded and Conquered Provinces up to 1813.
3. C.H. Philips, op.cit., p.153.

and refused. After 1811 only formal and routine discussions were carried on with the Bengal government. Moreover, as very few of the despatches were altered at the Board[1] one can state that the despatches to Bengal of 1810, 1811, 1812 and 1813 relating to a permanent settlement originated with the Court. In the context of Grant's views there is greater reason to identify the Court as possessing the initiative against permanent settlement.[2] And the Board under Dundas fully shared the views of the Court on the permanent settlement of the Ceded and Conquered Provinces, as would appear from his letter of 1808 to Minto.

The rejection of a permanent settlement of the Ceded and Conquered Provinces followed a reasonable course. Mistakes in Bengal raised doubts about it; and the raiyatwari technique of making a settlement showed that those mistakes were avoidable. The actual rejection of a permanent settlement in the Ceded and Conquered Provinces originated on theoretical grounds, which the local situation confirmed. If the Court was persuasive in rejecting a permanent settlement, and if it was not peremptory in recommending a periodical settlement it was because of the high esteem in which the administrative genius of Cornwallis was held.[3]

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1. B.S.Baliga, 'The influence of Home Govt. on land revenue and judicial administration ...' etc., op.cit., p.24.
2. There was similarity between Grant's views and those in the revenue despatches from 1810 to 1813.
3. S.Davis had written in a minute of dissent of 9.8.1817, the regard for Cornwallis, 'rendered it a species of political heresy to doubt the wisdom and expediency of his enactments.' App. to Court minutes, 3.

This can be best seen by the fact that Charles Grant was extremely critical of the permanent settlement in private in 1809, but in 1813 in a speech in parliament he was heavily defending its results in Bengal.[1] The difference in policy between the Court and the government was one of approach in implementing its objectives. Both desired the stability of British rule, a progressive rise in revenue, the prosperity of the people and agriculture; which according to the Court but not to the government could not be achieved through a permanent settlement. Although the permanent settlement was rejected and the alternative of a periodical settlement was suggested, the future revenue system for the region was uncertain. The periodical settlement as yet was only a concept. It was to take another decade to shape a coherent land revenue arrangement for the Ceded and Conquered Provinces.

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1. See Hansard, XXVI, pp. 519 and 935.

Chapter III

Shaping the Settlement Mechanism

1813-22

Between the years 1807 and 1813 enough discussion on the land revenue policy for the Ceded and Conquered Provinces had taken place. On the one hand it had been discussed between the Bengal government and the Board of Commissioners, and on the other between the Court of Directors and the Bengal government. The net result had been a postponement of the permanent settlement. The problem of implementing the land revenue policy was still unresolved. The broad objectives of land revenue policy were to obtain an increasing revenue and stability for British rule. These objectives could be fully realised only through a properly conducted settlement. Land revenue policy acquired unique significance because it linked the interests of the government and the people. The British government could not afford to conduct a settlement of land revenue in a slip-shod manner, as had been done at the time of the Bengal permanent settlement. It involved not only the fiscal interests of the government, but also the rights, privileges, and interests of the agricultural community from the bottom of the scale upwards.

There were two well known methods of settlement-making in British India. They were the zamindari settlement made famous by Lord Cornwallis, and the raiyatwari which was developed in the Madras Presidency under Alexander Read and Thomas Munro. The permanent zamindari settlement was part of

the administrative ideas of Cornwallis. The whig argument behind it was that a society cannot progress without the existence of private property and private property cannot be protected without an independent judiciary. The judiciary was designed to prevent the wrongs of one individual against another, as also to protect individuals from the acts of the executive. It was from a belief that the power of the executive must be limited that no detailed scrutiny into assets of 'estates', was conducted; nor was an elaborate revenue collecting machinery created. The Collector was merely to receive revenue from the Zamindar. The office of Kanungo was abolished and the Patwari was made a private employee of the Zamindar. As landlords in the English sense did not exist the Zamindars were treated as such. The creation of a 'proprietary' class was not to expropriate the customary subordinate rights in land, which in theory were safeguarded. But in actual practice the Cornwallis principle of settlement introduced a radical change in landholding. In India 'property' and the 'property-holder' had never enjoyed such security as he did under permanent settlement, but at the same time 'property' was liable to sale on default of revenue. The subordinate rights were also bound to suffer as very little investigation into tenures had been conducted and because the means through which it could be obtained had been snapped. The Zamindar was to suffer initial loss arising from unequal assessment, and the government was to suffer in the long run by permanently fixing the assessment. The Bengal idea of settlement-making was extended to the Ceded

and Conquered Provinces (minus the permanency of assessment) between the years 1802 and 1805.

The basic idea of the raiyatwari system came from Read and was later developed by Munro his one time assistant. Raiyatwari settlements formed an important part of Munro's general notions of administration - revenue and judicial. The form of government advocated by Munro was 'paternalist' i.e. strong executive and personal rule as opposed to the impersonal and mechanical form of government established by Cornwallis in Bengal. The underlying principle in the Munro system was conservative, whereas the Cornwallis system was unhistorical. Cornwallis had created landlordism on the British pattern, which was supported by a judicial system British in spirit and largely administered by Europeans. Under the Munro system the social habits and institutions prevailing in a district were to be the basis of revenue and judicial system. A country falling in the hands of a foreign power was to be governed on the basis of its own laws and customs. Indians were to be admitted on a respectable footing in the revenue and judicial administration. But between the Munro and Cornwallis systems there were similarities. Munro was not opposed to reform nor was he opposed to the separation of powers and the rule of law but desired its modification to suit the preservation of society. Munro like Cornwallis aimed at a permanency of assessment, the creation of valuable and saleable 'property' in land, and the improvement of agriculture. Neither Cornwallis nor

Munro introduced revolutionary principles of administration. Munro was conservative and so was Cornwallis to some extent. Cornwallis had desired no social revolution in Bengal, and the whig notion of property and administration introduced by him was to create props for preventing the disintegration of a crumbling society.[1]

In forming revenue settlements Munro ruled out the applicability of theories on a European model. His only guides were investigation, the understanding of the actual state of things and the customs and habits of the people of a particular region. He generally found raiyats holding land directly from the sovereign in the Madras Presidency; and believed that raiyatwari had always prevailed in India and that eventually every other revenue system would resolve itself into raiyatwari.[2]

In the raiyatwari system there was little possibility of intermediaries flourishing as the assessment was fixed on each field, cultivated or uncultivated, and a raiyat was directly responsible for revenue to the extent of land in his possession in any one year. The revenue would thus rise or fall in proportion to the land in the occupancy of raiyats. For the payment of revenue the raiyats were severally

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1. T.H.Beaglehole, 'Thomas Munro and the development of administrative policy in Madras, 1792-1818: the origins of 'the Munro System'', (unpublished Ph.D. thesis, University of Cambridge, 1960), pp.1-3, 96-7, 137,140-41, and Conclusion; E.Stokes, The English Utilitarians and India, pp.14-16, 22 and 25-6.
2. Minute of Munro, 31.12.1824, Gleig, 3, p.320; T.H. Beaglehole, Ibid., pp.137-9.

responsible for their individual obligations; and with the Patel they were jointly responsible for the revenue of their village. The assessment was fixed as a result of several steps. The total available land of a village or a group of villages, cultivated or uncultivated was ascertained by survey. The calculation of the assessment was regulated on a consideration of the quality of land, its supposed past and present produce and the condition of the raiyats. The value of the produce in money was estimated and the assessment varied from two-fifths to three-fifths of the valuation to suit different circumstances. The group assessment once formed was distributed on each field and that was to remain fixed. The fixed revenue rate was however liable to reduction in the event of natural calamity.[1]

To make land valuable and saleable, to encourage agricultural improvement and to augment the land revenue Munro had desired a reduction of the rates to one-third of the survey assessment. It was at this proportion that the assessment was to be permanent on cultivated land. Increased revenue would be obtained from the cultivation of waste land.[2]

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1. T.H.Beaglehole, Ibid., p.119; Munro to his father,21.9.1798, Gleig, 1, p.204; Munro's evidence before S.C.H.C., 15.4.1812, Arbuthnot (ed.), Munro, p.107; Munro to Collectors of Ceded districts, 30.9.1802, Arbuthnot, Ibid., pp.604-08; Bg.R.D. (C. & C.P.), 29.1.1813, paras. 34-5.
2. T.H.Beaglehole, Ibid., pp.49 and 140-42.

Out of the two forms of settlement-making that of the permanent zamindari settlement was called into question by the Home Authorities after 1810, and their doubts were confirmed by the Fifth Report of 1812.[1] The Madras part of that report brought the raiyatwari system into the limelight. In consequence some features of raiyatwari seemed applicable to the Ceded and Conquered Provinces in the view of the London Authorities. Such a view was held even before the publication of the Fifth Report.

The Board of Control under Buckinghamshire and to a lesser degree under Canning, was very enthusiastic for the applicability of the principles and techniques of raiyatwari to the Ceded and Conquered Provinces. This enthusiasm was the result of several factors. Buckinghamshire and Sullivan had the Madras experience behind them. James Cumming had written the Madras portion of the Fifth Report. These three admired the raiyatwari and disliked Cornwallis's zamindari settlement. Canning had only wished to continue the policy of his predecessor. The Court of Directors, on the other hand, saw only a limited advantage, that too in its technique, and had no sympathy with the principles underlying raiyatwari. Nor did it agree with Munro that raiyatwari had originally prevailed in India, or that every other system would eventually evolve into raiyatwari or that agriculture would develop under it. In the view of the Court, raiyatwari was useful when properly conducted in discovering the resources

1. See Chap. 2.

of the country, and when that was achieved it was not to be continued. In 1812 the Court had acceeded to the Board's instruction for the introduction of raiyatwari in Madras with mental reservations and was opposed to its continuation there, in 1817. The 'chairs' wrote to Canning, 'the Court were very doubtful of the policy of this instruction [of December 1812] at the time when it was issued; and though they did not make it the subject of formal representation to the Board, they acquiesced in it with considerable reluctance.' Subsequent to 1812 the Court had pressed the Madras government to implement raiyatwari out of respect for the Board, and to maintain consistency in its instructions. The Court even believed that raiyatwari would never be established in the Madras Presidency, as it was not an accomplished fact as late as 1817.[1]

The Court's dislike of the raiyatwari system was mainly due to two reasons. Firstly, it believed in the fundamental soundness of the Cornwallis principles of administration and in the usefulness of the Zamindar class. Compared to this the principle of bringing the administration in line with the customs and habits of the people seemed to it to be based on expediency. The Court, however, was prepared to admit the defects in the Cornwallis system. The Court was therefore prepared to consider administrative reforms. That was an important reason for refusing the

1. See Court to Board, 29.12.1814, 5, p.136; Court to Board, 2.8.1817, 5, pp.237-40, 220-23, and 218-20.

permanent settlement for the Ceded and Conquered Provinces. Secondly, the Madras government and the Board of Revenue were opposed to the raiyatwari system. Fullerton, a member of the Madras Council, was a vehement critic of raiyatwari from administrative, fiscal and economic points of view. It was to his authority that the Court referred in raising objections to raiyatwari in 1817.[1]

Thus in regard to the question of how the settlement for the Ceded and Conquered Provinces was to be formed a clash between the Court and Board was inevitable. Such a clash occurred in 1814-15 and in 1817. Even the instructions sent to Bengal regarding raiyatwari seem to contain two strains of recommendations between 1811 and 1813. In the despatch of 1 February 1811 there seems to be no hand of the Board of Control. The recommendation in this despatch seems to be similar to the views of the Court. It was recommended that an investigation into landed rights and a survey of land and its produce should take place before making a final arrangement. The despatch considered raiyatwari to be objectionable in many respects, but useful in calculating the assessment.[2] In a despatch of 1812 relating to Cuttack it was recommended that wherever revenue farming existed, it should be replaced by the raiyatwari mode of settlement. It was explained that the raiyatwari system was conducive to

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1. Court to Board, 2.8.1817, 5, pp.200-03, 208-09, 213, and 219-23; Court to Board, 18.9.1817, 6, pp.11-16.
2. Bg.R.D. 1.2.1811, paras. 20 and 24.

agricultural development and facilitated revenue collection; and that it had been successful in the Madras and Bombay Presidencies.[1] In 1813 a similar instruction was given for the Ceded and Conquered Provinces. At the same time papers relating to the raiyatwari system were sent for the understanding of the Bengal government.[2] In the despatches of 1812 and 1813 there seems to be the influence of the Board of Control. But it should be noted that the raiyatwari system was not ordered to be introduced throughout the Ceded and Conquered Provinces.

On receipt of the instructions of the Home Authorities regarding raiyatwari, the Bengal government proceeded with deliberation. It referred the question to the Board of Revenue for Bengal and to the Board of Commissioners for the Ceded and Conquered Provinces. The government in its letters to the Court, of 19 June 1813 and of 2 October 1813 questioned the applicability of raiyatwari in any form in any part of the Bengal Presidency. In this it had the support of the Board of Revenue and the Board of Commissioners.

The Bengal opposition to raiyatwari under Minto's administration was based on theoretical and practical considerations. The theoretical aspect of the argument reflects a fundamental conflict between the Cornwallis and Munro principles of administration. The raiyatwari system

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1. Bg.R.D. 9.9.1812, para.9.
2. Bg.R.D. (C. & C.P.), 29.1.1813, paras. 27, 29, 32-3 and 35-6.

entailed investigation, survey and reliance on the 'native' agency. Whereas the Bengal government, though admitting the zamindari accounts to be unsatisfactory as the basis of assessment, stated to the Court '... we think that this inconvenience is light, compared with the evils resulting from the chicanery, exaction and deception of every sort practised by Native officers, when employed to make measurements and jummabundies'.[1] This argument clearly falls into line with the principle of minimum interference by the executive, and the distrust of Indian agency. According to the government, raiyatwari in all its forms may be applicable to Madras but not to the Bengal Presidency - the circumstances differed. It was further argued '... that the most intelligent and respectable officers at the two presidencies respectively appear to entertain sentiments diametrically the reverse of each other, on questions of primary importance to the security of public revenue and the general improvement of the country. We are by no means disposed to dispute the authority of Col. Munro in regard to any matter which may have fallen under his observation in the course of his official duty; but we cannot think that it would be safe to attempt to reduce [sic] his opinions to produce in this country in opposition to the sentiments of Sir Edward Colebrooke, Mr. Rocke, Mr. Lumsden and Mr. Deane'.[2]

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1. Bg. R.L. 19.6.1813, para.11.
2. Bg. R.L. (C. & C.P.), 2.10.1813, 2, para.18.

The practical objection to the introduction of raiyatwari was that 'proprietors' existed in the presidency of Bengal who were recognised by the Regulations. The districts in Bengal were too large and the European staff too small for the purposes of supervision. Besides, the khas management which the government equated with raiyatwari, had signally failed wherever it was introduced in the Bengal Presidency, because the land revenue could not be collected satisfactorily. Where 'proprietors' did not exist or where they were not willing to engage for land revenue, the government preferred revenue farming to a khas settlement.[1]

The view of the Bengal government created varying reactions in the Court of Directors and the Board of Control. In view of the Bengal attitude the Court was prepared to withdraw the raiyatwari recommendations of 1812 and 1813. The Court considered this absolutely necessary so as to remove all uncertainty in Bengal regarding the introduction of a raiyatwari system. In the revenue draft which became the despatch of 6 January 1815 the Court accordingly saw no reason for pressing the Bengal government further to adopt raiyatwari settlement in the Ceded and Conquered Provinces.[2] The Board disagreed completely with the Court and expunged part of a paragraph[3] of the draft, because the Board wished

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1. Bg.R.L. 19.6.1813, paras. 9 and 11; Bg.R.L. (C. & C.P.), 2.10.1813, 2, para. 18; see also Bg.R.L. (C. & C.P.), 7.10.1815, paras. 67-8.
2. Court to Board, 29.12.1814, 5, pp.136 and 138.
3. Para. 45.

neither to withdraw from the 1812-13 recommendation nor to create the impression that the question was closed.[1] The substitution inserted by the Board read thus: 'Without meaning at this time to enter anew into the discussion as to how far it will be advisable to resort to a Ryotwar Settlement in those Territories, we shall here only observe, that at no great distance of time that mode of Settlement must in the natural course of things, become general whenever engagements have been formed... under the operation of Regulation 9 of 1811',[2] (which had provided for the partition of joint 'estates' in the Ceded and Conquered Provinces). The Board was thus giving the impression that it intended to impose a raiyatwari settlement in the Ceded and Conquered Provinces and ignoring the objections of the government. The Court, however, asked for the restoration of the original paragraph, questioned the Board's understanding of the Ceded and Conquered Provinces tenure, and disagreed completely with the view that raiyatwari would be ultimately established there, as a result of Regulation IX of 1811.[3] The Board did not agree to the restoration of the Court's draft paragraph, but withdrew its alteration and substituted the words, 'but we must at the same time declare to you that we are not prepared to concur in your reasonings and views upon it [raiyatwari]. It is our intention to enter into a full & matured

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1. Board to Court, 2.1.1815, 4, pp.147-8.
2. Court to Board, 29.12.1814, 5, p.136; see also Bg.R.D. C. & C.P.), 6.1.1815, para.45.
3. Court to Board, 29.12.1814, 5, pp.136 and 138-41.

consideration of this question, when we shall examine, with careful attention, all the official documents which we have received from you as bearing upon it.'[1] The second alteration of the Board was however not inserted in the despatch of 6 January 1815, because of a secretarial lapse at the India House. Instead the original alteration of the Board was included in that despatch. This mistake was discovered only in July 1817, and belatedly corrected by writing a secretarial letter to the Bengal government.[2]

Thus a ruling on the introduction of raiyatwari in the Ceded and Conquered Provinces was still pending. A decision on the question was however reached in 1817 between the Board and the Court. In the revenue draft despatch of 1817 to Bengal, the Board had made an alteration to which the Court was strongly opposed. The Board had wished to see the introduction of the raiyatwari system in all the unsettled provinces of British India; which in its view was merely a restoration of the Hindu system of administration, which would be the 'greatest boon' for the 'native subjects'.[3] The imposition of raiyatwari in the Ceded and Conquered Provinces was against the views of the Bengal government and the Court. In a lengthy and valuable letter of 2 August 1817 to Canning,

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1. Board to Court, 2.1.1815, 4, p.149.
2. Court to Board, 30.4.1818, 5, pp.93-4.
3. Cited in Court to Board, 2.8.1817, 56, pp.232-3; For the circumstances in which the intended order of the Board originated, see C.H.Philips, East India Company (1st ed.), pp.211-2; J. Cumming, Correspondence on Ryotwari System, H.M. 530, pp.286-9.

the 'Chairs' therefore rebelled against the whole policy of raiyatwari settlement. Canning therefore had to drop the raiyatwari recommendation; and with this ended the attempt at a wholesale introduction of the raiyatwari system in the Ceded and Conquered Provinces.[1] Yet certain features of raiyatwari were to be incorporated in the 1822 arrangement for the Ceded and Conquered Provinces.

A detailed mode of settlement for the Ceded and Conquered Provinces remained to be developed. In this regard the Home Authorities were only in a position to lay down broad principles, the rest was to be worked out by the Bengal government. The Home Authorities had already suggested a periodical settlement based on investigation and survey, when they had rejected a permanent settlement for the Ceded and Conquered Provinces. Despite the difference of opinion between the Court and the Board over raiyatwari, there was agreement on the principles of the future settlement of the Ceded and Conquered Provinces. Instructions consistent with those principles had been sent to the Bengal government. The points of agreement between the Board and Court, as revealed in their correspondence of 1817, were several.[2] First, the 1793

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1. See Court to Board, 2.8.1817, 5, pp.215-41; Board to Court, 16.8.1817, 4, pp.448 and 453-4; Court to Board, 18.9.1817, 6, pp.16 and 20-21; Board to Court, 16.10.1817, 4, p.464.
2. See Board to Court, 16.8.1817, 4, pp.448-50; Court to Board, 2.8.1817, 5, pp.241-4; C.H.Philips, op.cit., p.212.

system was well intentioned, it was considerably beneficial to the people, but produced a 'small portion of evil'.[1] A reform of the revenue administration was essential to prevent similar injury in the Ceded and Conquered Provinces. Secondly, the experience of Bengal did not justify an extension of the permanent settlement in the unsettled regions. Thirdly, the questions of the parties with whom settlements were to be made and the duration of those settlements were not to be prejudged. But the creation of intermediaries where they did not exist was inexpedient. Moreover, the rights of co-sharing bodies against Mukaddams and pargana Zamindars, and the interests of the raiyats were to be safeguarded. Finally, the revenue settlement was to be based on the principle of bringing the 'Government into immediate contact with the great body of the people....'[2] This was possible only by investigation and survey. The investigation which was to be the key of future revenue settlements and their nature, was therefore '... to be full, patient, and impartial.'[3]

Although the principles on which the future revenue settlements of the Ceded and Conquered Provinces were to be made were the same, the assumptions from which the Court and Board derived them differed from each other. The Court considered that the Cornwallis idea of administration, of

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1. Board to Court, Ibid., p.449.
2. Ibid.
3. Ibid., p.453.

which the land settlement was an important part, was aimed at civilising the people, and acquainting them with liberal principles. It was based on principles of jurisprudence and political economy. While the Cornwallis principles, which were also the Company's principles, desired the improvement and betterment of the condition of the people, the policy of the Indian governments had been to keep man and his condition stationary. Cornwallis had not intended to inflict injury on any section of the society; and such suffering as resulted from his principles was not inherent in them but accidental - arising from administrative failure. There was thus a need for administrative reform. In regard to the principles of administration also the Court was ready to accept modifications to suit the customs and habits of the people. But such a modification was to be slow, so as not to 'sap' the foundations of the 1793 arrangement.[1]

The Board on the other hand seems to have proceeded from the assumption that the principles of the 1793 arrangement were wrong, because they were not suited to the state of society in India. And under it the 'native subjects' had suffered terribly. Administrative policy should be based on the pre-existing forms of institutions. It thought raiyatwari to be the pre-existing institution in India, and unlike the Court it had a bias against large landholders. As the Court had written, 'the Board seem to be of opinion that the ancient Hindoo system of Revenue administration was

1. Court to Board, 2.8.1817, 5, pp.200-03, 213 and 244.

uniform throughout India and that that system proceeded universally upon the principles of a Ryotwar Collection.'[1] The Board was against applying the principles of political economy to land revenue policy. As Canning wrote to the 'Chairs', '... I apprehend nothing to be so little useful as reasoning by analogy from Europe to India; as the attempting to apply to a state of things, of men and manners so entirely distinct & anomalous, those general maxims of political economy....'[2] The strong raiyatwari views at the Board and the disparagement of the Cornwallis principles of administration were the result of the Fifth Report of 1812 combined with the influence wielded by such raiyatwari stalwarts as Buckinghamshire, Sullivan and Cumming.

As the Board failed in imposing raiyatwari upon the Ceded and Conquered Provinces, it had no alternative but to state the four principles of settlement.[3] The Court had been emphasising those principles for the Ceded and Conquered Provinces in several despatches to Bengal between 1810 and 1815.[4] It was the Board therefore which had to modify its raiyatwari sentiment in regard to the Ceded and Conquered Provinces. The opposition of the Bengal government to the raiyatwari principles was thus successful.

In regard to the future settlement of the Ceded and Conquered Provinces, the Bengal government had yet to come

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1. Ibid., p.236.
2. Board to Court, 16.8.1817, 4, pp.252-3.
3. See above, pp. 204-05.
4. See Chap. 2.

into line with the thinking of the Court and the Board. Under Minto, the government remained unconvinced that an immediate permanent settlement was unsuitable or that the Bengal mode of settlement-making should be modified. Under Hastings's administration however, the change awaited by the Home Authorities occurred. Even a settlement scheme in an embryonic form emerged - much before the famous plan of Holt Mackenzie of 1819. The change which occurred under Hastings was in the first place the result of the pressure exerted by the Home Authorities, particularly after the publication of the Fifth Report. That report has rightly been considered as marking a fundamental change in British administrative policies in India.[1] Secondly, Hastings had undertaken a tour of the Upper Provinces partly with the object of studying land revenue problems and the results of British administration. He consulted with the Collectors, and particularly with Edward Colebrooke and John Deane, the two Commissioners.[2] The results of Hastings's observation, study and consultation are embodied in his Minute of 21 September 1815. That minute, remarkable for its understanding of the problems involved marks a fundamental departure in the principles of settlement-making in the Bengal Presidency, and on several important points it anticipates Holt

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1. K.A.Ballhatchet, 'The Authors of the Fifth Report of 1812', Notes and Queries 1957, p.477.
2. He was on tour from 1814 to 1815, Hastings, The Private Journal of the Marquess of Hastings, (ed.) Marchioness of Bute, 1, p.198 ff; Minute of Hastings, 21.9.1815, paras, 1-6, Bg.R.C. 16.9.1820, 33.

Mackenzie's scheme of settlement. Thirdly, the settlements that were made under Regulations IX and X of 1812 were unsatisfactory. These Regulations, it should be remembered, were enacted when the Bengal government was restrained from making a permanent settlement in 1811, and they revived the provisions of the 1803 and 1805 Regulations, by which a permanent settlement was to be made in developed 'estates' only. According to the Regulations of 1812, where a permanent settlement was not made the duration of a settlement was not to exceed five years.[1] As the criterion of permanency - i.e. a developed 'estate' - was a vague one, and as much land lay waste, the settlements made under Regulations IX and X of 1812 were five yearly.

The assessments in these settlements were based on imperfect data for want of knowledge of the resources in an 'estate'.[2] In forming the assessment the Collector consulted the Patwari and the Kanungo and took notice of gratuitous information when it was forthcoming.[3] But the Patwari papers were unreliable because of his subservience to the Zamindar; and the information furnished by the Kanungo was obsolete because his papers had not been revised for an unknown period of time. Gratuitous information was liable to be biased and even malicious. As a result of these shortcomings the assessment could thus be inaccurate, and it was proved to be

1. See above p.162.
2. Bg.R.D. (C. & C.P.), 29.1.1813, para.87.
3. Minute of Hastings, 21.9.1815, paras. 50-51, Bg.R.C. 16.9.1820, 33.

so, particularly in Bareli, Kanpur and Etawah.[1]

Inadequate efforts were made either to ascertain or to secure 'proprietary' rights. Engagements with the existing individuals were generally continued, but where revenue farmers had engaged for the revenue, they were being set aside in favour of the acknowledged but excluded 'proprietors'. On the other hand, where 'proprietary' rights were in dispute the government did not interfere to solve the problem. The Civil Courts were considered sufficient to determine disputed cases. What went on between the engager and the co-sharer, and between the Zamindar and the raiyat was simply unknown.[2]

The defective nature of settlements from all points of view was fully admitted by the government, and fully noticed by Hastings in his minute of 1815. Hastings in his minute and the Bengal government in its letters to the Court suggested several ways of improving the settlement process and its technique. Some of those suggestions stood in glaring contrast to the attitude on settlement-making under Minto, and were no more than an endorsement of the oft-expressed views of the Home Authorities.

Hastings pointed out that the settlement of a district began simultaneously for all the parganas, and before it could be finalised, the lease came to an end. The assessment

1. Bg.R.D.(C. & C.P.), 1.8.1821, 2, paras.45-6 and 48; Bg.R.L. (C. & C.P.), 31.1.1815, paras. 4 and 7; Bg.R.D.(C. & C.P.), 2.4.1817, para.62; Bg.R.L.(C. & C.P.), 1.8.1822,2,para.130.
2. Bg.R.L. (C. & C.P.), 29.10.1817, 2, paras.26-7; Bg.R.D. (C.&C.P.), 1.8.1821, 2, para.11.

therefore became a demand for past debts rather than a future contract.[1] This could be remedied through a settlement by parganas. The Collector would then have time to supervise the settlement of each pargana.[2] To protect rights in land and to accomplish an equitable assessment, the Collectors were instructed to procure minute information on tenures and on the internal resources of 'estates'.[3] To achieve accuracy in assessment and to discover concealed land the aid of survey was emphasized.[4] Under Minto a survey of land had been vehemently opposed in 1813. The Court in its despatch of 6 January 1815 answered this effectively by citing the example of Madras and the advantages gained in that presidency.[5]

In regard to the injury to the rights of the village Zamindars and raiyats that occurred in Bengal, Hastings was drawing the right conclusion for the Ceded and Conquered Provinces. In fact, sympathy for raiyats was being expressed in Bengal itself since 1809, when the revenue and judicial authorities began discussing the means of securing effectively the rights of raiyats.[6] This was independent of the enquiries in connection with the Fifth Report, and the trend acquired

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1. Minute of Hastings, 21.9.1815, paras. 72-3, Bg.R.C. 16.9.1820, 33.
2. Ibid., para.76.
3. Bg.R.L. (C. & C.P.), 30.7.1819, 2, paras, 12-14.
4. Minute of Hastings, 21.9.1815, paras.26 and 54-5; op.cit., Bg.R.L. (C. & C.P.), 31.1.1815, para.15, Bg.R.L. (C. & C.P.) 4.7.1817, 3, paras. 75-8.
5. Bg.R.D.(C.& C.P.), 6.1.1815, paras.22-4, 31 and 34.
6. Bg.R.D.(C.& C.P.), 15.1.1819, para.18.

momentum after the publication of that report. The Home Authorities began to press for a thorough investigation into tenures, and pointed out that had the enquiries begun under Warren Hastings not been discontinued on the eve of the permanent settlement, the village Zamindars and raiyats would not have suffered in Bengal.[1]

Lord Hastings had full sympathy with the village Zamindars, whom he considered to be 'fundamentally connected with the soil'[2] and entitled by 'a custom more ancient than all law' to a share of the produce of land.[3] Settlements were to be made with them. Hastings favoured the protection of the raiyats also. And he considered the large landholders to be revenue farmers on a more permanent footing than the ordinary revenue farmers, but not the 'proprietors' of their holdings.[4]

On a matter of considerable relevance to the Ceded and Conquered Provinces the view of the Bengal government was erroneous. As one reason for the injury to the rights of raiyats in Bengal, it was claimed that the Bengal Regulations were responsible. Although the resident raiyats had a hereditary right of occupancy in land, and a right to pay at a fixed rate, the Regulations unquestionably conferred exclusive and transferable proprietary rights in land on the

1. Bg.R.D.(C. & C.P.), 17.3.1815, paras. 12-3; Bg.R.D. (C. & C.P.), 15.1.1819, paras. 34 and 38.
2. Minute of Hastings, 21.9.1815, para.78, Bg.R.C. 16.9.1820, 33.
3. Ibid., para.142.
4. Ibid., paras. 78 and 105.

Zamindars.[1] The raiyats consequently suffered; and so did the subordinate rights of the village Zamindars.

On the other hand Samuel Davis, James Cumming and the Home Authorities maintained, that the Regulations did not create rights in land to the disadvantage of the existing ones. The provisions of the Regulations secured all varieties of rights in land. In practice innumerable instances existed in Rajshahi, Chittagong, 24 Parganas, Dinajpur, parts of Bhagalpur and Benares of separate engagements for revenue even for a few rupees from village Zamindars and Pattidars. Protection of the rights of resident raiyats was fully accepted by Cornwallis and provided for in the Regulations. It was the Zamindar's right to collect revenue and his profit from that, which was made permanent, heritable and transferable. The only significant concession made to him was to grant him a proprietary right in the waste land; and waste land belonged to no individuals.[2] The Bengal government also arrived at a similar interpretation of the Regulations ultimately in 1822.[3]

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1. J.Cumming, Note on Colebrooke minute of 17.3.1820, n.d. Cumming Papers, H.M. 530, pp.142-3, 146, 150-51 and 153-8; Minute of E.Colebrooke, 17.3.1820, Bg.R.C.16.9.1820, 7; Bg.R.L.(C. & C.P.), 7.10.1815, para.8; Minute of Hastings, 21.9.1815, para.148, Bg.R.C.16.9.1820, 33.
2. J.Cumming, Rights of Zemindars and Ryots, n.d. Cumming Papers, H.M.530, pp.505-37; S.Davis, Rights of Zemindars and Ryots, 4.3.1816, Cumming Papers, H.M.530, pp.341-3; Bg.R.D.(C. & C.P.), 15.1.1819, paras. 12-14, 40, 43 and 54; J.Cumming, Note on Colebrooke Minute, 17.3.1820, n.d., Cumming Papers, H.M.530, pp.91-6, 99-100, 103-05, 113-4, 121 and 134-5.
3. See Resolution of Govt., 1.8.1822, paras.110-18, Bg.R.C. 1.8.1822, 64.

The explanation of the injury suffered by the raiyats in Bengal, which was given by the Home Authorities together with the remedy to overcome it and prevent it in the Ceded and Conquered Provinces, also found favour with the government under Hastings. The injury in Bengal had resulted from technical and institutional factors. No enquiry or record of rights and rent-rates had taken place, except in a few cases. The Kanungo office was abolished and the Patwari was made the Zamindar's servant. The Collector was divested of the power to decide rent cases, and the Civil Court was considered adequate to adjudge cases instead. But the Civil Court had no data to proceed upon, and the raiyats even in cases of oppression had no chance of establishing their complaint. The Zamindar, on the other hand, in order to avoid a direct collision with the raiyats used the distraint law in a perfectly legal manner to enhance rent. These technical and institutional shortcomings had forced the government in Bengal to adopt an attitude of non-interference in regard to agrarian relations.[1]

The natural deductions from the above premises were the effective use of the Kanungo and Patwari, to obtain detailed information, and to vest judicial power in the Collector to decide disputes.[2] In the Ceded and Conquered Provinces the Kanungo and Patwari offices were already in

1. Resolution of Govt. 17.12.1819, Bg.R.C. 17.12.1819,38; Bg.R.D.(C. & C.P.), 15.1.1819, paras.23, 39 and 46-7.
2. Bg.R.D. (C. & C.P.), 6.1.1815, paras.38 and 100-05; Bg. R.D. (C. & C.P.), 15.1.1819, para.78.

existence. The latter was particularly important in obtaining information.[1] In consequence of the instructions of the Home Authorities the jurisdiction of the Collector over the Patwari was made effective by Regulation XII of 1817. The principle of vesting judicial power in the Collector was also accepted by the government.[2] The despatch of 15 January 1819, while discussing the judicial power of the Collector, acknowledged the influence of the ideas of Warren Hastings. The need to vest judicial power in the Collector had been realised by the Home Authorities as early as 1814 - the influence no doubt of the Fifth Report and the judicial reforms in Madras. Similar views were held in Bengal itself, independent of outside influence, by Archibald Seton, Nathaniel Edmonstone and the Sadr Diwani Adalat. The argument behind the principle of judicial power in the Collector as explained by the Home Authorities was a simple one. The strict separation of judicial and executive power, though correct in theory was inapplicable to India. It had never been practiced by any 'Native Government' in India. Besides, its introduction in the Bengal Presidency prevented the dispensation of justice in agrarian matters.[3]

Thus in regard to the principles of settlement-making - i.e. the acquisition of minute information on tenures and

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1. Bg.R.L.(C. & C.P.), 7.10.1815, paras.14-16; Bg.R.D. 12.7.1820, paras. 4-30.
2. Bg.R.L.(C. & C.P.), 19.8.1815, para.3; see also enclosure to the letter.
3. Bg.R.D. (C. & C.P.), 15.1.1819, para.78.

'assets', the use of surveys and the grant of judicial functions to the Collector - the government accepted what the Home Authorities had been inculcating for several years. For this significant change in the thinking of the government credit must be given to Lord Hastings. Such a change would however, not have occurred by the mere instructions of the Home Authorities: it was the admission of the defective nature of the settlements which helped in transforming the point of view of the government.

The reformist mood of the government facilitated the emergence and acceptance of a detailed plan of settlement, for the Ceded and Conquered Provinces. But it should be stated that the ideal of a permanent settlement was not given up by the government. Indeed, it was believed that a detailed mode of settlement would lead to that ideal.[1] Even the Home Authorities in their despatches between 1810 and 1815, had helped to keep that hope alive.[2]

A positive foundation for a settlement was not laid down until Holt Mackenzie submitted his famous and massive Memorandum of 1 July 1819 to the government. A lead for a plan of a settlement should have actually come from the Board of Commissioners for the Ceded and Conquered Provinces. This did not happen, because that Board was an advocate of a permanent settlement. Its opposition to a permanent settlement in the Ceded and Conquered Provinces during

1. See below, pp. 219 and 235-7.
2. See above, pp. 148-9, 152, 157 and 171-2.

1807-08 was based on expediency, and not on principle.[1] Colebrooke and Trant, its present members, pressed for a permanent settlement in 1818. The arguments were that the government had pledged itself to a permanent settlement (in 1802, 1803, 1805 and 1807), and that the assessment had reached a high level.[2]

Holt Mackenzie, as shall be seen, argued from altogether different premises for his proposals. Mackenzie came from a literary family in Edinburgh: his father Henry Mackenzie was a man of letters of some repute.[3] For his administrative career Holt Mackenzie was educated at Haileybury and Fort William Colleges. He headed the list of successful candidates at Fort William College in Arabic, Persian, Bengali and Hindustani. His attainments received special notice from Minto in a speech at the college. Mackenzie's official career began in 1810, when he was appointed an assistant in the office of the Register of the Sadr Diwani and Nizamat Adalat. Towards the end of 1815 when he had risen to the rank of Deputy Register in the same office, he was called upon to officiate as Secretary in the Territorial Department, at Hastings's own suggestion. Later, in 1817, when that office fell vacant he became an automatic choice.[4] Thus at the age of twenty-eight he officiated, and at thirty became a full-fledged Secretary in one of the most

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1. See above, pp. 119-28, 140 and 142-3.
2. Commissioners to Bg.Govt., 27.10.1818, Bg.R.C.16.9.1820,1.
3. Buckland, D.I.B., p.263.
4. See Personal Records, 8, pp.641-7.

important branches of administration.[1] His interest in revenue affairs should therefore be dated from 1815 at the earliest and 1817 at the latest.

From some family letters that have survived, Mackenzie emerges as a man of tender feelings, sincerity and self-restraint.[2] His abilities and bent of mind are best summed up in a remark Bentinck made to Ellenborough: he '... is perhaps the cleverest man in India. It is objected to him that he is somewhat especulative [sic]. In part the opinion may be true but on the whole he appears to be more enlightened and more free from prejudice than any man I have met with. With great talents is united a perseverance and patience in the investigation of detail that makes him an admirable public officer particularly in the Revenue Department....'[3]

The main problem which induced Holt Mackenzie to produce his Memorandum of 1819 was, how to end the temporary nature of settlements in accordance with the instructions of the Home Authorities between 1810 and 1815. The methodology of settlement, which was the great contribution of that Memorandum, was derived from those instructions. This we have on his own admission.[4] He was not applying the rent theory to land revenue and land tenure.[5] He hoped that a detailed settlement properly conducted would ensure the Home

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1. He was born in 1787, see Buckland, op.cit.
2. See the family correspondence in Henry Mackenzie Papers, 6364-67 and 6369.
3. Bentinck to Ellenborough, 30.9.1829, Bentinck MSS.2594.
4. H.Mackenzie, memo. 1.7.1819, para.663, Bg.R.C. 16.9.1820,4.
5. See below, p.219 ff. and Chap.4.

Authorities' sanction, for the permanency of the assessment.[1] He was not at all opposed to a permanent settlement; the only condition which he thought necessary was a minute survey.[2] This fact, it should be noted, tells against the notion of the influence of rent theory to land revenue. However, he did not favour an immediate permanent settlement, unlike Colebrooke and Trant. Mackenzie pointedly drew attention to the weakness in the argument of a high pitch of assessment. This argument of Colebrooke and Trant lacked a factual basis, which was possible only with an accurate estimate of 'assets'. Colebrooke and Trant had also ignored a basic condition of permanency set by the Home Authorities. An 'estate' must be in a high state of cultivation. This according to Holt Mackenzie, involved showing with reference to solid facts the proportion of waste to cultivated land in each 'estate'.[3] Therefore, the plea of permanency put forward by the Commissioners was untenable.

A study of Mackenzie's Memorandum of 1819 reveals the great importance he attached to a methodology of settlement. Unlike Munro, Mackenzie had no district or village experience but his contribution to land revenue history is as great as that of Munro. Both were empirical in their approach to problems. In both, the 'paternalist' strain of thought was present; because they desired the protection and preservation

1. H.Mackenzie, memo.1.7.1819, para.656, Bg.R.C.16.9.1820,4.
2. Ibid., para.273 n.
3. Ibid., para.254.

of rural society through state action. In a settlement mechanism, Mackenzie saw a unique means of providing social justice to the rural society, and of accurately determining the state demand. The rights, privileges and interests of various grades of people in land could be secured only when they were known. A knowledge of tenures was possible only through a minute inquiry and its proper record. The inquiry was also to be used to settle basic principles before disputes arose. On the fiscal side, to secure the interests of the state, of the Zamindar and of the raiyat in the produce of land, it was necessary to record the actual receipts of the Zamindar.[1]

For accuracy and justice in assessment, Mackenzie advocated the procurement of data on a massive scale through a survey of land, and an investigation into the village economy and customs. A survey would disclose the area of each village, comprising cultivated and waste land. Knowledge of the resources of a village would show the adequacy or inadequacy of the jama. While noticing the factors affecting assessment - e.g. soil, produce, market facilities and types of cultivators - would ensure justice in assessment. Without a survey and investigation, Mackenzie commented, only a loose bargain of the Bengal type would be produced. He also drew attention to the advantages of the procurement of data for assessment - both from the fiscal and administrative points of view.[2] Land revenue would rest on secure foundations.

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1. Ibid., see paras. 302-53.
2. Ibid., paras.278-82, 269-70 and 286-7.

The records of survey and investigation would be convenient and accurate sources of reference for Civil Courts.

From an analysis of the data 'rent' estimates were to be prepared. But the assessment was not to be based on 'rent' estimates. They were to be used only in testing the authenticity of Patwari and Kanungo accounts. The assessment in itself was to be based on past and current collections. The 'net rent' principle could not be used as the criterion of assessment, because Mackenzie feared it could lead to over-assessment due to errors in its calculation. Mackenzie endorsed the existing principle of remunerating the revenue engager at ten per cent of the jama exclusive of the expenses of collection. But in order to give an incentive to the Zamindar to improve agriculture, he was in favour of leaving him an additional percentage, where an increase in revenue was obtained on re-settlement.[1]

In regard to the process of settlement-making Mackenzie enlarged upon the proposal which Hastings had already made.[2] Mackenzie stressed the need of radical alteration of the existing process. A district was a large area, in which settlements began simultaneously. This prevented the co-ordination of settlement work. The Collectors were unable to supervise the proceedings of their subordinates, and the Commissioners were unable to supervise those of their Collectors. There was thus no possibility of

1. Ibid., paras. 354-5 and 357-62.
2. See above, pp. 210-11.

detecting error at any level of the settlement machinery. In consequence, inequality of assessment was combined with injury to rights in land, while the subordinate functionaries abused their position.[1]

Mackenzie therefore strongly urged a piecemeal settlement - pargana by pargana, mahal by mahal, and in a year only that much of area was to be settled as was conveniently possible to accomplish. Under this process the Collectors and the Commissioners would have time to supervise the settlement work; and any chance of error would be marginal. To achieve success Mackenzie wanted proper utilisation of the Patwari and Kanungo offices, and the mobilisation of the pick of the civil service.[2]

To appreciate fully the emphasis Mackenzie laid on an investigation into tenures, it is necessary to give a brief account of the nature of property and the varieties of land tenure in the Ceded and Conquered Provinces. An exhaustive analysis of those two subjects, though desirable, is not within the scope of the present work.

When the British introduced the term property in their revenue Regulations from 1793 onwards, they clearly had in mind the western notion of property in land. It never occurred to them, or even to such enthusiasts for the preservation of Indian custom as Mackenzie or Munro or James Cumming, that the western notion of property in land was not

1. Ibid., paras. 291-4.
2. Ibid., apras. 301, 294 and 302.

in fact applicable in India. Thus the term property is used in the revenue records without definition, the receipt of the Zamindar or Taluqdar is called rent or rental and his holding an 'estate'.

The attributes of private property in the western sense are the right to regulate the tenancy of land, that of appropriating rent and that of mortgaging the land or transferring it by sale, gift or otherwise. Above all, the characteristic features of property in the western sense were its individualistic nature, the rental of the estate, the easy transferability of land governed by market forces, and the absence of sentimental attachment to land.

In the Ceded and Conquered Provinces private property in land in the western sense did not exist. In a recent work treating the question of private property in land in Uttar Pradesh, it has been stated it did not exist either individually or communally. What existed was a common property in the produce of land, shared according to custom between the rural society and the Raja.[1] (It was in the share of the latter that the land revenue was founded). In the Benares region, as explained in a recent article, control over land and a share in its produce by the Brahman and Rajput lineages, existed rather than ownership in the western sense.[2]

Both of the above definitions are too general. The

1. W.C.Neale, Economic Change in Rural India, etc. pp.21 and 27-8.
2. B.S.Cohn, 'From Indian Status to British Contract', Journal of Economic History, Dec. 1961, p.619.

first one is based on the case study of Gonda district which was in Oudh and not in the Ceded and Conquered Provinces. Besides, it was a backward district in which ancient Hindu institutions survived. The second definition is merely an unsubstantiated remark on the nature of the land tenure of the Benares region.

As a matter of fact in the early nineteenth century, proprietary rights in land existed in the Ceded and Conquered Provinces. This consisted of the right to let land to cultivators, and to appropriate the difference between the receipts and land revenue, (in addition the proprietor received a small allowance from the government). It included also the right to transfer land by inheritance or otherwise.[1] Proprietary right was, however, not vested in a particular class of people, such as the joint village bodies throughout the province. The view held by the Home Authorities and some individuals in Bengal, like Hastings, Mackenzie and Metcalfe, that the village bodies were the proprietary class throughout the province was not wholly correct. Their view was based on the notion that according to the custom of the country the joint bodies had the proprietary rights. But the joint bodies were not ancient but of comparatively recent growth, and

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1. See SBOR. to G.G. 25.5.1831, para.6, Bg.R.C. 27.12.1832, 33; SBOR. to G.G. 3.9.1830, SRRNWP. 2, pp.205-06; Reply of W.H.Tyler, 6.8.1831, to queries issued by SBOR. on on 24.6.1831, SRRNWP.2, pp.309-12; Reply of J.G.Deedes, 25.7.1831, to queries issued by SBOR. on 24.6.1831, SRRNWP. 2, pp.328-31; Reply of C.Macsween, 7.9.1831, to queries issued by SBOR. on 24.6.1831, SRRNWP. 2, pp.341-3.

some of them, as was the case in Bundelkhand, founded their right by violence.[1] The village bodies, the Zamindars and Taluqdars between them, constituted the proprietary class, and there were villages in Rohilkhand where proprietary rights were not claimed. Compared with the western notion of proprietary rights those of the Ceded and Conquered Provinces admit of certain glaring limitations. The pressure of land revenue was traditionally so heavy that land would hardly acquire any value. In certain cases the raiyats had the right to pay at fixed rates[2] which impinges upon the notion of absolute proprietary rights. Nor was proprietary right vested in individuals. Land either belonged to the communities jointly or to the families in zamindari and taluqdari tenures.[3] These peculiarities together with the absence of sufficiently developed market forces, hampered the emergence of a land market. Consequently there was collective or personal attachment to land, disturbed only by external force or the oppression of the administration of the day.

The joint village bodies according to Edward Colebrooke possessed four-fifths of the proprietary rights in the province.[4] These were either of the bhaiyachara or of the

1. See Baden-Powell, The Land-Systems of British India, 2, pp.98-9, 111-2, 131-4 and 153.
2. See below, p. 345 ff.
3. See Baden-Powell, op.cit., p.99; Reply of J.G. Deedes, 25.7.1831, to queries issued by SBOR. on 24.6.1831, SRRNWP. pp.328-9; Reply of C.Macsween, 7.9.1831, to queries issued by SBOR. on 24.6.1831, SRRNWP. 2, pp.340-41.
4. Minute of E.Colebrooke, 12.7.1820, Bg.R.C. 16.9.1820, 10.

pattidari [1] type and their members were called village Zamindars. Their right was founded either on conquest or on colonisation, and their composition was essentially tribal or clannish or caste e.g., villages were possessed by Bundelas, Rajputs, Gujars, Jats or Brahmins etc., exclusively.[2] In the latter half of the eighteenth century, because of political and social factors, some of their villages were incorporated in the large taluqs that had grown.[3] In such of these villages the power of the Taluqdars gradually eroded the rights of village Zamindars in various ways. Under the British, although the Regulations of 1803 were not specific on the rights of village Zamindars, there was nothing detrimental to their interests in the Regulations. In practice, however, the Collectors treated the representative of the community as a proprietor to the detriment of the rest.[4] When the village defaulted it was promptly put to

1. The members of the bhaiyachara community held land by true and equal division. Each member had parts of good and bad land, the division being such that the value of each sharer's land would be equal to that of every one else's share. While in the pattidari the sharers held according to ancestral share. Each one had a portion of land expressed in bigahs without reference to the fertility of land.
2. Baden-Powell, op.cit., pp.110-12; see H.Mackenzie, memo. on revision of settlements, 19.10.1826, paras.5,57, 172 and 48, SRRNWP. 2.
3. See Reply of W.H.Tyler, 6.8.1831, to queries issued by SBOR. on 24.6.1831, SRRNWP. 2, p.310; Minute of Bentinck 26.9.1832, para.18, Bg.R.C.27.12.1832, 79; J.Thornton, Aligarh S.R., pp.252-5.
4. H.Mackenzie, memo. 1.7.1819, paras. 405, 413-4 and 418, Bg.R.C. 16.9.1820, 4.

sale without investigating how the arrears arose. In consequence some injury to the rights of village Zamindars occurred, but how extensive that injury was cannot be stated yet. Although as late as 1820 a proper understanding of the structure of landholding of the joint village bodies or of their method of apportioning land revenue did not exist in the official mind, greater attention to their tenure was being paid since 1807 under the Board of Commissioners.[1]

The zamindari tenure, historically speaking, was the oldest and most prized form of landholding in the region. Its existence is referred to during the earliest period of Muslim rule in India.[2] Some of the Zamindars were descendants of Hindu Rajas reduced to minor status by the onslaughts of Muslim rule. In the eighteenth century some Taluqdars had also turned into Zamindars, while some individuals acquired such rights by purchase or by fraud.[3] Under the British, individuals acquired zamindari rights by private or public sales of land. A zamindari consisted of anything from a single village to several hundred villages, and was owned by a single person or several persons. If there were several sharers the land would not be divided among them, but the profits would be shared out in proportion to the individual shares expressed in fractions of a rupee.[4] The zamindari right in some instances was a very valuable one, the profit

1. See above, p. 104ff. and see below, pp. 466-8.
2. I.Habib, The Agrarian System of Mughal India, chap.5.
3. H.Mackenzie, memo. 1.7.1819, paras. 402-03 and 406, Bg. R.C. 16.9.1820, 4.
4. See SBOR. to G.G. 25.5.1831, paras. 6-7, Bg.R.C. 27.12. 1832,33.

amounting to several hundred thousand rupees a year.[1] The proprietary and revenue engaging rights of the Zamindars were fully acknowledged by the British since 1802.[2]

The taluqdari tenure originated in the seventeenth century, became consolidated during the political disorders of the eighteenth century, and in the early nineteenth century the holdings of Taluqdars comprised several hundred villages each. The villages in the taluqs were joint or zamindari or depopulated villages re-established by the Taluqdars or a combination of these factors. The Taluqdars as a class do not admit of a uniform origin. Their tenure originated from direct or indirect grant of the state or from factors independent of it but receiving state recognition explicit or implicit. The right to collect the revenue of a large tract of land was granted to an individual of influence or of wealth or to a court favourite. In disturbed times an individual, either a Zamindar or a member of a village body or an adventurer, established his power over a group of villages whom the state for lack of an alternative recognised as Taluqdar. Taluqdars were also descended from the families of Hindu Rajas, when the raj disintegrated and some members of the family established control over a number of villages, or a Raja himself shrunk to the status of a Taluqdar. Amils also created Taluqdars when they entrusted the collection of the revenue of difficult

1. See below pp.306-07.
2. See above, p. 37 ff. and pp. 59-60.

regions to individuals of influence or when they gave the control of depopulated villages to individuals at a nominal revenue. The acts of joint village bodies also contributed to the growth of *taluqdari* tenure, when they sought the protection of a powerful man against the oppression of an *Amil* or when they transferred their proprietary rights to the *Taluqdar* (in whose *taluq* their land was included), because they could not pay the revenue.[1]

Originally the *Taluqdar* had only the right of collecting the revenue of his *taluq* and his remuneration was a percentage on the revenue collected.[2] He might also be the *Zamindar* of a portion of his *taluq*. In the early nineteenth century he claimed proprietary rights to a substantial portion of the *taluq*, and paid a fixed amount of revenue which was insignificant in comparison with his receipts.[3] In point of fact, he had a proprietary right based on uninterrupted possession in that portion of the *taluq* where he or his ancestors had re-settled depopulated villages or acquired rights from the joint village bodies in a fair way or by force.[4] In the rest of the *taluq* he was a hereditary

1. Classic examples of the growth of *taluqdari* tenure are to be found in the cases of Mursan and Hathrass *parganas* of Aligarh. The two *Taluqdars* descended from a common ancestor. An excellent account is to be found in J. Thornton, *Aligarh S.R.*, pp.247-51; Minute of Bentinck, 26.9.1832, paras.26 and 28-30, Bg.R.C. 27.12.1832, 79; Baden-Powell, *op.cit.*,pp.157-8, 160-62, 204-05, 207, 214 and 216.
2. H.Mackenzie, memo. 1.7.1819, paras.395 and 398, Bg.R.C. 16.9.1820, 4.
3. *Ibid.*, paras.407-08; Minute of Bentinck, 26.9.1832, para.24, *op.cit.*
4. Bentinck fully acknowledged *Taluqdars* proprietary rights in part of their *taluqs*. See below, p.343.

middleman. The British policy towards him was non-committal, but as yet a practicable approach had not emerged.[1]

Besides the three main tenures discussed above there were those of the raiyats, those held rent-free and those of revenue farmers. All raiyats, despite the views of the Home Authorities, of the Bengal government and of Holt Mackenzie, did not have a right to pay at fixed rates.[2] Rent-free tenures still lay uninvestigated.[3] Revenue farmers existed in villages without proprietors or where the proprietors had refused engagements. Their profit consisted of ten per cent on the revenue collected, and also what they could illegally exact from the raiyats.

In the view of Holt Mackenzie a proper appreciation of the various tenures and their protection was possible only through the investigation and record of rights.[4] The Regulations of 1803 and 1805 had no intention of taking away the right of an individual and conferring it upon another, but had not defined or discussed the tenures or laid down the principles upon which engagements for revenue were to be taken or proprietary disputes settled.[5] In practice the Collectors treated a revenue engager other than a revenue farmer as proprietor, whether or not he was proprietor of the whole or a part of the holding.[6] This altered the

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1. See below, p. 299ff.
2. See below, p. 345ff.
3. See below, pp. 310-11.
4. See above, p. 220.
5. See above, p. 37 ff., pp.64-5, 96-9 and 102-04.
6. See H.Mackenzie, memo. 1.7.1819, para.414, Bg.R.C. 16.9.1820, 4.

relationship within the joint village bodies, and if the land was sold then the right of the non-engaging bodies lapsed by default and entirely new rights were created in the auction-purchasers. Regarding the proprietary disputes the Collectors hitherto had no powers to settle them, nor were there any principles of settling disputes laid down in any of the Regulations. The Civil Courts were the institutions to settle disputes but they had no information to proceed upon, and the rural society neither understood nor was it accustomed to the British judicial system.

Mackenzie laid down the principles on which engagements ought to be taken. The joint village bodies were to be admitted to engagements through one or two representatives but the rights of the rest were to be recorded. This would evidently secure the interests of the non-engagers. Where it was possible members of the joint bodies were to be encouraged to enter into individual engagements.[1] In this case it should be noted that the revenue engaging and proprietary rights would be one and the same. Where Zamindars existed, Mackenzie had no bias against them whom he considered to be of ancient origin and entitled to the full protection of the government.[2] In contrast and by ignoring facts he considered Talugdars as mere middlemen.[3] This view which Mackenzie shared with a few others was based

1. Ibid., paras. 753 and 744.
2. Ibid., para 745 and see below, pp. 273 and 469.
3. Ibid., paras. 395, 398 and 745.

on the assumption that Taluqdars by the custom of the country were not proprietors of land, and had enlarged their holdings by acts of violence or fraud or usurpation. He was in favour of dispossessing this class with due compensation and settling directly with the joint village bodies.[1] If, because of political reasons it was not possible to dispossess Taluqdars, then a mufassal settlement was to be formed with the joint village bodies, and the Taluqdars were to be continued as the medium of revenue payment on an allowance to be determined by the government.[2] It should be pointed out, that Holt Mackenzie was assuming the universal existence of joint village bodies in the taluqdaris, but this was far from true. The principle suggested for the taluqdaris was to be applied to the rent-free tenures also.[3] In villages without proprietors where revenue farmers existed, they were to be continued as hereditary Mukarraridars.[4] But this was not to bar the proprietary claims of individuals which may have been dormant. On establishing their claims in the Courts of law, such individuals were to be admitted to engagaments after the deaths of existing revenue farmers.[5] In proprietor-less villages where Mukaddams engaged for the

1. Ibid., paras. 745-6.
2. Ibid., para. 747.
3. Ibid., para.748.
4. Mukarraridar = An individual granted the right to collect the revenue of a tract of land and to pay a fixed sum to the state. It was generally a life tenure.
5. H.Mackenzie, memo. 1.7.1819, para.716, op.cit.

revenue, the same principle as regards the revenue farmers was to be followed.[1]

Proprietary disputes were to be determined by the Collectors while forming the settlements and investigating and recording the tenures. The principle of determining the dispute was to be the possession and occupancy of land or the right to dispose of its produce unless contradicted by records. Those who claimed proprietary rights but had no possession of land were to be directed to the Civil Courts. The Collectors were to correct past mistakes regarding proprietary rights on the foregoing principle. With a view to redress injury suffered by individuals Mackenzie was even in favour of investigating the rights of the auction-purchasers and of the Sadr Malguzars with whom settlements were formed previously.[2]

Holt Mackenzie's Memorandum thus embraced all the problems of settlement-making - methodological, fiscal and tenurial. Before proceeding to form settlements on his proposals, he suggested that the government should obtain the views of the Court of Directors on two subjects - first on the principles of settlement and secondly on the permanent settlement of the Ceded and Conquered Provinces.[3] Mackenzie certainly had drawn the right lesson from the fiasco of Regulation X of 1807.[4]

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1. Ibid., para.717.
2. Ibid., paras, 734-7 and 750-1.
3. Ibid., paras. 683-4.
4. Government had presumed upon the support of the Court of Directors and it was embarrassed when the latter refused a permanent settlement. See above, Chap. 2.

The greatest credit one can give to Holt Mackenzie is in his having compiled a settlement scheme. That which hitherto remained in the realm of ideas came nearer to practicability. The Home Authorities had put forward ideas on the methodology of settlement, and insisted on shaping the revenue system in accordance with the customs and traditions of the people of the region.[1] The Bengal government under Hastings shared those ideas of the Home Authorities.[2] The same ideas can be seen in Holt Mackenzie's Memorandum. Mackenzie himself did not originate any ideas, and in his detailed provisions also there were few original suggestions. The originality lay in his proposals for 'rent' estimates to check the accuracy of assessment, and in advancing his principles to determine engagements for revenue and the settlement of proprietary disputes.[3] There was nothing new in his bias in favour of the joint village bodies and the raiyats, and in his bias against the Taluqdars. Nor was there anything new in his advocacy of survey, of investigation,of the effective use of the Patwari and Kanungo offices and of a mahal by mahal settlement.[4] Above all, Holt Mackenzie was not experimenting with any theories, but applied his mind to the practical task of forming a detailed settlement. His settlement scheme was a fitting climax to the discussions on the revenue system of the Ceded

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1. See above, p. 198ff. and also Chap.2.
2. See above, pp. 208-12 and 214-6.
3. See above, pp. 220-21 and 231-3.
4. See above, pp. 198, 210-11 and 214-5 and also Chap.2.

and Conquered Provinces, started nearly a decade before.

Mackenzie's proposals were adopted by the Bengal government in December 1820, but not without a final resistance by two great supporters of a permanent settlement - Edward Colebrooke and George Dowdeswell.[1] They fully believed in the theory of the permanent settlement, wished for its immediate introduction, and had no patience with detailed investigations which would take time. Some of their arguments for a permanent settlement of the Ceded and Conquered Provinces were old, some were new. The government was pledged to the measure, the Zamindars were dissatisfied because of its non-fulfilment, the existing pressure of the assessment was high, and the moment now was suitable to redeem the pledge. The objections to a permanent settlement on account of waste land, disputed rights in land and an inadequate understanding of tenures did not make any impression upon them. Waste land could be excluded from a permanent settlement, and assessed as it came under cultivation. Disputed cases could be determined in the Civil Courts, while the permanent settlement could be made with the existing engagers. The determination of the assessment was the most important thing for the permanent settlement, and this was not at all difficult.[2]

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1. Dowdeswell was a member of the Bengal Council. He arrived in Calcutta in 1783. He served in various capacities mostly in the Secretariat. He had no district experience. He retired from service in December 1819. Personal Records, 3, p.155.
2. Minutes of E.Colebrooke, 17.3.1820 and 12.7.1820, Bg.R.C. 16.9.1820, 7 and 10; Minute of G.Dowdeswell, 7.10.1819, Bg.R.C. 17.12.1819, 39.

Hastings, who wrote a minute in reply to that of Dowdeswell, had no illusions about an immediate permanent settlement. He used much the same arguments as had been put forward by the Home Authorities in the past against the permanent settlement of the Ceded and Conquered Provinces. With whom the permanent settlement was to be made was the main question in Hastings's view. This could not be answered without first determining the rights in land. In Bengal this had not been done, and many individuals suffered. The experience of Bengal should therefore be the guide in the Ceded and Conquered Provinces. He was prepared for a permanent settlement only on condition that it was made with the right persons, that it was proved that they were the right persons, and that the financial interest of the government did not suffer.[1]

The Bengal Councillors James Stuart, John Adam and John Fendall were all in favour of a permanent settlement, but they were at the same time impressed by Mackenzie's proposals.[2] The Revenue Letter to the Court of Directors of 16 September 1820, sought permission for a permanent settlement at fixed revenue or fixed rates, not immediately, but on the completion of a detailed settlement under Mackenzie's proposals with adequate safeguards for rights

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1. Minute of Hastings, 31.12.1819, Bg.R.C. 16.9.1820, 6.
2. Minutes of J.Stuart, J.Adam, and J.Fendall, 28.4.1820, 24.5.1820 and 29.8.1820 respectively, Bg.R.C. 16.9.1820, 8, 9, and 11.

in land.[1] This was not an extraordinary request. The Home Authorities had not ruled out a permanent settlement and Holt Mackenzie had submitted his proposals so that that measure could be facilitated.[2]

In 1821 the Court of Directors at the instance of the Board of Control sent a short despatch peremptorily refusing a permanent settlement or even a hint to the Zamindars that it was under consideration.[3] The curt phrasing of the despatch and the prompt acceptance of the Board's instructions by the Court confirms the view that the Home Authorities in their private opinion had ruled out a permanent settlement between 1810 and 1815, but had allowed a promise on paper to continue to appease the Bengal government.[4] Edmonstone[5] did not understand the position when he vehemently opposed the despatch of 1821 and considered the Court to have violated a public pledge.[6] His dissent had no effect on the order of the Court. The Court gave full support to Mackenzie's plan of settlement and ordered that the existing settlements were to be renewed for five years only.[7] The intention clearly was not to pronounce a definitive arrangement until some detailed

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1. Bg.R.L. (C. & C.P.), 16.9.1820, paras. 6 and 7.
2. See above, pp. 171, 218-9 and 233.
3. Board to Court, 9.5.1821, 5, pp.342-3; Bg.R.D. (C. & C.P.), 1.8.1821, 1, para.3.
4. See above, pp. 157-8, 171-2 and 189-90.
5. Edmonstone, a retired Bengal civilian, was now a member of the Court of Directors.
6. Dissent of N.B.Edmonstone, 31.7.1821,paras. 2-15, App. to Court Minutes, 3.
7. Bg.R.D. (C. & C.P.), 1.8.1821, 1, paras. 4 and 6.

settlements materialised and were reported to the Court. The government cheerfully reconciled itself to the orders of 1821,[1] and enacted Regulation VII of 1822,[2] thereby terminating a long period of inactivity and confusion which prevailed since 1801.

The settlement mechanism which emerged by 1822 was the result of discussions between the Home Authorities and the Bengal government. The initiative and ideas underlying it came from the Home Authorities, and a concrete plan was developed in Bengal by Holt Mackenzie. It was an evolution and not a spurt. In its principles and technique it differed both from the raiyatwari and zamindari settlements, yet it was influenced by both of them. A proper attention to several rights in land and their minute record was unnecessary in Madras, and did not take place in Bengal. The principle of assessment was more minute than that of the raiyatwari. The process of settlement - i.e., by mahals - was non-existent, unknown or unnecessary either in Madras or in Bengal. The effective use of indigenous offices, survey and investigation of resources were in accordance with raiyatwari principles and largely under their influence. The form of settlement, that is, the persons with whom the settlements were to be made, was zamindari - the Bengal influence. In the judicial aspect of the settlement the

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1. Bg.R.L. (C. & C.P.), 1.8.1822, 3, paras. 10-12 and 24-25.
2. For a discussion of Regulation VII of 1822, see below, p. 240ff.

power given to the Collector was a modification of the Cornwallis principles of administration, but not a radical one as the Civil Courts were to continue to take cognisance of proprietary and rent disputes. No modification in the western type of property introduced by Cornwallis was made, but the rights of joint village bodies were to be adequately secured. From the Court's point of view, the settlement mechanism would amount to a modification within the Cornwallis system of 1793. From the Board's point of view it would amount to conformity with the customs and habits of the people. This was the Munro idea of administration. The settlement's avowed object, apart from securing the interests of the state, was to protect existing tenures on the basis of the customs of the people. This was a conservative principle. The Cornwallis zamindari settlement was as much conservative as the raiyatwari and the mahalwari, the difference lay in their techniques and in the understanding of the local situation. Being the last in the line of development, the mahalwari was the most developed, complex and scientific of the British land systems in India, though it still had to be tested.

Chapter IV

The Failure of Regulation VII of 1822 and Land Revenue Settlements, 1822-33.

Regulation VII of 1822 was a major breakthrough in the British land revenue policy in India. Its method was essentially empirical and in its scope of enquiry and in the magnitude of its objectives it overshadowed the raiyatwari settlement of the Madras Presidency. Before 1822 the policy of refraining from interference in the rural social and economic structure, had paradoxically allowed a revolution in land-holding to take place. Regulation VII by interference in the affairs of rural society sought to prevent any further revolution in property holding, and even to redress as far as practicable that which had already taken place. If it failed in achieving quick results this was because the weight of enquiry burst through the seams of the scheme. Its failure in no way invalidated its objectives, which were substantially incorporated in the revision of policy which was accomplished by 1833.

The great objective of the arrangement as the government Resolution of 1 August 1822 itself put it, was to make property, '... more secure and valuable.'[1] Its detailed provisions when viewed together reveal a coherent theme -

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1. Para. 99, Bg. R.C. 1.8.1822, '64.

that the stability of the government and its revenue were dependent upon the stability and security of property, which in itself it must be pointed out, was to rest on the fully ascertained custom of the country.

In mahals jointly owned by the village communities the revised settlement under Regulation VII was to be made jointly with all the co-sharers or with a majority of them or with a few representatives of the community selected with advertence to the wishes of the co-sharers and the custom of the village.[1] If the settlement were not made with all, the names of the remaining members of the community were to be duly recorded.[2] Where within a joint mahal, land was distinctly and separately owned by an individual or individuals then separate settlements by partitioning the mahal into distinct units were to be made.[3] In mahals where multiple interests in land existed, such as those of the Taluqdars and the village community or those of the Zamindars and the community then the discretion in forming the settlement with one or the other party lay exclusively with the government.[4] But where the taluqdari or zamindari tenure were merely managerial in nature, and underneath existed the heritable and transferable joint 'properties',

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1. Reg. VII of 1822, S.10/3.
2. Ibid., S.10/10.
3. Ibid., S.10/9.
4. Ibid., S.10/1.

then a mufassal settlement was to be formed. The terms and conditions of the settlement between the Taluqdar or Zamindar and the community were to be clearly set out and entered in the instrument of engagement of both the parties.[1]

In joint 'estates' the liability for arrears of revenue was fixed upon those who engaged for the revenue unless the liability of the whole co-sharing body was specifically stated in the engagement. To offset the disadvantage of the Sadr Malguzar,[2] he was empowered to realise the revenue from the co-sharers at the rates prevailing before.[3] This confusing provision, which subsequently gave rise to contradictory interpretation among revenue officers, stemmed from the desire to give security to the rights of the non-engaging co-sharers, who had unduly suffered in the past from the default of their principals. The default of the principals had led to the sale of entire mahals. Now by pinning the responsibility upon the principals, it was only their share of the property which was liable to sale. The principle of this limited responsibility was sound, but it ignored some practical considerations. The value of the land of a Sadr Malguzar who was himself a co-sharer would yield nothing, as it would amount only to a fraction of the mahal. An entire mahal or

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1. Ibid., S.10/2.
2. Sadr Malguzar = chief revenue engager.
3. Reg. VII of 1822, S.10/8.

a substantial part of it, on the other hand, was something real and transferable when put up for sale on default of revenue. If no serious evil arose from the provision under discussion it was entirely due to the fact that sales of land for arrears of revenue, were generally kept in abeyance in accordance with the orders of Court of Directors and of the Bengal government between 1822 and 1833.

In joint tenures of bhaiyachara type in Bundelkhand a different kind of problem existed which made individual property and government revenue insecure. There was an inherent tendency in the tenure to produce inequality of jama, as well as in the actual possession of each sharer. In theory each co-sharer held land according to the principle of true and equal division. ~~ancestral share.~~ But in practice the land held by each sharer was either more or less than the theoretical ~~ancestral~~ share, because some were more resourceful and capable than other members of the community. Whereas the revenue responsibility of each sharer was in proportion to the theoretical ~~ancestral~~ share, and it was not proportioned to the actual individual holding. It was from this circumstance that disputes among the members of the community arose, as also arrears of land revenue occurred. The customary remedy was to re-allocate land and to re-apportion revenue according to the theoretical ~~ancestral~~ share. This internal re-arrangement was understandably opposed by those members of the community who were advantageously placed under the unequal state of affairs.

The existing Regulations had in no way provided for the solution of the internal and public problems of the tenure of Bundelkhand. Various Collectors since 1807 had proposed government intervention to solve the problem by empowering the Collector to intervene. Another alternative would have been to form individual settlements of the raiyatwari type; but this was inexpedient and impracticable. A raiyatwari settlement would dissolve the community, and as common privileges and obligations existed, it was not practicable either. Regulation VII therefore sought to resolve the problem by empowering the Collector to repartition revenue responsibility, and possession of land wherever inequality existed.[1] This was along customary lines, but much would depend upon how the Collector proceeded, and how the co-sharer reacted to his award. In Alexander Ross' opinion, the provision was hardly calculated either to prevent disputes or facilitate the realisation of revenue.[2]

So far as the resident raiyats with a permanent right of occupancy were concerned, the Resolution of 1822 came out strongly in favour of protecting them. It went to the extent of stating that the government was inclined to protect even those resident raiyats who were not entitled to protection by the custom of the country. Non-resident raiyats i.e., those who came from outside the village to

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1. Ibid., S.12.
2. A. Ross, remarks on the proposed draft of a regulation, 25.2.1821, SRJ.3, pp.315-16. Alexander Ross was Senior member of Board of Revenue for the Western Provinces.

cultivate and the tenants-at-will were however to be excluded from protection.[1] Protection to the resident raiyat was not to be granted by mere legislative enactment as was done in Bengal, and which had proved ineffective. Here it was to be done by distinctly acting, ' ... upon the principle of minutely ascertaining and recording the rents payable by individual ryots, of granting pottahs, or, at least, registering the ryot's holdings, and of maintaining the rates established at the settlement during the term of such settlement as an essential part of the assessment.'[2] It should be pointed out here to prevent misinterpretation of the reason for protecting resident raiyats, that the rent theory had nothing to do with it. It was the result of a growing body of opinion both at the Court and in Bengal for over a decade, that the rents paid by raiyats must be fixed. It was based on an assumption as old as the permanent settlement of Bengal, that under Indian custom they were always so fixed, and therefore the justice of intervention by the British Government was unquestionable.[3]

The general policy of fixing the rents of resident raiyats, however, admitted of an important qualification. In extremely underdeveloped regions where low rates of rent prevailed, the inexpediency of fixing them for the period of

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1. Resolution of Govt. 1.8.1822, paras. 105 and 107-08, Bg. R.C. 1.8.1822, 64.
2. Ibid., para.125. See also paras. 23 and 214-17.
3. Ibid., paras. 33, 110-20 and 123-25.

settlement was self-evident. In such cases only the desirability of substituting cash rents for rents in kind was stressed, but they were not to be at a higher valuation,[1] which would create another problem.

In revising the settlement the object was moderation in assessment and not its enhancement, which was to be combined with the equalisation of the jama.[2] The dangers of a detailed scrutiny into the assets, and a disclosure of the real profits, and a discovery of lakhiraj tenures were fully realised. They could suddenly lead to an increased demand, which the engagers would be unwilling to bear, and might abruptly deprive them of a margin of comfort to which they had become accustomed as a result of the enjoyment of private, and so far undisclosed source of income.[3] Besides, a sudden and sharp increase based on detailed calculation could also create a political problem as had been the experience in the case of Khurdah in the Province of Orissa.[4] Moderation in demand was therefore to be the 'leading principle of the whole arrangement',[5] which was to be applicable to all varieties of tenure.[6] This injunction to the Collectors was of a general nature, as a precise definition of what constituted a moderate demand was not

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1. Ibid., paras. 286-95.
2. Reg.VII of 1822, preamble.
3. Resolution of Govt. 1.8.1822, paras. 73 and 79, op.cit.
4. Ibid., paras. 74-6.
5. Ibid., para. 35. See also para. 81
6. Ibid., paras. 77-80.

possible.[1] However the principle of a moderate demand seemed nowhere more applicable, than in the regions where waste land abounded in the vicinity of cultivated areas. A high assessment would soon become unequal and unbearable, because cultivators from developed areas would shift to undeveloped ones. The undeveloped part would thus be brought under cultivation only by the transfer of labour and stock from the developed region.[2]

The amount of 'proprietary' profit to be left with individuals was to depend upon circumstances. Where an increase on the existing jama was demanded, then the profit to be left was to be 20 per cent on the jama.[3] By implication it followed that where no increase was demanded, then the pre-1822 principle of ten per cent deduction on the jama was to continue to operate.

In regard to waste land two aspects of the question were of considerable importance - that of its ownership and of bringing it under cultivation. The right of the state to all waste land in excess of what was necessary for pasturage was unambiguously put forward. This declaration was qualified only by the proviso that if a Zamindar proved his right to waste land, then the state's claim would be withdrawn.[4] The reason behind claiming all unappropriated

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1. Ibid., See paras. 72-3.
2. See H. Mackenzie to BOR.W.P. 18.7.1822, paras.35-8, Bg.R.C. 18.7.1822, 44.
3. Reg. VII of 1822, S.7/2.
4. Ibid., S.8; Resolution of Govt. 1.8.1822, para.228, Bg. R.C. 1.8.1822, 64.

waste land was obviously to create additional revenue for the state, promote extension of cultivation, and create new rights in such lands. To encourage cultivation of waste lands two courses were open, as was pointed out by Holt Mackenzie.[1] Those courses were either to attract capital from a distance by the inducement of long leases, or to give easy and attractive terms, so that people in the neighbourhood would be interested in developing the waste.

After the settlement had been revised, it was to be formed for a longer period, but Regulation VII made no specification about its duration.[2] This was deliberately omitted from the Regulation for two reasons.[3] The Court of Directors had not yet given authority to government for leases beyond five years, and secondly, the state of agriculture was so uneven that a uniform period of long leases was not possible. The mistake of having pledged the government to a permanent settlement in the early years, without knowing the conditions, would thus seem to have been very much in mind.

Yet in the official documents which were not made public then, it was clearly understood that a longer lease would be necessary, and in this respect the support of the Court of Directors was confidently expected. According to

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1. See H. Mackenzie to BOR. W.P. 18.7.1822, paras. 48-9. Op.cit.
2. See Reg. VII of 1822, S.7/1.
3. See Bg. R.L. (C. & C.P.), 1.8.1822, 3, paras. 21-3.

the government a longer lease was necessary not only for the speedy conclusion of revision work for the province as a whole, but also to assuage the feelings of landholders disappointed by the abandonment of the policy of a permanent settlement.[1] This was for general application, but in particular cases, government was still in favour of permanency.[2] In this context it is interesting to note that Alexander Ross was advocating a permanent settlement for developed 'estates' because government was pledged to it, and a detailed settlement in his opinion would remove real or supposed objections to permanency of assessment.[3]

The government had considered a lease of ten or twelve years as sufficient after the revision of the settlement, while Ross had recommended twenty-five years when settlement was made with the 'proprietors', and 'estates' were susceptible of improvement. The general opinion among revenue officers was also in favour of longer leases.[4]

The settlement under the new dispensation was to rest

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1. See Resolution of Govt. 1.8.1822, paras. 66-7 and 81. Op.cit.
2. Bg.R.L. 1.8.1822. Op.cit., para.24; Resolution of Govt. 1.8.1822, para.57. Bg.R.C. 1.8.1822, 64.
3. See A. Ross remarks on ... draft of a regulation, SRJ.3, p.316. But in 1835 when a proposal from Charles Metcalfe for permanency in the Western Provinces came up before the Council, Alexander Ross opposed it, and used Ricardian rent theory to support his argument. See below p.428
4. Resolution of Govt. 1.8.1822, paras 71 and 68, Op.cit. A. Ross, remarks on ... draft of a regulation, SRJ.3, p.315.

on the solid foundation of detailed inquiry. The underlying method was a 'synthetic' one, and that completely rules out any suggestion of an approach based exclusively on any economic theory, such as the Ricardian theory of rent. (This is however not to deny rent theory a little influence in the calculation of the assessment. This hypothesis can be substantiated by an examination of the instructions issued to the Tahsildars.) A review of those instructions even at the risk of making the narrative heavy with detail is relevant to an understanding, not only of the policy but of its working in the subsequent years.

The information to be obtained by the Tahsildars[1] falls into four distinct categories. These concerned land, assets, rights, and social and economic factors. The village rukba or area was to be shown through four different sources - from the records of former Kanungos, from those of the present Kanungos, from the records of five settlements which had taken place under the British administration, and from the measurements of the land which were to be carried out by the Tahsildars. The rukba was then to be distributed into malguzari[2] and non-malguzari[3] land showing the quantity of land in each case. In regard

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1. The analysis is based on the Instructions to Tahsildars, in the draft of a parwana issued by BOR. W.P. n.d., Bg. R.C. 26.6.1823, 45.
2. Malguzari = Land paying revenue to the government.
3. Non-malguzari = land not paying any revenue to the government.

to malguzari land the shares of owners were to be shown. Particulars of crops with special reference to the staple crop of the village, together with the yield per bigah of each kind of land were to be exhibited. Lands appropriated for orchards, for village servants, mafi[1] land and cultivable waste were to be stated. The measurement of land by jarib (chain or rope used for the measurement of land), and expressed in bigahs was to be specified. The length of jarib in gaz or yard, and the length of the gaz were also to be given.[2] If the standard village jarib differed from the standard pargana jarib, then the rukba was to be given in the latter measure also. Particulars relating to the standard village bigah were also required, and if it differed from the standard pargana bigah, then the latter was also to be given.

In regard to the assets of the village, rai-bandi[3] in kind or money payment was to be furnished, which was to

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1. Mafi = Land exempted from paying revenue to the government. Such land was generally a small parcel, assigned in lieu of service or granted for charitable or religious purpose.
2. Jarib = Its length was 60 gaz; Gaz = 33 inches. This was the standard established by the British and the measurement was actually done according to that standard. Akbar's gaz which was usually referred to in the region had no uniform standard. It varied between 29 and 35 inches.
3. Rai-bandi = a statement or table of rates, a document showing the rates at which different descriptions of land are usually assessed in any particular district.

be of three different types - one from the village itself, based upon the depositions of the Zamindars, Patwaris and cultivators, the second from the neighbouring villages for similar kinds of land, and the third the rai-bandi of the pargana in which the village was situated. The next important document was to be the jamabandi of the cultivated land including the siwai[1] and abwab collections for the past five years. The jamabandi was to be prepared in two ways, one according to the pargana and the other according to the village rai-bandi. Besides, a statement of annual zamindari profit from jalkar, bankar, phalkar,[2] and nazarana were to be furnished. To balance the assets against the village management expenses, the annual charges for the last five years as entered in the patwari account was also to be obtained.

As regards village rights the inquiry was to begin by identifying the village with one or the other taluq.[3] If it came within the jurisdiction of a Taluqdar, then his right and interest in the village was to be inquired into. It was also to be inquired if the Taluqdar could raise the jama of the village at will, or manage it in any way he liked, or if he could transfer the rights of village Zamindars. Then the

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1. Siwai = any collection besides Land revenue, e.g. from forest, river, pond or a cess.
2. Jalkar = profits or rents derived from the water, lakes, ponds etc. in an 'estate' or village including the right of fishing; Bankar = profits derived from the produce of forest; Phalkar = profits derived from the produce of orchards.
3. Taluq = a revenue sub-division comprising several villages.

rights of village co-sharers were to be investigated in the presence of all the members, and the names of sharers together with the extent of their shares were to be recorded. Claimants to the right to own land who were not in possession were also to be recorded with the length of their dispossession. Each cultivator was also to be interviewed in the presence of Zamindars, and information on how they became cultivators, the period of residence, the manner of collection and adjustment of rents together with their rights were to be recorded.

The Tahsildars were also required to furnish information on rural administrative, social, and economic organisation. Such as how the Lambardar[1] was chosen, and what was his profit thereof. How the Patwari and other village servants like Balahar[2] and Chaukidar[3] were chosen and remunerated. Information on population and its distribution according to caste and occupation, and the village custom relating to sites of houses, whether any ground rent was paid for it, or it was free occupation, or the permission of Zamindar was needed for erecting houses,

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1. Lambardar = village headman or Mukaddam or Sadr Malguzar. The term Lambardar is of entirely British origin used for the first time by Holt Mackenzie in his memorandum of 1.7.1819. It is derived from the word numbers used in the records for serialising revenue engagement. Thus the holder of a particular 'number' became a Lambardar in mufassal phraseology.
2. Balahar = village sweeper who originally served as watchman also.
3. Chaukidar = village watchman. This was a British innovation.

were also required. In regard to economic factors, information was required on the number of ploughs and bullocks, and the number of bigahs one plough could prepare for cultivation. Information on the irrigation of the village was also asked for. The disposition of the labour force in the village was also to be noted. Data on the internal and external economic factors, such as roads, bazars, hats,[1] and the prices of articles sold in the last ten years were also to be supplied. The Tahsildars were also to communicate information on the names and places of residence of different agents and bankers, and their customary mode of transacting business.

Thus the intention behind the gigantic scale of the inquiry was to enable the government to understand the agrarian structure in all its details, together with the social and economic factors affecting it. This was to be made clear to the Zamindars. The purpose of the enquiry was not, as the Tahsildars were informed by the Board of Revenue, to enable the government to increase the revenue. Its purpose was to regulate the jama, to prevent over-assessment, and to ascertain the rights of sharers and cultivators so as to secure them. The Collectors were to base their proceedings on information furnished by the Tahsildars, but not without verifying each item on the spot

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1. Hat = moveable market or a market that was held only on certain days of the week.

and by questioning Zamindars, cultivators, and Patwaris publicly in the presence of the village community.

In the revision of the settlement, apart from the principles on which the calculation of the assessment was to rest, the grant of judicial powers to the Collectors for the determination of disputes of 'proprietary' title and rent cases was an extremely important feature of the scheme. The process of forming a settlement, in so far as the determination of 'proprietary' rights were concerned, was essentially a judicial one. All relevant evidence pertaining to a 'proprietary' title would have to be gone into, before the title was actually awarded. Similar process would be required in disposing of rent-disputes. As the Civil Courts could not be shifted from the Sadr station to the village one after another, the need for vesting judicial powers in the Collectors was the only alternative.[1]

It was clearly a breach in the administrative principles of 1793 but not an undesirable one,[2] as was mistakenly suggested by Henry Newnham, a member of the Board of Commissioners for Bihar and Benares or the Central Provinces. It was at the same time not as radical a departure as the exclusive cognisance of revenue matters by Collectors only which Alexander Ross for instance, had

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1. See Bg. R.D. (W.P.), 24.10.1827, paras. 11-12.
2. B.O.C.C.P. to Bg. Govt., 8.3.1822, SRJ.3,pp.307-08.

recommended.[1] The Collectors' judicial power was to be kept within well-defined limits, and appeals from their decisions were to be allowed to the Civil Courts.[2] Still, the advantage of such grants of power was considerable. It would not only resolve any unnecessary dispute, but would also produce substantial advantage to the people, by cutting down the distance separating the mufassal from the Civil Courts and delivering justice at their door-step.[3] But at the same time it must be pointed out that this arrangement looked excellent and efficient on paper only. And one would not disagree with the observations of the Court of Directors, and Henry Newnham, that either the judicial task of the Collectors would suffer on account of other settlement business, or that the work of revising the settlement would be delayed by the judicial duties of the Collectors.[4]

Collectors were empowered to decide causes of rent and disputes of ownership.[5] This power it should be noted was to be exercised only in the village where resettlement was in progress.[6] The main reason was to prevent the over-loading of work upon the Collectors.[7] The basis of decision on suits of 'property' was to be the actual possession of

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1. See Resolution of Govt. 1.8.1822, paras. 239-40. Bg.R.C. 1.8.1822, 64.
2. See Reg. VII of 1822, S.29/6.
3. See Bg. R.L. (C.& C.P.), 1.8.1822, 3, para.27; A.Ross, remarks on ... draft of a regulation, 23.2.1821, SRJ.3, pp.315-6.
4. Bg. R.D. (W.P.), 24.10.1827, para.7; B.O.C.C.P. to Bg. Govt., 8.3.1822, Op.cit.
5. Reg. VII of 1822, preamble.
6. Bg. R.L. (C.& C.P.), 30.7.1823, 5, para. 13.
7. BOR. W.P. to Bg. Govt., 2.1.1823, Bg.R.C. 6.2.1823, 52.

land or receipt of 'proprietary' profit. Collectors were not to disturb the existing possession of land and claimants without possession were to be referred to the regular courts of justice. However, where government thought it just to review an otherwise valid title in the light of claims made by others, the Collectors could be empowered to determine such cases. The exercise of judicial power with the same limitations was also applicable to lakhiraj and mukarrari tenures.[1]

As the settlements could not be revised instantly throughout the province as a whole, the existing ones were to be renewed for five year periods until revision was accomplished. The renewal of a settlement did not imply an alteration in the existing assessment excepting in cases where 'estates' were relinquished. The districts of Gorakhpur and Azimgarh were however to be excluded from five yearly renewal, because past settlements in these two cases had been singularly defective. But here also no increase in the jama was contemplated.[2] The wholesale renewal of existing settlement was dictated by the need to concentrate administrative energy and resources on the task of revising the settlement.[3] But strangely enough and without thought the benefit which was expected from extending the existing

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1. Reg. VII of 1822, SS. 13-16.
2. Ibid., SS.2,4,6 and 7; Resolution of Govt. 1.8.1822, paras. 37 and 43, Op.cit. See also Reg. IX of 1824 and II of 1826.
3. Bg. R.L. (C.& C.P.), 30.7.1823, 5, para.29.

settlement was wasted by legalising the resignation of Zamindars from their engagements of revenue. Such Zamindars had the option of re-engagement at the end of five years, and during the period of exclusion they were entitled to receive a malikana of five to ten per cent of the net collections.[1] The motive behind the provision was to protect all revenue engagers from the pressure of the existing assessment which was unequal and therefore partly over-assessed.[2] The logic therefore being, that under the provision of resignation only those 'estates' would be resigned which were really over-assessed. It was hardly realised that such a provision could become a general invitation to resign, which would bring the management of thousands of 'estates' into the hands of revenue officers, and thus deflect them from the great object of revision of settlement under Regulation VII of 1822.

Divergent expectations of the results of the revision of the settlement were held at the time. The Western Board of Commissioners was exceedingly optimistic when it estimated a period of $5\frac{1}{2}$ years as adequate for the revision work.[3] The Bengal government had no such illusion and considered a long period of time was necessary for a detailed arrangement.[4] Henry Newnham was the only prophet of doom when he stated

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1. Reg. VII of 1822, SS. 2 and 5.
2. See A.Ross, remarks on ... draft of a regulation, 23.2.1821, SRJ. 3, p.317.
3. BOC. C. & C.P. to Bg. Govt., 14.8.1821, SRJ.3, p.313.
4. Resolution of Govt., 1.8.1822, paras. 19 and 24, Bg. R.C. 1.8.1822, 64.

that, the 'closest discussion of a law differs from the practical application of it.'[1] He also implied the entire collapse of the scheme if the Collector did not receive complete cooperation within a village; and unless the Collector was a master of revenue affairs he would not be in a position to administer 'scientifically'.[2]

In view of the amount of industriousness which produced the plan of 1822, and the earnestness of intentions behind it, it would be uncharitable to characterise the scheme as a great failure. Yet the fact remains that very little was achieved even ten years after the settlement had been in progress. At all levels of the revenue administration the unsatisfactory progress of settlement was fully acknowledged.[3] But what is extremely surprising is, that as late as 1830 it was not even known what actual progress had been made. In September 1830 we find the Board of Revenue requesting more time to submit a statement on the progress of settlements, which produced a sarcastic remark from Metcalfe, - that even after eight years the Board had no information to offer to the government.[4]

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1. BOC. C.P. to Bg. Govt., 8.3.1822, SRJ. 3, p.305.
2. Ibid., pp.306-07.
3. Memo. on Settlements unsigned, n.d. Bentinck MSS.2650. [The memo. in all probability was prepared by W.H. Macnaghten who as revenue and judicial secretary had accompanied Bentinck in the tour of Upper Provinces from 1830 to 1833].
4. SBOR. on deputation to Bg. Govt., 3.9.1830, SRRNWP. 2; Minute of C. Metcalfe, 7.11.1830, Ibid.

In a statement given in Lord Bentinck's minute of 20 January 1832 which was based on information furnished by the Collectors, we get an account of settlements made up to 1831. The progress or the absence of progress was very uneven. We notice that no settlement had been formed in Bundelkhand and Kampur, while Gorakhpur which could boast of having the highest number of settlements, had not a single one of them confirmed by government. And the time required for the completion of the arrangements in the several districts varied from three to sixty years. The following statement would show the actual progress.[1]

District or sub-division	No. of villages revised	Period required for completion	Settlements confirmed by government
Agra	145	16 or 18 yrs.	none
Saidabad	187	16 or 20 yrs.	none
Aligarh	327	10 or 20 yrs.	none
Kanpur	none	14 or 20 yrs.	none
Fatehpur	4	20 or 25 yrs.	none
Allahabad	25	20 or 25 yrs.	none
Farrakhabad	260	not specified	none
Belah	34	60 years	none
Etawah	32	not specified	none
Sirpurah	226	15 years	none
Mainpuri	no return	no return	none
Gorakhpur	765	7 or 8 years	none
Azimgarh	8	8 years	none

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1. Minute of Bentinck, 20.1.1832, para.43, Ibid.

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District or sub-division	No. of villages revised	Period required for completion	Settlements confirmed by government
Southern Moradbad	38	not specified	none
Northern Moradbad	78	24 years	none
Saheswan	no return	no return	none
Bareli	383	12 years	26
Shahjehanpur	340	25 years	10
Pillibhit	57	14 years	none
Southern Bundelkhand	none	not specified	none
Northern Bundelkhand	no return	no return	none
Meerut	116	3 years	18
Bulandshahr	396	3 years	10
Muzaffarnagar	60	15 years	5
Saharanpur	124	25 years	none

According to a statement prepared by the Board of Revenue in 1831 we get some more information on settlements. The number of villages which were surveyed amounted to 6,358 for the province as a whole, and the quantity of land measured amounted to 5,701,080 bigahs. The uneveness of even this paltry progress stands out very clearly, which varied from a minimum of six villages in Fatehpur to 709 in Azimgarh, and 1,234 in Gorakhpur. The assessment of these villages before survey and revision was Rs.2,727,082. The number of resettled villages submitted for confirmation to

government was 1,368, whose former jama was Rs.866,498 and whose proposed jama was Rs.937,792. There were also villages whose settlement was completed either by the Collectors or Tahsildars but which were not submitted to the higher revenue authorities. Of such villages Collectors had settled 2,338 whose previous assessment was Rs.792,127 and the proposed one was Rs.787,577; and Tahsildars had completed the settlement of 2,652 villages assessed formerly at Rs.1,077,331.[1]

A review of the settlement actually formed under Regulation VII, both from the standpoint of the adjustment of rights and the calculation of the assessment would be worthwhile and necessary for an understanding of the mistakes committed in the process of forming those settlements. The adjustment of rights however does not require any detailed remark because there is very little that requires notice. Engagements were taken from parties found in actual possession, whether as Zamindars of entire villages or as joint Zamindars in a pattidari village as was done in Meerut,[2] or from a Taluqdar where no claimants came forward to engage as was the case in some of the settlements in Bulandshahr.[3] According to Regulation VII

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1. Statement of Settlement under Reg.VII of 1822, Annexed to SBOR. letter to G.G. 25.5.1831, Bg. R.C. 27.12.1832, 35.
2. I.R.L., 6.7.1835, para.12.
3. Ibid., para.17.

the rents of resident raiyats were generally to be fixed, but in Aligarh the rents of such raiyats were not fixed because they were considered not to possess the right to pay at fixed rents.[1] In Agra on the other hand, we find the Collector fixing the rents even of the tenants-at-will, which drew the disapprobation of the government, on the ground that rents so fixed were on a fictitious and arbitrary basis.[2] As the Bengal government wrote to the Court of Directors regarding some settlements in Meerut, 'the fields cultivated by each ryot have been recorded, but the rates of rent paid have been noted in the Collector's proceedings in sums which seem to have been fixed by no certain rule, and the process of ascertaining which has not been explained according to any legitimate system.'[3] The same was true in Agra and Bulandshahr. The fictitiousness of fixed rents can be justly inferred from the fact, that they were not adhered to in practice. The payments of the raiyats continued according to actually prevailing rates.[4]

When we come to examine the calculation of the assessment we notice a wide gap separating principle and practice. The principle of the assessment in the arrangement of 1822 was sought to be clearly defined so as to put a limit to the demand of government. This had become

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1. Bg. R.D. (W.P.), 24.10.1827, para.19.
2. R.L. 7.7.1834, 8, para.122.
3. I.R.L., 6.7.1835, para.12.
4. Ibid., paras. 12 and 17; R.L., 7.7.1834, paras. 121-2.

imperative because up to 1822 a vague notion existed that customary rates regulated the payments of the raiyats; while a scrutiny of documents obtained from Zamindars and Talugdars revealed no principle by which the interests of raiyats and government were to be regulated. They contained only general exhortations in favour of the protection of the raiyats. The principle laid down by Akbar had long ceased to exist,[1] and payments of raiyats were only limited by their ability to pay. In the absence of a living rule and accuracy of data the assessment under the British was 'rather a composition for undefined demands than an accurate adjustment of rights, or a well understood contract.'[2] The irony of the situation in fixing the assessment was vividly pointed out by Holt Mackenzie when he stated to the Parliamentary Inquiry Committee that, '... the collector and the community [were] playing at a game of brag, in which all knowledge was on the one side and nearly all power on the other....'[3] Or as James Stuart remarked, in the absence of authentic accounts 'the collectors have too generally been obliged to satisfy themselves with various imperfect substitutes of conjectural estimates, partial measurements, secret intelligence, and by putting up the lands to a sort of auction, in which speculators and adventurers, and enemies, have been encouraged to bid

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1. Resolution of Govt., 1.8.1822, para.89. Bg.R.C.1.8.1822,64.
2. Ibid., paras. 86 and 84.
3. Evidence of H. Mackenzie, P.P. 1831-2, 11, p.298.

against the hopes and fears of the zemindars.'[1] Thus, hitherto the basic question whether there was to be a recognised limit to the government's demand had not been posed.

In 1822 it was decided to fix the assessment upon every field and upon every resident raiyat. The payment of the resident raiyat was to be the gross revenue, from which a part was to be relinquished to the Zamindar as his proprietary due. But in the determination of the gross revenue the Zamindar was to have no hand, and the sum so fixed upon the resident raiyat was to remain fixed for the term of the settlement. The assessment for the province as a whole was to be built up from individual fields upwards through the villages, parganas and districts: this was justly characterised as the detail to aggregate method.

For calculating the gross assessment, the gross produce principle was rejected on the ground that it was unsound. In rejecting it the assumptions of rent theory were applied. The government stated that in lands of varying fertility of soil and situation, 'there must necessarily be much land cultivated of which the whole crop does little more than repay the labour of [the] husbandman, and much that affords a large surplus, after meeting the wages of labour and the charge for capital employed in its tillage.'[2]

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1. Minute of J. Stuart, 18.12.1820, SRJ. 3, p.222.
2. See Resolution of Govt., para.127, op.cit.

A flat rate of the partition of the gross produce would lead to an inequitable assessment. James Mill stated the same thing in his evidence before the Committee of House of Commons in 1831. According to him the gross produce principle was the practice of rude Indian governments which if followed would prevent land of less fertility from being cultivated.[1]

It should be pointed out that both the Bengal government and James Mill were mistaken in their understanding of the working of the gross produce principle. As was shown by James Stuart, the assessment in India based on the gross produce, and paid in kind or cash varied according to the crop and to the fertility of the land. He goes so far as to say that given a species of produce and a certain proportion of land the assessment was invariable. In case of valuable crops like cotton and sugar-cane cash rates existed[2] and for the poor soil a favourable rate to the cultivator existed. It would therefore be wrong to state that the gross produce principle was a disincentive to the expansion of agriculture. The views of the Bengal government and of James Mill only serve to show the danger of applying theoretical notion to different situations and practices.

The principle of assessment inculcated by the Bengal

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1. Evidence of J. Mill, 4.8.1831, Q.3163, P.P. 1831, 5, p.296.
2. Minute of J. Stuart, 18.12.1820, op.cit., pp.215 and 217.

government was a combination of Indian peculiarities and the rent theory. The calculation was to be made with reference to the 'produce and capabilities of land'.[1] The emphasis here was that the assessment was not to be based on the net rent, but on the results of detailed inquiry, checked by the net rent. The net rent was to be assumed by striking an average of the produce of several mahals and taking one-third or one-fourth of the average produce as the net rent. This would then be applied to test the accuracy of the actual assessment, and its regulation. As was stated by government, 'we may thus establish a general rate or rates according to which the amount to be required from an officer or malgoezar charged with the collections of an extensive pergunnah shall be regulated and their accounts checked. But such rates cannot generally be applied to individual villages, still less to individual fields, further than as one means of determining their aggregate produce.'[2] The regulation of the assessment clearly meant the prevention of over-assessment. In this context it was observed that, '... there must always be great danger lest, while we imagine that we take only a share of the net rent, we in fact encroach on the fair wages of labour, and profits of stock, or even compel the cultivators to sacrifice the means of maintaining the actual cultivation in order to

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1. Reg. VII of 1822, S. 7/2.
2. Resolution of Govt., 1.8.1822, para.128, Bg.R.C. 1.8.1822, 64.

discharge the Government jumma.'[1] It was also enjoined that where the outlay of capital for the improvement of the land was projected additional moderation was to be shown to the raiyat by ensuring a liberal return on capital and labour.[2]

It was also the full intention of the government to preserve the varying degrees of privileges and peculiarities obtaining in a custom ridden society. The danger of upsetting these privileges through the use of the 'net rent' concept was fully foreseen. The two were to be reconciled. It was pointed out that, 'the numbers, castes, characters, habits, situations, and institutions of the people must be carefully considered, as well as the nature and productiveness of the land and the facilities of disposing of its produce.'[3]

The calculation of the assessment in all its aspects - the actual assessment, its regulation by the net rent, the estimate of the net rent, the confinement of the assessment within the limits of rent, and the preservation of peculiarities and privileges, all depended upon the results of inquiry.

From what has been stated above regarding the use of rent theory in forming the assessment, James Mill would appear to be mistaken when he stated that the government in

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1. Ibid., para.101.
2. Ibid., para.102.
3. Ibid., para.98.

India had no notion of the rent concept.[1] As the settlement scheme was formulated by the Bengal government, and as there was no policy-making despatch between 1820 and 1833 from the Home government for the Ceded and Conquered Provinces, we must credit the former alone for the application of rent theory to land revenue.[2] We also discount utilitarian influence through James Mill on the land revenue arrangement in the Western Provinces when Regulation VII was enacted and was being implemented. But it is interesting to note that some features of the principles propounded by government were similar to those stated by James Mill in his, 'Observations on the Land Revenue of India'.[3] Those similarities related to fixing the assessment direct on every field, and keeping it within the bounds of the net rent. While James Mill's advocacy of a field assessment arose from the prevailing belief in state landlordism in India, the example of Madras raiyatwari, and the notion of rent-owners being an unproductive class, that of the Bengal government arose from the belief that all resident raiyats were entitled to have their rents fixed by government and to

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1. Evidence of J. Mill, 18.8.1831, Q. 3883, P.P. 5, p.364.
2. The Bg. R.D. (C. & C.P.), of 1.8.1821, 1, only contained six paras., and confirmed the arrangements of the Bengal government for a detailed settlement, while a permanent settlement was refused. The Court and consequently James Mill as an Assistant Examiner in the revenue department, had no hand even in this short and rather unimportant despatch, because it originated with the Board of Control. See above p.237.
3. 15.8.1832, P.P., 11, App.7; See also E.Stokes, The English Utilitarians and India, p.92.

pay accordingly, which would be best achieved by proceeding on a raiyatwari basis.[1]

The individual who introduced rent theory into land revenue administration undoubtedly was Holt Mackenzie. In his memorandum of 1819, we find evidence of rent law,[2] and so also in the Resolution of 1822 and Regulation VII,[3] which no doubt he drafted. In the evidence before the House of Commons committee also we find him developing its connection with land revenue. Holt Mackenzie's understanding of the rent theory and in grasping its relevance to India may have been the result of several factors. He was a student of Malthus, and may have read his tract on The Nature and Progress of Rent which appeared in 1815 and his Principles of Political Economy which appeared in 1820. Mackenzie may also have read Ricardo's Principles which was published in 1817. He may have read Mill's History too, which showed the connection of rent law with land revenue in India.[4]

Besides Holt Mackenzie, there were other individuals in the Bengal administration who understood the theory and advocated its application as a principle of taxation - for instance William Wilberforce Bird and Alexander Ross. Lord Bentinck even when its use in forming the assessment had failed insisted on using 'rent' in the technical sense, i.e.

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1. See Resolution of Govt., 1.8.1822, para.270, op.cit.
2. H.Mackenzie, memo. 1.7.1819, para.369n. and 636, Bg.R.C. 16.9.1820, 4.
3. See above, pp.250 and 265-8.
4. See vol.1, pp.324-7.

what remained after the wages of labour and the profits of stock had been substracted from the produce.[1]

Rent was considered to be the result of the pressure of population upon land which forced the community to undertake the cultivation of poorer soils. The richer soils in the varying degree of fertility would yield rent, while the marginal or poorer soil would only yield the cost of production and the profits of capital. Rent could be calculated by deducting the cost of production, and profits on stock from the produce. It was thus distinct from profits and wages. While Malthus saw no objection to the appropriation of rent by landowners, Ricardo considered it an evil and advocated its taxation. Since rent did not enter as an element in the cost of production, profits, wages and prices remained unaffected by it.[2]

James Mill had expounded the application of rent theory to the Indian revenue system in his History and in some of the revenue despatches to Bombay and Madras between 1822 and 1831 which were probably drafted by him.[3] But, it was only in 1831-32 before the House of Commons committee,

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1. Minute of W.W.Bird, 27.4.1832, paras. 22 and 21, Bg.R.C. 27.12.1832, 58; Minute of A.Ross, 27.7.1833, paras 11-12, Bg. R.C. 9.9.1833, 36; Minute of Bentinck, 26.9.1832, para.15, Bg.R.C. 27.12.1832, 79; Minute of Bentinck, 29.2.1832, para.13, Bentinck MSS. 2903.
2. T.R.Malthus, Principles of Political Economy, p.217; J.H. Hollander and Gregory (ed.), Ricardo, Notes on Malthus' 'Principles of Political Economy', pp.XXIII-IV.
3. See below, p.382.

that, he put forward the idea of the applicability of rent theory to India with great force and inexorable logic. This no doubt was the result of his experience in India House, and the distinction which he had gained there.[1] Here only a few of his suggestions should be repeated. He maintained, that rent was the ideal source of revenue which when kept within its bound would not discourage industry. The creation of rent-owners either in the form of Zamindars or raiyats was undesirable because they would consume rent, and prevent the accumulation of capital. The assessment was to be fixed directly on the raiyats, and to guard against the pressure of demand part of the rent was to be left to them. If intermediaries were to be maintained, which would be inevitable in zamindari areas, they should only be for collecting revenue, and should be remunerated from the government share of property.[2] James Mill was reconciling the advocacy of state land-lordism with the creation of limited property in the raiyats, and due incentive to agriculture. Appropriation of substantial portion of rent by government would amount to its ownership of land. On the other hand the surrender of a portion of rent to the raiyat,

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1. See E.Stokes, op.cit., Chap.2.
2. J.Mill, 'Observations on the Land Revenue of India', 15.8.1832, op.cit.; Evidence of J.Mill, 4.8.1831 and 19.8.1831, Q.3974-76, 3162, 3555 and 3556, P.P. 5, pp.372, 296 and 334-5.

and to see that the intermediary did not impinge upon the profit of raiyat would create limited property and encourage improvement of agriculture.

Holt Mackenzie as compared to James Mill's teaching, considered the state as a 'great rent-owner' and saw no harm in appropriating the whole rent, but he was prepared to leave private rent where the right to appropriate it existed.[1] He was closer to Malthus when he referred to the contribution of the British aristocracy specially in the political affairs of England; which he believed might be repeated in India by the Indian aristocracy. Besides, to him, '... existing rights are of course sacred things.'[2] The Bengal government while using the rent theory in thrashing out principles of assessment did not abolish private rent. It was only to be fixed and limited where resident raiyats existed.[3] It may also be interesting to point out, that Alexander Ross, W.W. Bird and Lord Bentinck though subscribers to rent theory, were advocates of valuable property by allowing private rent to the Zamindar. In their thinking neither the rent of raiyat was to be fixed, as Mackenzie and Bengal government had thought in 1822, nor part of rent was to be allowed to the raiyat as Mill had advocated.[4]

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1. Evidence of H. Mackenzie, P.P. 1831-2, 11, p.301.
2. H. Mackenzie, memo. 1.7.1819, para. 369 n. Op.cit.
3. See above, pp. 244-6 and 265.
4. See Chap. 5.

It has been shown above that rent theory was considered a good foundation of a reformed land revenue system. The Edinburgh Review, and what is more surprising John Stuart ~~and~~ Mill have gone so far as to state that Indian land revenue was actually based upon rent.[1] (J.S. Mill had rejected the applicability of rent theory to India in an earlier work).[2] The arguments in favour of the applicability of rent theory in Indian circumstances is however totally unacceptable, and the assessment was not actually based upon it.

The rent theory assumes the presence of a rental market, which implies agricultural production for market. It implies in other words, that the market determines the volume of production and the extent of land under cultivation. It is this circumstance which attracts (capital farmer) to agriculture. The capital employed by the farmer would be determined by the market conditions, his profit would be governed by the competition for capital. The surplus value of the produce after deducting the cost of production, and the profit of the farmer in all land except that of marginal fertility would be rent. The point to be noted here is, that rent from land in the true

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1. Article on 'The Revenue System of British India', Edinburgh Review, LXX (1839-40); (J.S.Mill), Memorandum of the Improvements in the Administration of India during the Last Thirty Years, pp.3, 20 and 21; E.Stokes, op.cit., pp.130-31 and 136-7.
2. See E.Stokes, op.cit., pp.135-7.

classical economic sense, would be formed within a capitalist economy with a large urban sector depending upon the agricultural sector for its food supply. Such was the case in England in the 19th century.

In the case of India to ascertain the formation of economic rent, we have to apply the test of capitalist farming, and the demand for agricultural produce. The organisation of agriculture in India primarily was to preserve self-supporting villages at a primitive level of existence, and to pay the fluctuating state demand. Farming was not capitalist, unless of course we include money-lending of the village mahajan or the takavi advance of government, as capital employed in agriculture. This would however amount to a misinterpretation of the term capitalist farming. The capitalist farmer primarily produced for profit and for a market by capital obtained at a reasonable rate of interest, determined by competition for capital, and by employing labour whose wages were paid according to market rates. He would normally not incur a loss by paying wages on the one hand and rent on the other. The borrowing of the raiyat from the mahajan,[1] or his receiving takavi from the state was not with a view to increasing his profit in response to a favourable market. It was used to facilitate

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1. For the dependence of raiyats and petty Zamindars on mahajan see below pp.276-7, 323 and 330-3 and minute of A.Ross, 27.7.1833, para.14, Bg.R.C.9.9.1833, 36.

the payment of revenue, and to maintain the subsistence level of return, by buying seeds or a pair of bullocks in case of emergency. Perhaps in exceptional cases it was used for digging wells or introducing superior crops like sugar-cane or cotton or indigo or tobacco. And in some cases it may have been used to meet social obligations. The rate of interest which the raiyat paid would go to show the drag of borrowed capital on agriculture and consequently on his profit, instead of a positive employment of capital for improving agriculture. There was no uniform money market for the country as a whole, which can be easily inferred from the varying rate of interest. The maximum legal rate of interest was 12 per cent. In actual practice in Calcutta it fluctuated between 5 and 12 per cent, in smaller towns it was 6 per cent. In the villages it was 24 per cent to which the money-lender added the special condition of buying the produce at his own terms.[1] The rate of interest at which the government advanced takavi was 12 per cent. The private rate of interest and the government rate in the villages was actually a monopoly rate, because apart from these two institutions no capital existed there. The nature of the money-lender's rate was usurious, and its burden on agriculture and agriculturists must be considered as terrible. Holt Mackenzie has rightly stated that the labour

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1. H. Mackenzie, memo. On Usury Laws, n.d., Bentinck MSS. 2729.

of the raiyat was supported on borrowed capital - 'the food he consumes being advanced to him at usury, the seed he sows is almost invariably so.'[1]

From the above it is clear that the relation of capital to agriculture in India was not of the same nature, as in England or in any other capitalist economy. In India no organised money market existed to enable capital easily to shift from sectors of abundance to those where it would be welcomed. Either the capitalists in the town did not grasp the significance of employing it for raising the level of production, growing marketable crops, and reaping the profit or the agriculturists were unaware of the availability of capital in the towns. This peculiarity only goes to confirm the primitive organisation and backwardness of the economy as a whole.[2] This brings us to the second criterion of economic rent, i.e. the demand for agricultural produce. On this important question we are still in the dark because the data relating to trading in agricultural produce have not been worked out. It is therefore difficult to determine the extent of the market, and what is more important, but still more difficult to assess, is the awareness and response of the agriculturists to market advantages.

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1. Ibid.
2. We can treat Indigo plantation as an exception, but it was exclusively an European enterprise. Here also the profit derived by Zamindars were wasted. However, from the viewpoint of the government, it facilitated the collection of land revenue. See below, pp.319 and 453.

We can however arrive at fairly accurate inferences by a consideration of well-known facts regarding the question of the demand for agricultural produce. The demand can be split into internal and foreign. The internal demand would depend upon the extent of urbanisation, but here also we encounter the difficulty of not knowing the ratio of urban to rural population. All that we can say is that the urban population in comparison to the rural, must have been very small, as no economic growth and structural change in the economy was taking place, and on the other hand the urban handicraft industries were on the decline. We can say that a limited internal market existed and we know that in commodities like indigo and cotton foreign market existed.

The important point to determine, which has already been stated is whether the agriculturist took into consideration the existence of an internal and external market. In general perhaps he was not aware of the market conditions and in all likelihood the money-lender, the trader[1] and the merchant[2] exploited the market to their own advantage. The raiyat would probably exchange only that portion of his produce which would cover his debts, interest and revenue commitment. The rest of the produce would be for home consumption; and with the pressure of population

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1. Trader = person engaged in the exchange of goods, either by barter or for cash.
2. Merchant = person engaged in wholesale transactions of goods, especially with foreign countries.

on land the raiyat would either have less for exchange or less for consumption. In certain cases we can concede an awareness of the market on the part of the agriculturist. For example the villages near towns must respond to market forces. In such villages the agriculturists most likely had an awareness of prices obtaining in the markets of the neighbouring towns, and the items of produce which could be sold there. Similarly the agriculturist who grew such crops as cotton, sugar-cane, vegetables, tobacco and high quality grains raised them primarily for markets. These crops required special preparation of soil and investment of money, and the object most certainly was profit. They could hardly be disposed of in the village itself. Their rents were invariably in cash partly because their value could be ascertained from the markets.

Thus it would be correct to state that the classical theory of rent in the context of Indian agriculture had no application. The two basic ingredients of rent formation as pointed out above did not exist in India in the same way as they existed in England. Capitalist farming was conspicuous by its absence, and although a limited demand for produce existed the agriculturist almost took no advantage from it. Further, we also note that revenue in India was not determined by calculating the profit of the raiyat and appropriating all the surplus, but by the exigencies of the State, increase in population, and if there were any

moderating factors these were of custom and the discretion of the ruler. Under rent theory a farmer would not allow rent to encroach upon his profit, whereas in India a raiyat would pay any amount above the subsistence level. As Edward Anderson Reade stated with reference to a pargana in Gorakhpur the return to the raiyat in exchange for the labour he bestowed upon agriculture was a living from hand to mouth.[1] It should also be pointed out that according to rent theory, rent did not affect price because it was not an element in the cost of production, but in India revenue affected price because it was actually a tax on the produce, and so it would be passed on to the consumers.[2]

With the rejection of the application of rent theory to India we also reject the notion that revenue was based upon rent. Among the Indian officials Metcalfe was the only one to ridicule the use of the term in the Indian context. He rightly stated that to call revenue part of rent was to mystify the whole question. Land revenue was a large portion of the gross produce. This would have been the reply of a raiyat if he was asked, not that revenue was part of rent or the zamindari receipt. It cannot be considered as part of rent because ten-elevenths of the gross collection was appropriated as revenue, and the gross collection was generally based upon the appropriation of one-half of the

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1. E.A.Reade, On Rights of Ryots, n.d., p.13, Eur.MSS.D.279.
2. Minute of J. Stuart, 18.12.1820, SRJ. 3, p.221; See below p.315ff.

gross produce.[1] It may be relevant to point out that the profit and allowance of the Zamindar was not part of rent but part of the gross revenue. It should therefore be appropriate to consider revenue as part of the gross produce, and as James Stuart has stated, as a tax upon produce.[2] But we cannot fully agree with James Stuart when he states that this tax upon produce fell not upon the cultivator, but upon the consumer. Theoretically speaking James Stuart was right, but the reality of Indian agriculture would suggest that the revenue fell upon the cultivator as well as the non-producing consumer. The raiyat cultivated small plots of land with crude tools, his produce would thus not be large, he was part consumer of his own produce, he had to pay revenue and meet the obligations of the mahajan. It would thus follow that he had little or no control over the disposal of his produce. He would not obtain a market price let alone his own price, because the pressure of his public, and private commitment would prevent him from withholding produce from exchange until a more favourable price was offered. The exchanger whether the mahajan or the Zamindar would benefit by passing on the burden of tax upon the urban consumer, and not the raiyat.

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1. Minute of C.T.Metcalfe, 31.10.1831, Bg.R.C.27.12.1832, 43.
2. Minute of J.Stuart, 18.12.1820, op.cit., p.221.

The continued use of the rent concept by Indian officials should thus be considered as a misconception.[1] At best its use can be considered as a fiction whose main purpose was to confine revenue within economic rent. Holt Mackenzie, James Mill, Alexander Ross and Lord William Bentinck no doubt wished to do so, but they were in error in equating gross revenue with economic rent.

If on theoretical considerations rent theory was not applicable to India, objections to it on practical grounds arising from peculiarities of ownership, and the dubiousness of the data required for its calculation were all the more strong. Even the notable advocates of rent doctrine like Holt Mackenzie, and James Mill have admitted the difficulty of determining the productive power and value of land in India.[2] Lord Auckland has gone further in stating precise arguments against the possibility of rent calculation. He has rightly explained the impossibility of estimating the rent receipts of land owners. Many were cultivating 'Proprietors' who confounded their profits as 'proprietors' with the wages of their labour. They paid their revenue by a rate on the land each cultivated without reference to its productiveness. In the second category we have the non-

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1. See J. Strachey, India, pp.75-7; Imperial Gazetteer of India, 4, p.234.
2. Evidence of H. Mackenzie, P.P. 1831-2, 11, p.301; J. Mill, 'Observations on the Land Revenue of India', 15.8.1832, P.P.,11, App.7; Evidence of J. Mill, 4.8.1831, Q.3162, P.P.,5, p.296.

cultivating 'proprietors' who received rent in kind, thus blending their profit as 'proprietors' with those of traders or speculators. In the above two cases all nice calculations of either the productive power of the land or the expenses of production would not or did not reveal the assets of the village. The case was simpler where the non-cultivating 'proprietors' with money rents existed or where revenue farmers existed. But here also estimates were exposed to error from deciet or fraud,[1] because, as the Sadr Board of Revenue pointed out, the real accounts of rents cannot be obtained from persons interested in withholding them. It is curious to find the revenue Board which had been using the term rent in its classical sense, categorically dismissing the possibility of the Collector calculating rent. Its argument was very simple. The Collector had no knowledge of the agricultural operation and therefore had no means of estimating rent. To Lord William Bentinck it wrote, a contrary assumption would be to '... presume that in support of which neither the actual results of experiment nor the fair deductions of reason can be assumed.'[2]

The importance of data in computing land assets requires no emphasis, and as the data were untrustworthy no

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1. Auckland to Court, 18.8.1838, 3, para.47 (Bg. R.L. Vol.29).
2. SBOR. on deputation to G.G., 25.5.1831, para.20, Bg. R.C. 27.12.1832, 33.

credit can be placed upon calculations carried on by Collectors. One of the Settlement Officers employed in revision work in Meerut spoke with diffidence of his estimate. He gave several reasons which can be considered as equally applicable to the other districts. The statements required from the Kanungo had not been previously required from him. As he was employed in the Tahsildar's office he had very little information to offer. The Patwari papers were equally unworthy of credit.[1] Henry St. George Tucker (a member of the Court of Directors) who had gone through some specimens of village statistics was categorically of the view that they were useless.[2] William Hay Macnaghten made a damaging comment when he stated, 'in fact the papers, though voluminous in the extreme, and exhibiting a superabundance of details, have little in them, but the appearance of reality, and seem generally speaking to be at best but compilations of error, from which no conclusion can be drawn, entitled to be considered in any degree just and satisfactory.'[3]

In order to calculate the net assets it was necessary to know the yield of the land, the money value of the yield, the cost of production and the determination of the profits

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1. Cited in H.Mackenzie, memo. on Revision of Settlements, 19.10.1826, SRRNWP. 2.
2. Dissent of H. St. Tucker, 25.5.1827, App. to Court Minutes, 4, pp.364-5.
3. Memo. on Settlement, unsigned, n.d., Bentinck MSS. 2650.

on stock. It was impossible to ascertain accurately the produce of grain in any one year or in a series of years. To fix a money value on the produce was also difficult. The determination of these two items was difficult because weights and measures showed a lack of uniformity even within a district, prices showed great fluctuations from year to year. Accuracy or even an approximation to it was utterly out of the question. The determination of the cost of production, and of the profit on the stock was equally impossible. This point was explained by Edward Reade. A raiyat's outlay on implements and bullocks, and the cost of depreciation of stock were subjects of speculation. He did not possess capital and anything approximating to it was to be considered in the nature of floating capital, i.e. his stock. The market value of his and his family's labour was an arduous task to calculate. As Edward Reade observed, 'the value of such labour if correctness be studied, must be computed in grain, money wages being unusual, and between the season of cultivation and the season of harvest, the price of the grain with which the labourers are paid often fluctuates very much: nor is the daily rate of allowance exempt from change.'[1] The calculation of the

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1. E.A.Reade, On Rights of Ryots, n.d., p.11, op.cit.; Reade was assistant to the Collector of Gorakhpur. Subsequently he rose to the position of the Senior member of the Sadr Board of Revenue, N.W.P.

profit on the stock was also a difficult matter. The items which could be fairly accurately ascertained were the rate of rent per bigah, the rate of interest for money borrowed to pay revenue, and interest on the grain borrowed for seed or consumption. But on the real matter of the value of the raiyat's tenure no precision and accuracy was possible.[1]

In spite of the difficulties detailed above in calculating the value of the land, the official effort to do so cannot be belittled, though its accuracy may be questionable. To determine the value of the produce, the official method took into consideration the quantity of the crop grown and its money value at market price. A miscellaneous item of value was the quantity of husk and its value remaining after the crop has been thrashed. For the calculation of cost of production the expenses of seed, ploughing and watering the field, and of cutting and harvesting the crop were taken into account. From the value of crop was deducted the cost of production, customary gifts to village servants, and rent for the field; and the remainder was the profit of the cultivator.[2]

Reverting to the principles of assessment under Regulation VII, we have to point out several defects. The 'synthetic' and 'positive' method of assessment though

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1. Ibid., pp.11 - 12.
2. See App. B.

disclaiming uniformity of principle, actually imposed a rigid form of assessment. Lord Bentinck on the strength of the opinion of Collectors has rejected the applicability of a uniform rule in India.[1] The difficulties in the way of such an application were aptly stated by William Fraser,[2] who wrote that 'the mode of using the land, the extent of capital, the application of labour amongst the different classes, are very different: how can it be calculated, and then formed into the shape of a general rule for the Western Provinces? What charges bring down gross to net rent for these different classes? Any fixed rule bearing upon people in such widely different predicaments, and of different nations and tribes, must inevitably be futile.'[3] The point which William Fraser made relates to the connection of caste and tribe with agriculture, which made breaches in the assessment principle of 1822, and which was not sufficiently considered at that time. Some Settlement Officers drew attention to caste and tribe considerations. An officer from Allahabad remarked, that supposing '... two villages have the same kind of soil, but in one the cultivators and chiefly koormees and kachees, in the other mostly Brahmins and Rajpoots. In this case the produce of

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1. Minute of Bentinck, 20.1.1832, para.27, SRRNWP. 2.
2. William Fraser was Commissioner of revenue and circuit Delhi territory, in whose jurisdiction part of Western Provinces was included.
3. Cited in Minute of Bentinck, 20.1.1832, para.57, Op.cit.

the first would exceed the produce of the latter by at least one-third; yet if the settlement was made on the classification of soil, both must be assessed at the same rate.'[1] On the same point another interesting illustration can be furnished from information provided by David Home, acting Collector of Farrakhabad. The land near the town of Farrakhabad would be willingly taken by a Kurmi at a high rate, and he would make a good profit by growing potatoes, while an Ahir or a Chamar who was no potato grower would refuse to rent the same land even at one-third of the rate paid by the Kurmi cultivator. Similarly, a Kurmi or a Kachi cultivator would prize land on the sites of old villages which was highly suitable for growing tobacco. A Rajput, on the other hand, would not even rent such land for he was no tobacco raiser.[2] Besides the peculiarities pointed out, we have the peculiarities of privileged rents for Brahmins, Rajputs and Syed cultivators.[3]

The framers of the scheme also showed a lack of awareness of two vital considerations affecting the assessment, the individual engager and agriculture alike. Supposing all difficulties in the way of computing assets were overcome, it remains to be asked how much residue was to be left with the 'proprietor'. It would actually be

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1. Ibid., para.53.
2. Ibid., para.52.
3. Ibid., para.51.

impossible to lay down a uniform standard, because the question would depend upon the individual circumstances of the Zamindar. Secondly, the assessment once fixed would be for a longer period and would have to square with future economic uncertainty. The conditions at the time of the settlement might differ from those obtaining later. A revision of the settlement was a revolution in the agricultural conditions of a village, because it resolved disputes and released new land for cultivation, while greater enthusiasm or exertion on the part of the producer would create a demand for additional labour. These multifarious factors would produce an expansion of agriculture, an increase in total output and a fall in agricultural prices. Or the prices of some commodities when compared with those at the time of the settlement may fall or in some cases increase. Thus no assessment could be formed on the basis of certainty.[1] And certainty in assessment was the aim of the 1822 arrangement.

It is ironical to notice the actual assessment formation under Regulation VII which in no way conformed with the principles propounded by government. The principles were mutilated. The assessments under it were guesses, and very bad ones. There is enough evidence to substantiate the

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1. Auckland to Court, 18.8.1838, 3, paras. 48-9.

statement made here. In Rohilkhand able officers had made settlements of many mahals which failed completely from the standpoint of assessment. The calculation of assets, as Lord Auckland stated was fictitious so as to deliberately bring out specious results. Rates applied to land cultivated by the 'proprietor' lacked factual basis, and so was the case in the valuation of rent paid in kind. On both heads the Settlement Officer used his judgement, whose sole basis was arbitrariness, i.e. no investigation and computation were conducted by him.[1]

The settlement formed by Robert Glyn in Meerut, who was a competent officer, bore no resemblance to the method sanctioned by government. The calculation of the gross estimate was arrived at by a rough accounting of the quantity and description of culturable land, and a comparison with the former assessed jama, rather than by a minute investigation of the various sources of rent. Having done this he distributed the demand on the village in a fictitious form, so as to make up an account the amount of which would agree with the demand.[2] Even the distorted observance of the principle of assessment was merely a form. As William Byam Martin wrote, '... the principal data of settlement appear to have been derived from a review of

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1. Ibid., paras. 52-3.
2. I.R.L., 6.7.1835, para.13; Bg. R.L., 7.7.1834, 8, para.139.

past payments compared with present circumstances, and from other obvious considerations of position, and facility in realizing the current revenue, aided by the reports of Tehsildars concerning the character and condition of the proprietor.'[1]

In the Agra division comprising the districts of Agra and Saidabad the productive power of the land was determined by a classification of soil and average produce, and in theory the assessment was supposed to be based on it.[2] In practice as the Collector of Agra has remarked, '... the plan generally pursued in the distribution on the lands of the sum which the village is conjecturally supposed capable of paying, and so to assess them as aggregately to yield such an amount.'[3] Or as the Collector of Saidabad observed, 'the real basis of ... all assessment is the acknowledged rent which the land can afford to pay, which its occupiers will willingly agree to, but beyond which they refuse to engage; and I believe it to be in vain that the attempt is made to check and amend this estimate or even to explain it by any statistical calculations.'[4] This observation

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1. W.B. Martin to Secy. to G.G., 25.5.1831, para.13, Bg.R.C. 27.12.1832, 36. W.B. Martin was Chief Commissioner of Delhi under whose jurisdiction part of Western Provinces came.
2. Reply of W.H.Tyler, 6.8.1831, to queries issued by SBOR. on 24.6.1831, Q.7, SRRNWP. 2.
3. Ibid., Q.14.
4. Reply of J.G.Deedes, 25.7.1831 to queries issued by SBOR. on 24.6.1831, Q.7, SRRNWP. 2.

shows that the principle was not only not applicable but it was also futile.

In two settlements in Gorakhpur we find the Collectors basing the assessment on rent actually paid by the raiyats. Edward Currie, who formed the settlement of Rajsattasi 'estate', stated that 'the rents actually paid by the cultivators for the different fields are what I have taken as the basis of the assessment, and it seems to me the only safe principle; for the ascertainment of the actual produce must be liable to very great uncertainties, and the productive power of the different classifications of the soil must vary much in the same class from contingencies of situation ....'[1] and facility of irrigation. In village Burleh (Saharanpur district) the assessment was founded not upon capabilities of land but on a division of the crop at a rate determined by the Collector on the average produce of different sorts of land, and its money valuation at the average price of the past ten years. The calculation of the village rental was not at all an accurate one as Holt Mackenzie has noted.[2]

Thus a heterogeneous practice was observed in forming

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1. Cited in Minute of Bentinck, 20.1.1832, para.50, SRRNWP.2; See also H.Mackenzie, memo. on Revision of Settlements, 191.10.1826, paras. 433 and 449, Ibid.
2. Ibid., paras. 27-9; The Collector had taken 2/5 for grain, 1/3 for cotton and $\frac{1}{4}$ for sugar cane, Ibid., para.29.

assessment under Regulation VII which has been graphically portrayed in a passage by William Fraser. The assessments, he wrote, '... seem to be made on different grounds, some by rates on produce, some on estimates of gross produce, taking a half or a third as the right of government, others on the classification of soils and rates applied, some on this year's produce, a great number on bargain ... not one that I have seen on a thorough based estimate of cost, produce, and profit, as the ground-work, and advertence to local free-will rent as the rule.'[1]

The wide gap between the theory and practice of assessment under Regulation VII did not arise from incompetence and therefore it was not a reflection upon the Collectors. The gap was a result of the basic flaws in the principles of assessment, which did not square with the reality and peculiarity of the situation in the Western Provinces.The same defectiveness in the nature of the principles of assessment can be seen in the Bombay-Deccan, where the most laborious calculations of Pringle proved unavailing in determining the net-rent. His assessments actually produced over-assessment and proved unrealisable.

The slow progress and poor results of the settlement under Regulation VII require explanation for which we have

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1. Cited in Minute of Bentinck, 20.1.1832, para.53, op.cit.

to consider several factors. The Court of Directors, Lord William Bentinck and Holt Mackenzie resorted to an extreme criticism of the revenue administration, which according to them was mainly responsible for the failure of the Regulation. The Court wrote to the Bengal government that the failure implied a '... reprehensible perverseness ...' on the part of the revenue officers because they did not work satisfactorily, and it was a reflection upon government also because it had the controlling power.[1] The absence of proper supervision by the revenue Boards, - the inexperience of officers in detailed settlement work, and the distance of the scene of action from Calcutta which made government control difficult were no doubt factors exposing defects in revenue organisation, as was pointed out by Lord William Bentinck and Holt Mackenzie.[2] The sarcasm of Holt Mackenzie and the criticisms of the Court and of Lord William Bentinck were arguments more in favour of reform rather than a cool analysis of the reasons for the failure of Regulation VII of 1822. The revenue administration must certainly bear some responsibility for what happened, but the blame cannot be exclusively placed upon it. In a minute written in 1835

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1. Bg. R.D., 15.2.1833, 2, para.5; I.R.D., 12.4.1837, 6, paras. 10-11.
2. Bentinck to R.Campbell, 11.5.1831, Bentinck MSS.2594; Minute of Bentinck, 19.3.1835, Board's Collection 63873; H. Mackenzie, Report on Revenue reorganisation, n.d., Bg. R.L., 10.12.1828, encl.2; H.Mackenzie, Note, 13.11.1828, paras. 6-7, Bg. R.L., 10.12.1828, encl. 8.

Bentinck had to admit the inadequacy of the numerical strength of the revenue officers to the task in hand, which could only have been carried out by multiplying the staff by at least five times the existing number.[1]

That the inefficiency of the revenue administration was not the basic factor in the failure of the settlement seems borne out by the fact that the reform of the revenue administration carried out in 1829 produced no immediate result, and would have proved unavailing had not the settlement mechanism been reshaped in 1833. We thus have to look into the arrangement of 1822 for the basic reasons of failure, to which the administrative weakness was only a contributory factor.

Holt Mackenzie and Charles Metcalfe asserted that the revenue officers were deterred more by imaginary than real difficulty in forming the settlement.[2] Despite the views of these two eminent administrators it must be stated that the assessment principle which constituted the core of the scheme was, as has already been shown impracticable. And many among the officials, as has been pointed out by Macnaghten held the view that the whole scheme though excellent in theory was impracticable.[3]

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1. Minute of Bentinck, 19.3.1835, Board's Collection 63873.
2. H. Mackenzie, Note, 13.11.1828, para.11, op.cit.; Minute of C.T.Metcalfe, n.d., Bg. R.C. 27.12.1832, 92.
3. Memo. on Settlements, unsigned, n.d., Bentinck MSS.2650.

In addition to being impracticable the framers of the plan ignored a vital consideration which rendered nugatory the basis of the scheme - the inquiry into the assets of the village. This could be obtained only by the cooperation of the people. Even in a backward and rural community which rural India was, the instinct of possession was very present, and people resented the exposure of their private means through an inquiry. To them its purpose must have appeared to be an increase in revenue collection. The inquiry therefore, as Tucker stated, excited great uneasiness among the people of the Western Provinces.[1] The key source of all information, the Patwari, was in an unenviable position. He was, as Auckland recorded, called upon to swear on the 'sacred emblems' of his religion the true assets of the village. The Patwari might well antagonise the Zamindar, whose servant he was, if he told the truth, and if the Collector suspected that he did not he faced the risk of prosecution for false statement. If the Zamindar was antagonised then the Patwari faced the unwelcome prospect of being murdered.[2] On the whole, then, the detailed inquiry was unpopular as William Bird aptly commented, '... it is notorious, notwithstanding the benefits with which it was expected to be attended, that a proclamation

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1. Dissent of H. St. G. Tucker, 25.5.1827, App. to Court Minutes, 4, p.263.
2. Auckland to Court, 18.8.1838, 3, para.45.

notifying the abandonment of the measure, would be hailed generally speaking with universal satisfaction.'[1]

The last important reason for the slow progress of the settlement once again underlined a lack of imagination on the part of government, in other words the provision allowing the engagers the option to relinquish their 'estates' if they wished. Curiously enough this good intentioned provision produced the greatest drag upon the progress of work under it. Innumerable 'estates' were resigned which consumed the energies of a limited European agency in managing or summarily resettling them, which would otherwise have been fruitfully employed in the regular settlement work.[2] Under the provisions of Regulation VII of 1822, Regulation IX of 1824 and Regulation II of 1826 engagements at the end of a five year period were resigned in Moradabad, Etawah, Meerut, Shahjehanpur, Aligarh, Saharanpur, Muzaffarnagar, Farrakhabad, Saheswan, Bareli[3] and Bundelkhand. The Bundelkhand region consisting of Banda and Kalpi districts saw very many of such resignations. In 1825-26, 631 mahals assessed with a jama of Rs.1,595,362, and in 1830-31, 934 mahals assessed at Rs.2,042,574 had to

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1. Minute of W.W.Bird, 27.4.1832, para.9, Bg.R.C. 27.12.1832, 58.
2. H. Mackenzie, memo. on Revision of Settlements, 19.10.1826, para.639n., SRRNWP. 2., Memo. on Settlements unsigned, n.d., op.cit., I.R.D., 12.4.1837, 6, para.12; Minute of W.W. Bird, 27.4.1832, paras. 4-8, Bg.R.C. 27.12.1832, 58.
3. See Bg. R.L., 16.8.1827, paras. 234-67.

be resettled by revenue officers in Bundelkhand, on account of the resignation of the revenue engagers.[1]

The story of Regulation VII of 1822 and what it aimed to realise would remain incomplete and one-sided, without a review of what happened under the temporary five-year settlements. Under the temporary settlements the subjects requiring notice are the attitude of government towards revenue engagers who resigned, or whose engagements were not accepted, the policy towards Talugdars, the question of lakhiraj tenures, and the very important and complex problem of revenue collection.

When the revenue engagers vested with 'proprietary' rights resigned the management of their land, or were excluded from management by government, then the question of paying them an allowance technically called malikana arose. The disposal of claims thus arising was to be governed by a flexible principle, so as to accommodate the various cases, and circumstances of individuals. Compensatory allowance was to vary from five to ten per cent on the jama. In practice we find malikana being invariably given, where exclusion arose from government action, and it was withheld when it was due to the recusancy of the engagers. In a case in Fatehpur, for instance, when the revenue of a village was farmed, the excluded

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1. See Bg. R.D., 24.4.1835, 3, paras. 24 and 26.

'proprietors' were paid at the full rate of ten per cent on the jama. In another case, a leading one, the Zamindar of pargana Bara in Allahabad who was excluded because of his incompetency, and the management taken over by the Collector, was at first allowed five per cent which was subsequently raised to ten per cent on the jama. While in a case of recusancy in Bundelkhand we notice that no malikana was allowed to the Zamindar.[1]

From the beginning of British rule the policy towards Taluqdars (who had generally held on an istmrari grant for life from the previous governments) was one of gradual reduction of their power, influence and wealth. The reasoning behind their reduction as well as the gradualness of this process was essentially political. To this we should also add a better appreciation of the rights of village Zamindars which had slowly begun to develop after 1807. By 1822 the village communities were considered to be the real owners of the land, while the Taluqdars were considered to have only revenue managerial rights. But in actual practice right up to 1833 no uniform practice of reducing or even eliminating the Taluqdars had been developed, and government was still groping for a formula of uniform

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1. Bg. R.L., 7.7.1829, 2, paras.181-3, 185 and 212; Ibid., 28.9.1830, paras. 143-6; For more details on Malikana question see Bg.R.C. 13.12.1827, 35-6; 25.5.1827, 203-05; 14.6.1827, 97-9; 16.8.1827, 77-9; 28.2.1828, 35-9.

application. The result was to allow the continuation of Taluqdars in a somewhat truncated form, and at an increased revenue at each new succession to the taluq. The chief difficulty lay in the absence of precise information on the part of government regarding the nature and origin of taluqdari tenure. The Taluqdars invariably set up extensive 'proprietary' claims in support of which they produced sanads and sale-deeds, and pointed out the force of prescription which undoubtedly was in their favour. Another difficulty was the ignorance of the village communities concerning their own rights, which arose from the fact of long and absolute subjection to the Taluqdars. The government considered the documentary evidence of the Taluqdars in support of their 'proprietary' rights as dubious, and argued that prescription alone was the strongest point in their favour, which entitled them to compensation when excluded from an engagement for revenue, and from 'proprietary' right.[1]

To substantiate what has been stated above, some illustrations of more or less peaceful dismemberment of taluqdaris which started around 1813, should be given here. Ram Dyal held an extensive taluq in Saharanpur at a fixed annual jama of Rs.111,597. On his death the taluq was settled for five years in 1813 at a jama of over five lakhs

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1. See Bg. R.D., 29.9.1824, paras. 84-90.

of rupees annually. A large number of village Zamindars were allowed to engage for the revenue. But in a subsequent resettlement the engagement from the entire taluq was taken from the late Raja's widow, because of the general poverty of the people, and the advantage of settling with individuals of resources. This latter arrangement was not supposed to affect the village rights in any way - the question of ownership being kept distinct from that of engagement.[1]

Another Istmrar, Ramdhun Singh also of Saharanpur had held land at a fixed jama of Rs.39,215 a year. The land had been in possession of the family since 1755. After Ramdhun's death, resettlement took place in 1815 and a considerable increase on the previous jama was obtained. A considerable portion of the villages were settled with the Raja's son, partly as 'proprietor' and partly as revenue farmer. The 'proprietary' right was put forward on the strength of sale-deeds from village Zamindars. As his claim to 'proprietary' right was not challenged by anyone, it was thought unobjectionable to make a temporary settlement with him. In the remainder portion of the villages settlements were made with village Zamindars as 'proprietors'.[2]

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1. Bg. R.D., (C & C.P.), 2.4.1817, paras. 24-5 and 28; I.R.L., 6.7.1835, 5, paras. 7-8; see further Bg. R.C. 18.7.1822, 32-4; 12.9.1822, 35; 13.2.1823, 55; 20.3.1823, 73; 12.6.1823, 40-41; 21.4.1834, 34-6.
2. See Bg. R.D. (C & C.P.), 1.8.1821, 2, paras. 58-61.

The talug of Hathrass in Aligarh which was in possession of Raja Daya Ram, a powerful jat chief became open for resettlement in 1817. Daya Ram's recalcitrance had led to a minor war resulting in his expulsion from British territory. The resettlement of Hathrass was partly formed with Mukaddams and partly with the Raja's family, while an increase in the jama of Rs. 2 lakhs was obtained. The forming of settlement partly with the family of a fallen Chief shows as much, a consideration of prescriptive right and liberality of government, as political expediency.[1]

Raja Nyne Singh was another extensive Istmrardar in Meerut, who held the tenure at a jama of Rs. 49,309. After his death only 35½ villages were settled with his son Natha Singh. Natha Singh however set up extensive 'proprietary' claims on the basis of sanads, and prosecuted the government in the Bareli court of appeal, whose decision went in his favour. In view of this decision government had to accept the family's 'proprietary' claim, but it was interpreted by it as the right to collect and manage the revenue alone. The government conceded to Natha Singh only an istmrari right to 35½ villages, together with five per cent compensation on the jama of villages from which he was excluded.[2]

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1. See Bg. R.D. (C & C.P.), 8.8.1821, 2, paras. 27-8.
2. See Bg, R.L. (C & C.P.), i.8.1822, 2, paras.85-95; Ibid., 16.8.1827, paras.277,270-72, and 275; For further details see, Bg. R.C. 28.8.1823, 43-9; 2.1.1824, 78-80 and 82; 30.4.1824, 95-7.

In the case of the Raja of Sheorajpur in Kanpur we find government setting him aside temporarily around 1821, and paid him one-eleventh of the mufassal jama as compensation. The Raja was excluded on public grounds. Though he claimed hereditary rights to the taluq, his claim was bitterly opposed by the village occupants, so much so that the Judge and Magistrate feared a breach of the peace, if the settlement was made with the Raja. The settlement was made with the village Zamindars and a full investigation into rights for arriving at a conclusive decision was ordered. But as late as 1827 no final orders on this case had been issued.[1]

Hira Singh an Istmrar of British creation in 1810, had held several taluqs in Saidabad at a jama of Rs.68,381. On his death the taluqs were open to resettlement. The local authority was opposed to a resettlement under Regulation VII of 1822, and considered his son Pitamber Singh, and Sumer Singh an inferior but joint beneficiary from the istmrari entitled to full consideration. Only the jama was recommended to be increased by Rs.29,378. As there was no likelihood of any party advancing 'proprietary' claims, because even the existence of such rights was doubtful, the settlement was made with those two individuals.[2]

1. See Bg. R.L., 16.8.1827, paras.282-3; Ibid., 1.8.1822, 2, para. 96; See also Bg. R.C. 25.9.1823, 15-23.
2. See Bg. R.L., 10.2.1834, 1, paras. 47-51; For further details see Bg.R.C. 27.1.1809, 17-20; 20.6.1810, 31; 12.6.1832, 40; 17.7.1832, 26; 22.1.1833, 23-7; 8.3.1833, 48-50.

The pargana of Mursan in Aligarh was the talugdari of Bhagwant Singh another powerful jat Chief who though related to Daya Ram had remained loyal to the British. On his death an engagement for the revenue was taken from his son Tikam Singh, and besides a 15 per cent talugdari allowance on the jama, considerable sir land was allowed revenue-free to the family. Two jagirs which had been granted to Bhagwant Singh for life by the British were however resumed. The engagement with Tikam Singh was not to bar the admission of private rights, which might be subsequently found to exist. The revenue payable by the village occupants was to be fixed by the Collector, and not the Raja, who was merely to collect it as Sadr Malguzar.[1]

The talug of Jharki in Saidabad district reveals the dilemma of practical policy towards Talugdars. This talug comprised forty villages and in a greater number of them no 'proprietary' right existed, while the right of the Talugdar to engage for the government revenue was fully recognised by the local authority. The assessment upon the villages was fixed on the same principle as in the case of Mursan pargana, i.e. it was the Collector who determined the amount paid by the Mukaddams of the different villages, and to be realised by the Talugdar as Sadr malguzar.

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1. See Bg. R.L., 16.8.1827, paras. 319-22; For further details see Bg. R.C. 13.11.1823, 51-3; 17.1.1824, 49-51; 17.9.1824, 37-9; 4.5.1830, 27-8; 29.3.1831, 31-2.

The case of Jharki taluq raised the question of deciding taluqdari rights in actual practice. The question which government asked itself was, if the 'proprietary' right of a Taluqdar was not established, and at the same time no opposing 'proprietary' right existed, then what course was to be adopted? As the problem involved developing an integrated practical policy towards Taluqdars of the province as a whole, it could not be disposed of on a consideration of an individual case alone.[1] It implied, as has already been stated, detailed and precise information which was possible only under a detailed settlement. As a detailed settlement under Regulation VII did not materialise, the practical policy towards Taluqdars had therefore to await the formation of a settlement under Regulation IX of 1833 which fructified by 1849.

It would also be interesting to examine the character and extent of landholding, which would give us some idea about the condition of the Zamindars. Such an examination for the province as a whole is however not possible. As an alternative we shall confine our analysis to two of the districts for which statistics are available, and which are reliable.

The districts of Allahabad had 15 parganas with a rukba of 3,299,481 bigahs and assessed with a revenue of

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1. See I.R.L., 6.7.1835, paras. 19-23 and 25; see also Bg. R.C. 21.1.1834, 13-5; 5.5.1834, 51-3.

Rs.1,870,750. The total number of villages in the district was 4,854 khalsa, and 239½ lakhiraj villages. The approximate number of Zamindars was 5,056 and the number of revenue engagers was 3,207,[1] which shows that every Zamindar was not an engager - a fact that would affect his condition to some extent. Among the largest zamindaris were Khyragarh and Bara which were individual pargana-zamindaris. The pargana of Khyragarh contained six talugs with a total of 811½ villages of which 62½ were lakhiraj. It belonged to Lall Rudin Pratap Singh,[2] whose family had held possession of the pargana for a few generations. Its assessment was Rs. 336,893 - 13 - 0. According to John Dunsmure, the Collector of Allahabad, the receipts of the Zamindar amounted to Rs.550,000, giving him a clear income of Rs.213,106 - 3 - 0 a year.[3]

The pargana of Bara contained 283 khas and 13 lakhiraj villages. Its jama was Rs. 105,101. In 1802 it was fraudulently acquired by the Raja of Benares, who was drawing an income of Rs.132,899 from the pargana in 1825. Under Regulation I of 1821 the Raja of Benares lost possession of the pargana, which was restored to Jagat Raj

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1. See statistics of Allahabad, 6.2.1828, annexed to Bg. R.L., 10.12.1828, App.E.
2. Only two 'estates' in the pargana were not in possession of Pratap Singh.
3. See J. Dunsmure to H. Mackenzie, 6.2.1828, annexed to Bg. R.L., 10.12.1828, App.E.

the rightful owner. Jagat Raj was adjudged incompetent to manage the pargana by government. Under the Court of Wards, the Collector raised the assessment to Rs.222,931, allowing the Zamindar an allowance of slightly over Rs.20,000 a year.[1]

The number of Zamindars in the rest of the parganas was very great. In Chail pargana for instance, there were 934 Zamindars of whom 575 engaged for a jama of Rs.173,688. In Kurrah pargana there were 656 Zamindars of whom 513 engaged for a jama of Rs.157,167. Half of the revenue of the district came from six out of the 15 parganas.[2]

It is very difficult to estimate the income of the Zamindars in Allahabad. If we had statements and returns on zamindari income and expenditure available we would be on surer grounds. Since such is not the case we have to resort to a less reliable method of computation. Two methods can be distinguished. If we take agricultural production and compute it in money in current prices, we have the total value of the produce. From this we deduct the amount left with the raiyat and the revenue paid to government. What remained after this was zamindari income. This simple method of computation is, however, impracticable because we are not in possession of production figures, the very basis of computation. We have to use, therefore, an alternative

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1. See Ibid.
2. See Statistics of Allahabad, 6.2.1828, Ibid.

method. Let us first take the total assessment and calculate 10 per cent of it as zamindari income, which was generally the rule of allowance practised by the government. The amount so derived should then be divided by the number of Zamindars which would thus yield the average per capita income of the Zamindars. The jama of Allahabad was Rs. 1,870,750. The equivalent of ten per cent would be Rs. 187,750 and its division by 5,056,[1] which was the number of Zamindars would yield the average per capita sum of slightly over Rs.37. This sum was then the average annual income of the Zamindars.

It should, however, be stated that we cannot categorically assert that the sum of Rs.37 can be accepted without qualification as the per capita zamindari income in Allahabad. We have no knowledge of the undisclosed income of the Zamindars, say from exactions from the raiyats, from land under cultivation which may have been concealed and not known to the Collector, from lakhiraj land and from land lately brought under cultivation but not yet assessed to pay revenue. The case of Khyragarh and Bara parganas confirms the argument that the Zamindar might be drawing an income much in excess of the sum legally allowed.[2] But we should also not make the mistake of generalising to

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1. See above, pp. 305-06.
2. See above, p. 305.

the effect that every Zamindar in Allahabad had a large undisclosed income. A large undisclosed income would be possible only in an extensive zamindari held by a single person or by very few. On the other hand we should also state that parganas having innumerable Zamindars would not only not have an undisclosed income, but might actually be unable to bear the jama. The competition to engage for the payment of revenue would step up the demand beyond the ability to pay. In the light of the argument presented here, though our estimate of Rs.37 is a rough one, it is the only one so far attempted. If we could have also calculated the per capita zamindari expenditure then we would have shown whether the Zamindar derived any profit from land or just made the two sides of the balance-sheet meet together, or actually incurred a loss. So far evidence on zamindari expenditure has not come to light, therefore we cannot answer the question of zamindari balance-sheet.

The district of Gorakhpur had 20 parganas with a rukba of 3,498,625 bigahs, comprising 13,569 villages of which 2,213 were lakhiraj. The jama of the district was Rs.810,603, the approximate number of Zamindars was 18,192 and the number of persons engaging for land revenue was 1,397.[1] Estimating the income of the Zamindar at ten per

1. See Statistics of Gorakhpur, 2.4.1828, annexed to Bg. R.L., 10.12.1828, App.G.

cent of the jama gives a figure of Rs.81,060 which when divided by the number of Zamindars yields a trivial per capita annual income of approximately Rs.4-8-0. The remarks made on the per capita zamindari income in Allahabad are also applicable to the case of Gorakhpur.

The slow progress of Regulation VII had also affected the investigation of lakhiraj tenure, which under the scheme was to be combined with the settlement of the malguzari land.[1] If the government had desired, it could have easily brought a large number of lakhiraj villages under assessment by summary resumption, because the lakhiraj tenure had generally remained unregistered, in violation of Regulations XXI and XXVI of 1803. Actually a proposal supported by the Board of Revenue, had originated from the Collector of Moradabad to attach and assess lakhiraj villages whose value amounted to 2 lakhs of rupees. The government advised moderation while admitting the legality of the attachment and assessment of unregistered lakhiraj villages. The government wanted the measure to be attempted experimentally on a small scale in a pargana. At the same time the holders of lakhiraj villages were to be shown proper consideration by giving them the opportunity to explain their failure to register, and in passing a decision attention was to be paid

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1. Resolution of Govt., 1.8.1822, para.318, Bg. R.C. 1.8.1822, 64.

to individual circumstances.[1] The extent of lakhiraj land for the province as a whole must have been very considerable, but reliable statistics are not available. In Allahabad, for instance, it was slightly over one-twentieth, and in Gorakhpur slightly over one-sixth of the total of the recorded number of villages.[2]

Before reviewing the process of revenue collection, we must first examine the attitude of government to long outstanding arrears of revenue and to sales of land on account of revenue default. The attitude of government in regard to those two matters was liberal, no doubt as the result of lessons learnt from the past. The retention of revenue arrears in accounts in the hope of realising them in future, howsoever desirable from the point of view of government, had always presented a peculiar problem. Whatever may be the reasons of revenue deficiency, it burdened the revenue payer beyond his ability to pay and reacted upon the current collections, and which were made difficult to realise, thereby perpetuating arrears of

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1. Bg. R.L. (C & C.P.), 28.9.1830, paras. 184-5.
2. See Statistics of Allahabad, 6.2.1828, and Statistics of Gorakhpur, 2.4.1828, op.cit.; For details on lakhiraj land in the Province see correspondence between government and the revenue Boards, Bg. R.C. 7.8.1823, 27-31; 16.10.1823, 25; 31.10.1823, 59-93; 7.5.1824, 73,76,79; 6.7.1824, 42; 30.7.1824, 50; 6.8.1824, 41-4; 21.8.1828, 39-40; 28.8.1828, 32; 23.10.1828, 18.

revenue. The government was fully aware of the problem which was faced boldly and judiciously by relinquishing arrears of revenue from time to time. Between 1822 and 1833, we therefore find government relinquishing arrears of revenue amounting to Rs.2,702,561, for the province as a whole. A part of the arrears so relinquished had accumulated since 1812, but a sizeable part had originated after 1822. And Bundelkhand was the region which accounted for well over one-third of the relinquished sum.[1]

The public sale of land was the lever to prevent arrears of revenue and its realisation when it actually occurred. In practice however, abundant evidence had been furnished of its ineffectiveness. On the one hand the low price of land and the absence of a proper land market made impossible the realisation of arrears of revenue. On the other hand it affected the guilty and the innocent in the same degree in joint villages, and it also produced a fraudulent acquisition of land in the past. Besides, it was not at all clear, as Holt Mackenzie stated, either to the revenue or judicial officers or even to the government itself what was actually sold in a public sale.[2] On the same subject the Bengal government observed, 'no one can say precisely

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1. See Bg. R.L., 16.8.1827, paras. 282-3; Ibid., 20.10.1824, paras. 117, 129-30, 135, 137-8, 149, 151, 155-6, 159 and 161. From the figure given above some minor and fractional amounts have been omitted.
2. H. Mackenzie, Note, n.d., Bg. R.L., 10.12.1828, encl.9.

what has been sold. On the one side the great body of land owners have to urge that a just Government can never have designed to deprive thousands of their hereditary property, because the heavens denied their rain; or to subject them to a cruel confiscation because some of their body were improvident. On the other hand the purchasers allege that an honest Government cannot have exposed to sale what it did not intend they should.'[1]

In the Official Circles and in the Court of Directors there was a considerable feeling that injury to the co-sharing body from public sales should be prevented, especially in a temporary settled area. The Court of Directors had two objections to public sales - that they affected parties other than the actual defaulters, and that in the past they had been resorted to without adequate justification, If these two objections were sufficiently met then it was not opposed to public sales.[2] Meanwhile the Bengal government as a result of pressure exerted by the Home Government had prohibited local authorities from resorting to public sale without its confirmation. The government was willing to give permission when it was distinctly shown that the arrear had resulted from fraud, embezzlement and contumacy on the part of the Zamindars.[3] In actual practice another

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1. Resolution of Govt., n.d., Bg. R.L., 10.12.1828, encl.10.
2. Bg. R.D. (C & C.P.), 1.6.1832, 18, para.27.
3. Bg. R.L., 16.8.1827, paras. 172, 175-6.

condition had become necessary - that is, to resort to sale when there was no way of realising the revenue. This was the case in Bundelkhand in 1831 and 1833, but peculiarly enough the government itself was the largest buyer. In the former year the government bought 29 'estates' and in the latter year a substantial portion of the 65 'estates' which were put up for sale. The intention behind government buying was to resettle the village communities who had given way to the auction-purchaser in previous sales or to private purchasers, through private sales. Most of the 'estates' that were put up to auction were bought for Rs.5 apiece, while a few fetched a price around Rs.1,000 in Bundelkhand. In other parts of the province we have evidence of a very few public sales. It therefore must be said that the public sale of land was generally kept in abeyance for the province as a whole between 1822 and 1833.[1]

Now turning to the very important question of revenue collection, we notice that the assessment of the revenue from 1822-23 onwards was more or less constant at slightly over 36 million rupees annually. The annual deficiencies varied between 1.75 m. and 4.12 m. rupees, the lowest deficiency was in 1827-28 and the highest was in 1829-30. The annual collection of land revenue within the year varied

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1. See Bg. R.L. (C & C.P.), 7.7.1829, 2, paras. 159 and 161; Ibid., 26.6.1832, 2, para.3; Ibid., 20.10.1834, 11, paras. 25-49.

between 31.8 m. rupees and 34.8 m. rupees. The annual deficiency was however more or less counterbalanced by the collection of past arrears. Such annual collection of arrears was between 1.19 m. and 3.27 m. rupees. In view of this, the actual collection of revenue averaged slightly over 35 m. rupees annually. This therefore narrowed the gap between assessment and collection to within one million rupees annually.[1]

The large arrears of current revenue would still however require explanation. For this we have to take several factors into consideration which are essentially of an economic character. The prevailing price level, the pressure of the assessment on the land (over-assessment in some cases and under-assessment in others), the volume of currency in circulation, and the stimulation or depression of agriculture, have a direct bearing on the collection of land revenue. The price level itself is determined by the state of production, and by such factors as the volume of trade and commerce, the value of currency, and an incidental factor like a war near a particular region. If the assessment is fixed in relation to prices then, any alteration in price would either make the assessment

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1. The source of the above analysis is the Statement of Revenue prepared by H.St. G. Tucker, enclosed in his Dissent of 27.12.1832, App. to Court Minutes, 5, p.292.

unbearable or very easy to realise.[1] If other things being equal, the revenue was still unrealisable, then it would suggest a case of over-assessment, which over a period of years would adversely affect the productive powers of the land.

The price level during the years 1822-33, according to several contemporary official observers, was declining in comparison to the one obtaining around 1820. The value of precious metals had increased: this was indicative of a shortage of currency and depressed commercial activity.[2] If we examine the returns from the customs and town duties then the case of depression becomes very clear, because these returns depend upon the volume of trade and commerce. In 1822-23, for instance, the receipts from that source stood at 2.23 m. rupees which declined to 1.57 m. in 1826-27, and rose only to 1.78 m. rupees in 1829-30.[3]

The foregoing analysis of the problems of revenue collection can be illustrated by some case studies. The case studies relate to the districts of Bareli, Farrakhabad,

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1. W.C.Neale has argued in the context of the agrarian distress in U.P. around 1930, that if the revenue was fixed at the time of high prices then a fall in prices would make the level of revenue high. The long term assessment according to him was not fixed at the time of high prices. The distress during the great depression in the U.P. originated from the nature of the agricultural economy; Economic Change in Rural India, p.162 ff.
2. See below pp. 318 ff.
3. H. St. G. Tucker, Statement of Revenue, op.cit.

Kanpur and Bundelkhand. Three of them have been selected mainly because numerous resignations of revenue engagements occurred there, in spite of the fact that the jama was not increased after 1822. Elsewhere in the province the cases of resignation were few. Thus an analysis of the reasons behind resignations and resettlement of 'estates' would throw light on the question of revenue collection. The fourth case, that of Kanpur has been selected for two reasons. The district was threatened with agricultural crisis and the revenue collection was jeopardised. Drought had succeeded depression of trade but ultimately the revenue collection was unaffected. Secondly, Edward Anderson Reade, the Collector of Kanpur, has furnished important and authentic information on revenue collection and trade and commerce of the district. A consideration of the case studies would also reveal a general law of revenue collection, and also show the effect of over-assessment on the condition of the people and the agriculture of a region.

In the Bareli district a group of 112 'estates' had paid a jama of Rs. 88,443 from 1812 to 1826. These 'estates' had to be resettled in 1828-29 because they could no longer bear the same jama. The new jama was Rs. 65,053, a reduction of nearly 25 per cent of the former jama. The reasons for this sharp decline were several. Agricultural production over a period of time had been adversely affected because of

the prevalence of batai rent and insalubrious climate. The original rate of assessment was admitted to be high, while no attention had been paid to soil and climate factors in the past settlements. The situation was further aggravated by a fall in prices around 1826 which was succeeded by two bad seasons.[1] Similarly, in the tarai parganas of Rudrapur and Gadrapur, and in the taluq of Kilpuri in Bareli district successive five year settlements, each one at a reduced jama than the previous settlement failed completely. The settlement of all the three units had to be made with Raja Goman Singh at exceptionally favourable terms which were out of character with the general policy. The main reasons had been the insalubrious climate of the tarai which reduced population by the spread of disease and the encroachment of the jungle on land, which when combined with the general poverty of the people made even a light assessment unbearable.[2]

In the district of Farrakhabad 17 'estates' whose former jama was Rs. 29,865 had to be resettled. The revision

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1. See Bg. R.L., 7.7.1834, 8, paras. 97 and 101; Ibid., 28.9.1830, paras. 31 and 34. Batai = division of crop between Zamindar and cultivator. It was injurious because until the Zamindar was ready for division the crops would not be cut or it could not be removed from threshing floor until division took place. Meanwhile the crop was exposed to damage from weather factor or pilfering. The cultivator suffered under it and if the Zamindar chose, he could ruin him for a few years by delaying the division and thereby damaging the crop.
2. See I.R.L., 6.7.1835, paras. 60 and 63-5.

produced a great decrease in the jama which was in many cases as much as three-quarters (reduction) of the former assessment. These mahals were nearly in a state of decay which was brought about by various factors. The rate of assessment in the first place was high. This was combined with the adverse results of the encroachment of the river Ganges and the cessation of Indigo cultivation as a result of depression.[1]

On the problem of the revenue collection of Kanpur district we are on firm ground. On the basis of a Report by Reade, the revenue collection of Kanpur falls into two distinct phases. The period 1818-25 was a favourable one for easy collection of revenue. But during the years 1825-33 the favourable circumstances gradually receded, thereby creating some difficulty in revenue collection. The agricultural economy of Kanpur and especially its revenue collection to a large extent depended upon the trade in Indigo, cotton and grain. Between 1818-25 on account of these three items of commerce the circumstances were highly favourable. On account of Indigo alone money amounting to Rs. 3 m. had poured into the district. For raw cotton the price was high, and the district had received Rs. 200,000 as advance from the commercial resident of Kalpi. The price of grain too was high. After 1825 these factors changed, and the Collector

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1. Ibid., See paras. 28-9.

was apprehensive about revenue collection especially as a drought occurred in 1833.[1] He recommended a remission of Rs. 400,000 which however proved unnecessary and his apprehension groundless because grain scarcity led to high prices which facilitated revenue collection in 1834.[2]

The Bundelkhand region consisting of Banda and Kalpi districts offers an excellent, and very important testing ground for an analysis of the problem of revenue collection. Since 1820-21 the region was presenting a grave problem of management to revenue authorities. In that year 657 'estates' bearing a jama of Rs. 1,581,608 had resigned engagements. In 1825-26 and in 1830-31 also numerous resignations took place - 631 'estates' assessed with a jama of Rs. 1,595,362 in the former years, and 934 'estates' with a jama of Rs. 2,042,574 in the latter year.[3] The numerous resignations not only

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1. E.A.Reade, My Public Report on the Cawnpore district, 28.10.1833, pp.53-61, Eur. MSS. D.279; The price of raw cotton over a series of years shows considerable fluctuation. Before 1812-13 it varied between Rs. 8 and Rs. 13-5-0 per maund. (Maund being pukka = 40 seers). Its average price between 1812-13 and 1817-18 was Rs.14-8-0 a md., between 1818-19 and 1821-22 Rs. 16-2-0 a md., between 1822-23 and 1827-28 Rs. 16-12-0 a md., between 1828-29 and 1831-32 Rs. 10-6-0 a md., and in 1833 it was between Rs. 12 and Rs. 13 a md. The price of foodgrain in the month of Jyte probably in 1825 was Barley 30 seers, wheat 25 seers and grain 32 seers per rupee; for the same month in 1833 and for the same items it was 37, 32 and 38 seers per rupee respectively. Ibid., pp.55-60.
2. See E.A.Reade, Report on the Cawnpore district for 1833-34, 20.11.1834, pp.27-44, Eur.MSS. D. 279.
3. See Bg. R.D., 24.4.1835, 3, paras. 20,24 and 26.

created a problem of resettlement but actually produced large arrears of revenue, compelling government to grant remissions, as well as to reduce assessment. Between 1820-21 and 1829-30 a total of Rs. 1,184,902 was the outstanding arrear of revenue. By 1829-30 deficiencies of revenue amounting to Rs.818,168 was relinquished by government.[1] The jama meanwhile at the expiry of each five year settlement went on declining, and so did the current collection of revenue. In 1820-21, 1825-26 and 1830-31 the jama stood at Rs.3,773,844, Rs.3,624,935 and Rs.3,092,212 respectively. The current collection of revenue on account of those years was respectively, Rs.3,460,746, Rs.3,263,646, and Rs.1,989,392. In the years of resettlement in 1821-22, 1826-27 and 1831-32 the jama was Rs.3,533,814, Rs.3,459,683, and Rs.2,955,095 respectively.[2] The current collection of revenue for the years was respectively, Rs.3,284,996, Rs.3,187,805, and Rs.1,888,109.

It is needless to emphasize the gravity of the situation in Bundelkhand from the standpoint of revenue collection. Nor is it surprising that the situation received the special attention of the Bengal government, of the Governor-General who was on a tour (between 1830 and 1833)

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1. See Bg. R.L., 26.6.1832, paras. 4 and 6; Ibid., 25.6.1833, para.7.
2. See Revenue figures for Bundelkhand 1804-5 to 1831-2, enclosed in R.D., 24.4.1835, 3, App.1.

of the Western Provinces,of the local authorities, and above all of the Court who showed grave concern over the entire matter. The questions to ask regarding the crisis in Bundelkhand are whether it was the result of over-assessment pure and simple, or whether over-assessment was only apparent and behind it lay hidden certain economic and other factors, which made the pressure of assessment upon the people an intolerable one.

In the official correspondence there was a controversy over the numerous resignations and heavy arrears of revenue. The Sadr Board of Revenue on deputation headed by William Fane, (a Bengal civilian who had earlier served as principal Collector of Bundelkhand), in its various letters, reports, and minutes on the question to the Bengal government offered an explanation of the situation in Bundelkhand.[1] The general trend of the Board's argument was to deny the prevalence of over-assessment. It stated that if certain circumstances had not existed the country would have been fit to pay the full assessment. The Board emphasized the restraint on public sale and the administrative reorganisation of 1829 which relaxed the control of the centre upon the local authority, thereby making the revenue collection

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1. Of 30.10.1829, 24.4.1830, 16.10.1832, 23.10.1832 and 30.10.1832, cited in Bg. R.D., 24.4.1835, 3; See also Bg. R.C. 18.12.1832, 41 and 48; 5.2.1833, 34-5; 18.11.1829, 28-31.

inefficient. In 1829 the provisions of Regulation I of 1821 were extended to Bundelkhand which unsettled the minds of auction-purchasers, because the legality of their title would be investigated on complaints made by the former Zamindars. The Zamindars in general had a tendency to encourage the decline of cultivation towards the end of a settlement in order to obtain a reduction of the jama in a new settlement. The vagaries of the weather, the peculiarities of bhaiyachara tenure which caused friction among co-sharers, the fall in agricultural prices, and the increase in the value of the currency made even a reasonable assessment intolerable. The settlement of 1815-16 to 1819-20 which was formed by E.Scott Waring had considerably increased the revenue whose pressure on land was aggravated by weather, tenure and price factors. The result of Waring's assessment was to destroy the key to revenue collection - the village mahajan. Where the village community was in a prosperous state the mahajan was established. It was he who turned to profit the surplus produce, and from that profit he aided the raiyats in cash or grain. The mahajan created and controlled the credit of the village economy, and enabled the cultivators to pay revenue even in a bad season. A cultivator left to himself would not accumulate to meet a contingency and would thereby exhaust his stock. The mahajan was destroyed because the pressure of assessment prevented

recovery of his advances.[1]

The non-economic aspects of the Board's explanation of the situation in Bundelkhand should be rejected. The reorganisation of the revenue administration took place in 1829 while the problem of revenue collection had been worsening since 1820-21. Besides the intention behind the reorganisation of 1829 was to make the revenue administration efficient[2] and at the time the Board was writing it was too early to assess its result. It is also extremely doubtful in view of the numerous resignations of revenue engagement in successive settlements, whether the full application of the sale laws would have been effective. A land market was hardly in existence, the price of land was low, and in many instances where land was exposed to sale, government had to buy it, only to restore its ownership to the community.[3] The extension of Regulation I of 1821 to Bundelkhand and its effect on revenue collection does not make any sense at all. Under it, only fraudulent acquisitions of land were to be investigated and such cases must have been very few in Bundelkhand. The working of that Regulation in Kanpur and Allahabad where a number of fraudulent titles were set aside

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1. Bg. R.D., 24.4.1835, 3, paras, 35,37,48,50 and 31; Bg. R.L., 25.6.1833, para.8.
2. See Bg. R.L., 10.12.1828, paras. 1,3 and 11; Resolution of Govt., n.d., Ibid., encl.10.
3. See above, pp. 312-4.

had in no way affected revenue collection. Similarly, the argument that the Zamindars encouraged the decline of cultivation in the last year of a settlement is an obscure one in support of which no evidence has been adduced. If a decline in cultivation was an easy way of obtaining a reduction of the jama, why should innumerable Zamindars resign their engagements, and see their 'estates' being managed khas or handed over to the revenue farmers? In fact economic reasons combined with such factors as the peculiarity of the tenure and the uncertainty of the weather were not sufficiently emphasized by the Board as responsible for the crisis of Bundelkhand. These would require a little more consideration.

A consideration of the evidence related to revenue collection reveals a general law working behind it. In the working of that law price played a very dominant role. If the assessment is high, as Henry St. George Tucker pointed out,[1] it would raise the price especially of the valuable produce. If the price is high, demand would reduce which would create a slump in agricultural activity. On the other hand in a good season there would be over-production, and since the cultivator did not stock-pile his produce and rushed to sell it, prices would come down. Another factor

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1. Dissent of H. St. G. Tucker, 27.12.1832, App. to Court minutes, 5, pp.271-4.

which causes the price to fluctuate is the volume of precious metal in circulation. During the period under review there is enough indication of a shortage of currency which was causing the fall in prices. A fall in prices or a fall in produce would leave a fluctuating income to the producer while the jama remained constant. In other words, in this circumstance, as Robert Merttins Bird pointed out, the jama would be heavier, and it would absorb a greater proportion of the produce than at a time when the prices were high and the jama was increased.[1]

The trouble in Bundelkhand was rooted in the first five year settlement of 1815-16 to 1819-20 formed by Scott Waring. The annual average jama of this settlement exceeded the average of the preceding three year settlement by over Rs.800,000. Waring has not left proper information on his assessment, which he defended on vague assertions of expanded cultivation. His method of forming the settlement was highly questionable because he exposed the Zamindars to an open auction-assessment in which numerous 'estates' were leased to the revenue farmers. Thus the jama to a large extent was determined by speculation.[2] Another exceedingly important factor during this settlement was the prevalence

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1. Minute of R.M. Bird, 16.10.1832, cited in Bg.R.D., 24.4.1835, 3, para.51.
2. See Bg. R.L. (C & C.P.), 20.7.1830, paras, 11-12; Bg.R.D., 24.4.1835, 3, para.27; See also Bg. R.C. 25.7.1817, 35-9.

of high prices and an extensive trade in raw cotton, the staple produce of Bundelkhand. The high price of grain was due to the Maratha war which created a large demand for supplies - so much so, that a bounty was paid by government on the export of grain. The exhausted condition of the neighbouring Indian states offered no competition, silver was in abundant supply, and trade was active.[1] Thus the circumstances were favourable and the highly increased assessment was nearly collected. After 1820 the favourable circumstances began to alter. The large armies which were in motion in Northern India were withdrawn. The suppression of the predatory hordes like the Pindaris led to the extension of cultivation, thus narrowing and depressing the grain market. The increase in the value of silver lowered the price of cotton which in 1832 was selling 30 per cent below the price prevailing around 1820, and was at its lowest since the acquisition of Bundelkhand in 1803. Under this changed condition the jama generally became heavy, and where it might have been encroaching upon the private resources of individuals in Waring's settlement, it now became impossible to realise.[2]

The high assessment of Waring, the fall in prices

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1. Minute of R.M. Bird, 16.10.1832, op.cit., para.51; H. Mackenzie, memo. 1.7.1819, para.139, Bg.R.C. 16.9.1820, 4.
2. Ibid.; H.S. Boulderson to A. Campbell, Bentinck MSS.2650.

combined with peculiarities of tenure and uncertainty of weather led to tremendous hardship among the people and a severe strain upon agriculture.[1] All these factors found expression in resignations from revenue engagements, large unreliable arrears of revenue and a declining jama. Bentinck was convinced of the hardships of the people and to bolster up their morale he ordered the local authorities to announce that takavi would be granted.[2] In 1830 the Court was blaming the Zamindars for the crisis in Bundelkhand, but in 1832 and more fully in 1835 after consideration of local reports it fully acknowledged the high pressure of jama and recommended its liberal reduction.[3]

Holt Mackenzie and Montagu Ainslie (Commissioner of Northern Bundelkhand) have left graphic accounts of the state of the region resulting from the continuous pressure of the assessment. Mackenzie wrote in a note prepared in

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1. For the evils of bhaiyachara tenure and the vagaries of weather, see Bg.R.D.(C & C.P.), 8.8.1821, 2, paras.12-13; Ibid., 29.9.1824, para.70; H. Mackenzie, memo. 1.7.1819, para.134, op.cit., Bg.R.L., 16.8.1827, para.51; In India the margin between subsistence and starvation was generally a thin one. A drought therefore exposed the weakness of the Indian economic structure and imposed a tremendous strain on people. For instance in the drought of 1833 in Kanpur cattle were sold or slaughtered, and children were either sold or abandoned. See E.A.Reade, Report on the Cawnpore district for 1833-34, 20.11.1834, p. 36, Eur. MSS. D.279.
2. Bg. R.L., 23.8.1831, 7, paras. 83-6; Bg. R.C. 23.3.1831, 21.
3. Bg. R.D. (W.P.), 22.12.1830, 7, para. 3; Ibid., 21.11.1832, 7, para.7.

1828 after passing through Bundelkhand, 'there is I fear indisputably much of misery and mismanagement. The empty and roofless houses or filthy rubbish that fill up a considerable space of once populous townships, the beggarly appearance of numbers, the untidy habitations of all, the scantiness of stock, the waste and unweeded fields, the imperfect tillage, are all I fear, so unequivocal proofs of national decay ....'[1] Ainslie in a letter of 2 April 1830 wrote to Sadr Board on deputation, 'of upwards of one hundred villages which I have visited during the past month, I can only specify four that appeared in a flourishing condition; whole quarters I found deserted and unroofed, and the contrast between those which have an appearance of improvement and those reduced to the state I have mentioned was too striking to escape observation.'[2] He has further observed that, 'mud walls are succeeding to burnt brick houses ... there is not throughout the parts of the district which I have traversed in all directions, a landed proprietor possessed of the means of even repairing his dilapidated property.'[3]

Ainslie while countering the view of the Sadr Board on the pressure of the assessment, movingly portrayed the plight of the people. In the letter already cited he asked,

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1. Cited in Bg. R.D., 24.4.1835, 3,para. 27.
2. Ibid., para.28.
3. Ibid.

'have the respectable inhabitants of this district naturally a disposition to grovel in the dust by fifties and hundreds at the feet of the European officer, to line the road with their bodies to prevent him from passing, to seize the bridle of his horse, and to entreat him to see and judge of their condition by visiting their villages and traversing their estates, acknowledging abundance of land, but pleading paucity of hands and means to cultivate it, and urging him to ascertain by personal examination, by the height of the jungle, the quantities of grass, the dilapidated state of villages, and the extent of their engagements with the Muheyzans, [sic] whether they are, or are not in a condition requiring indulgence ....'[1]

The long-term effect of Waring's settlement was not only on agriculture and Zamindars, but it also affected the professional revenue farmers and the money-lenders. In that context Holt Mackenzie wrote, that, 'By this system it seems to be certain that in some pergunnahs and in several villages, in all, the people were impoverished, and their stock swept into the exchequer, and that the persons from whom they would have expected pecuniary aid have shared their fate. The farmers may not personally deserve pity, but their ruin has in effect operated like a confiscation, and the sum of national wealth has been proportionally

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1. Ibid.

decreased.'[1] Waring's settlement functioned easily as long as prices were high and money could be borrowed. With deflating prices money-lenders could not indefinitely advance large sums. Many of the money-lenders with whom Ainslie had spoken explained they had lost enormous sums of money they had advanced, because the property of debtors was not worth having. The civil courts showed very few claims filed by the creditors, and in those where decrees were awarded in their favour, execution yielded only a small proportion of their dues.[2]

We have so far noticed the high pressure of the jama, which constitutes one aspect of the problem of revenue collection. There is another aspect of the question requiring brief consideration - the case of under-assessment. It is difficult to say for the province as a whole, to what extent under-assessment prevailed. Yet we can generalise that in every district there must have been 'estates' where the jama was low in comparison to their resources. We have already seen that in the parganas of Khyragarh and Bara in the district of Allahabad the profits of the Zamindars were excessive.[3] In several other parganas of that district a considerable disproportion between resources and jama is known to have existed.[4] The district of Gorakhpur was

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1. Ibid., para. 27.
2. Ibid., para.28.
3. See above, pp. 306.
4. J.Dunsmure to H.Mackenzie, 6.2.1828, annexed to Bg. R.L., 10.12.1828, App.E.

generally under-assessed. According to the Collector the Zamindars admitted the extreme lightness of the jama, and expressed surprise at its not being increased, as a result of which the government was losing between two and three lakhs of rupees annually.[1] In the parganas whose revenue was collected directly by the Collector's office the jama was Rs. 222,000 which could have been easily raised by another Rs. 50,000. The pargana of Gujpur paid a jama of Rs. 27,867 while its resources were estimated at Rs.80,000. The 'estate' of Rajsattasi was another case in point whose mufassal collection was Rs.76,000 while the jama was merely Rs.31,000.[2]

That the jama in the districts of Allahabad and Gorakhpur was extremely light seems probable in view of the fact that between 1822 and 1828 the total arrears of revenue in the former amounted to Rs.5,409 (the jama in 1828 was Rs.1,870,750), and in the latter to Rs.42,982 (the jama in 1828 was Rs.810,603); while in neither of these districts was a single 'estate' sold for default of revenue.[3] Besides, for the province as a whole considerable arrears of revenue accumulated of which Bundelkhand alone had been responsible

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1. J.Armstrong to H. Mackenzie, 2.4.1828, Bg.R.L., 10.12.1828, App.G.
2. H. Mackenzie, Note, 13.11.1828, para.3, Bg. R.L. 10.12.1828, encl. 8; J. Armstrong to H.Mackenzie, 2.4.1828, Bg.R.L. 10.12.1828, App.G.
3. Statistics of Allahabad, 6.2.1828, Ibid., App.E; J. Dunsmure to H.Mackenzie, 6.2.1828, Ibid., Statistics of Gorakhpur, 2.4.1828, Ibid., App.G.

for one-third of it.

The reasons behind under-assessment are very easy to explain. Since 1822 the general ruling had been not to alter the existing assessment unless settlement under Regulation VII had been completed. In the meantime since 1801 waste land, and large jungle tracts had come under cultivation, which either paid only a nominal assessment or remained excluded from the Collector's account because no detailed investigation had taken place. The lakhiraj land must also have increased in value while no revenue was yielded by it. And in some instances where the Indian revenue servants were also landowners, they had deliberately depressed the accounts.[1]

The few illustrations given above relating to over-assessment and under-assessment by no means exhaust the list of cases, but they fully bring out the reasons behind them. It also emerges from these case studies that the assessment was unequal, that its principle and practice were defective, and that it was, as Baden-Powell has remarked, too rigid.[2] The inequality of assessment was harmful to the interests of agriculture, producers and the government alike. The government was conscious of this fact which ultimately led to an improvement in the calculation of assessment in

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1. See J. Armstrong to H. Mackenzie, 2.4.1828, Ibid., App.G.
2. B. H. Baden-Powell, op.cit., 2, p.14.

1833 and thereafter. There certainly existed over-assessment in various parts of the province, which was as has been shown above, exacerbated by a variety of situations like climate, weather, tenure and economic factors.

To conclude briefly, neither Regulation VII of 1822, nor the five year settlements during the period under review met with any success. The Regulation in question however, remains a landmark in land revenue policy. The defects in the formulation of the policy of 1822 and its impracticability, together with the weaknesses of the resulting settlements led to a better understanding which culminated in the rethinking of policy in 1833.

Chapter V

Revision of Policy

The slow progress of Regulation VII of 1822, the distortion of its intent and purpose in its implementation, and the failure of temporary settlements, had combined to create an administrative problem of great magnitude. The crawling pace of the settlement affected the interests of the government and the agricultural classes alike - the interests which it was the professed object of the settlement to secure.

There were three alternative ways of resolving the situation. The proceedings under Regulation VII could be somehow expedited, or a summary revision of the assessment for a longer term could be made to facilitate detailed work, or the principles of settlement under Regulation VII could be altered in such a way as to create conditions for accelerating the progress. The first alternative was unacceptable because it had been proved its own impracticability. The second - that of an intermediate settlement - was actually under the active consideration of government for some time. Under it the assessment was to be fixed for a period of 15 to 20 years on general considerations but the survey, the ascertainment of resources, the investigation and recording of rights, were to go on, so that after the termination of the intermediate settlement,

a detailed one could be made.[1] This was Lord William Bentinck's proposal. He expected that it would encourage agricultural improvements and reassure the Zamindars,[2] perturbed by summary assessments and detailed scrutinies since 1822. However, his plan did not gain wide support from the revenue officers, nor did the Sadr Board of Revenue on deputation show any enthusiasm for it.[3] Even those who supported it, such as the Chief Commissioner of Delhi, and the Commissioner of Meerut, were actually recommending modifications in the existing modes of settlement under the 1822 dispensation.[4] Bentinck accepted the inutility of his proposal in view of two considerations. If Regulation VII could be modified to increase the speed of settlement, then there was no need for an intermediate settlement.[5] He also accepted the disadvantage of loss of revenue under intermediate settlements because much land lay concealed and unassessed.[6]

The attention of the administration was therefore directed towards the modification of the 1822 scheme (because the settlements under it had failed), which originated with the Sadr Board of Revenue, consisting of William Fane and

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1. G.G. to SBOR. on deputation 7.4.1831, paras. 7-8, SRRNWP. 2.
2. Ibid., para.89.
3. SBOR. on deputation to W.H. Macnaghten, 22.7.1831, para. 17, Bg. R.C. 27.12.1832, 41.
4. See G.G. to SBOR. on deputation 7.4.1831, para.44, SRRNWP. 2.
5. Minute of Bentinck, 20.1.1832, para.46, Ibid.
6. See G.G. to SBOR. on deputation 7.4.1831, para.45, Ibid.

Richard Milbank Tilghman. For the revised settlement plan which emerged in 1833 the greatest credit is due to Lord Bentinck. He was on tour of the Western Provinces since 1830, and remained there until the early part of 1833. The chief object was to end an unsatisfactory state of affairs. He was regularly in consultation with the Sadr Board of revenue on deputation which was specifically sent to attend on the Governor-General in solving the problems of land revenue settlement of the region. Lord Bentinck also discussed problems with Collectors and Commissioners of revenue. His revenue minutes and letters - especially those of 7 April 1831, 20 January 1832, and 26 September 1832 - show a keen understanding of the problem and a firm, clear, and practical approach to it. His minute of 26 September 1832 was the basis of the revised scheme which was discussed at a revenue conference in Allahabad between 21 and 23 January 1833. After that, Regulation IX of 1833 modifying certain provisions of Regulation VII of 1822 was enacted.

The revision of the policy which was under discussion between the years 1830 and 1833 embraced the familiar subjects of 'proprietary' and cultivating rights, the principle of assessment, the 'quantum of residue' to be allowed to the 'proprietors', the duration and procedure of settlement making. The views ultimately adopted on the question of 'proprietary' and cultivating rights had a

crucial bearing on the making of detailed settlement.

Since the year 1810, as a result of pressure exercised by the Home government, which was itself influenced by raiyatwari ideas, there had emerged a cautious approach to 'proprietary' right. Its recognition was no longer to be based on a supposition that this or that person was a 'proprietor', but every claim was to be examined and even where no claim was preferred, the fact of 'proprietary' right was still to be investigated. There had, in fact, existed a bias and even contempt against persons whom the British had acknowledged as Zamindars and 'proprietors' in the early years of British administration, or against those who, under the legal framework of the British, had bought 'estates' at public or private sales.[1] Charles Metcalfe expressively called them the 'overgrown creatures' of the Regulations.[2]

The great effort made under Holt Mackenzie to investigate the nature of landholding, and to recognise rights in land accordingly, had not only proved unavailing, but had also failed. William Fane and Richard Tilghman therefore set out to show systematically and in a simple way the basic nature of landholding in the Western Provinces. According to them, consistent with the government policy,

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1. See Chaps. 3 and 4.
2. Minute of C.T.Metcalfe, 31.10.1831, Bg.R.C. 27.12.1832, 43.

only two types of 'proprietary' rights existed - zamindari and pattidari. In the zamindari village, there could be one or more 'proprietors', the land was not shared but held jointly and the right extended over the entire village. The 'proprietary' interest was expressed in fractions of a rupee. In the pattidari villages the co-sharers each held a distinct portion of land, and the 'proprietary' interest was measured in fractions of a bigah.[1] The settlements had been made with these two categories of 'proprietors'. Their 'proprietary' profit consisted of the difference between the rent received and the revenue paid by them. They had the power to enforce payment from the raiyat by summary process, and in some cases even to determine the amount of rent he had to pay. When they did not engage for the payment of revenue, then in acknowledgement of their 'proprietary' right malikana was paid to them.[2] The waste land in both cases, belonged to the 'proprietors'.[3]

The Sadr Board deduced from its views of the 'proprietary' tenure, the inapplicability of the raiyatwari form of settlement which the Home government had been recommending from time to time.[4] The two essential features

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1. SBOR. to G.G. 25.5.1831, paras. 6-7, Bg.R.C. 27.12.1832, 33.
2. SBOR. Cited in Minute of Bentinck, 20.1.1832, para.17, SRRNWP.2.
3. Ibid., para.23.
4. SBOR. to G.G. 3.9.1830, SRRNWP. 2, pp.205-6; SBOR to G.G. 7.12.1830, paras.3-5, SRRNWP. 2.

raiyatwari were settlement with the actual occupant of the soil, and individual field assessment. The field assessment was actually introduced by Holt Mackenzie, and it occupied a very prominent place in the 1822 settlement scheme. Since 'proprietary' rights independent of occupancy of land existed in the Western Provinces, the Board considered the raiyatwari model as irrelevant to the situation there. The Board, it should be noted, was actually claiming for the 'proprietors' a complete freedom of organising their internal affairs, because that was the right connotation of the term 'proprietor', and government had recognised the position of the proprietors' provided that they paid their revenue and protected their raiyats so far as the government wished. This was a whig notion of 'property' introduced by Lord Cornwallis, with a mixture of physiocratic ideas and Adam Smithsian economic theories. Both Fane and Tilghman had had their training in Bengal and were great admirers of Cornwallis and the permanent settlement.[1]

The view of the Board on landholding provoked Charles Metcalfe into writing several fiercely challenging, brilliant, and majestic minutes. He loosely agreed with the Board that only zamindari, and pattidari rights existed.[2] The term zamindari was a composite one which included single

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1. SBOR to G.G. 25.5.1831, para.24, Bg.R.C. 27.12.1832, 33.
2. Minute of C.T.Metcalfe, 31.10.1831, Bg.R.C.27.12.1832, 43.

Zamindars and village Zamindars or the co-sharing joint 'proprietary' body. Metcalfe's complaint was that the rights of the community were not sufficiently recognised, and many individuals who were mere headmen of their villages, or who bought land at public sales which were erroneously put up to sale, or whom the British mistakenly recognised as Zamindars, were not the 'proprietors' of the land.[1] The difference in tenure between Madras and the Western Provinces which the Board saw was, according to Metcalfe, due to British legislation. He wished to see the end of 'fictitious' 'proprietors' created through legislation.[2] Metcalfe also considered the use of the term 'proprietor', and the meaning it conveyed as misleading and detrimental to the interest both of the village community and of the government.[3] The true Indian revenue system throughout India outside the permanently settled area, was the same. Rights in land were those of possession and use subject to payment of revenue. The admission of intermediaries to collect the government's share of the produce, did not vest in them 'proprietary' rights and they did not receive rent but collected revenue.[4] He therefore rejected the

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1. Ibid., Minute of C.T.Metcalfe, 29.6.1832, Bg.R.C. 27.12.1832, 66; Minute 3.2.1831, SRRNWP. 2, pp.230-01.
2. Minute of C.T.Metcalfe, 3.2.1831, Ibid., pp.229-30 and 233.
3. Ibid., p.234.
4. Minute of C.T.Metcalfe, 7.11.1830, Ibid., pp.210-15; Minute 3.2.1831, Ibid., p.233; Minute 31.10.1831, op.cit.

Board's explanation of 'proprietary' profit as the difference between rent and revenue, on the ground that it was an undue sacrifice of revenue and a departure from the revenue system of India.[1] If any 'proprietary' right existed at all, it was vested in the village Zamindars, and the co-sharing body, and there were no 'proprietary' interests in land unconnected with the cultivating interests.[2] 'All else' Metcalfe wrote in his minute, 'is of our own invention, to no good purpose, neither ~~with~~ well defined nor well understood, but tending to confusion and injustice, the injury of the government, and the injury of the real land-owners.'[3] The Indian revenue system, as Metcalfe understood it, and the heart of which was the village community, was not only to be preserved but also to be restored where regulation 'proprietors' had obtained possession, and it was in no case to be subverted until something better was substituted.[4] His admiration of the village communities was so great and genuine that he considered them to be indestructible, graphically described them as 'little republics' and dreaded 'everything that has a tendency to break them up.'[5]

Between the view expressed by the Board, and Metcalfe's conception of tenure there existed a wide

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1. Minute of C.T.Metcalfe, 7.11.1830, SRRNWP. 2, 214-15; Minute 3.2.1831, Ibid., p.233.
2. Minute of C.T.Metcalfe, 3.2.1831, Ibid., pp.230 and 234.
3. Ibid., p.234.
4. Minute of C.T.Metcalfe, 7.11.1830, Ibid., p.215.
5. Ibid., pp.218-19.

difference. One was a straightforward exposition of the tenure as it existed then, and in accordance with the enactments of the government. The other, expressed in flights of rhetoric and romanticism, had very little relevance to reality. Metcalfe's understanding of Indian tenure was far from correct,[1] and it offered no solution to the immediate problem on the hands of government. His adoration and advocacy for the preservation and restoration of the village community, the backwater of civilisation, was actually reactionary. The acceptance of his proposal would have led to the repeal of all proclamations and Regulations since 1801.

The Board's definition, however, had not covered the _taluqdari_ tenure or villages where no claim to 'proprietary' right was put forward and only _raiyats_ existed. Lord Bentinck fully acknowledged the right of _Taluqdars_ to be 'proprietary' where it could be proved, and to entail merely the collection of revenue where it was not proved.[2] In his view attention to the rights of _Taluqdars_ was as necessary as to those of the cultivating classes.[3] As to the _zamindari_ and _pattidari_ rights, and the Regulations concerning them ~~and~~ he fully agreed with the

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1. See Chap. 3 for a discussion of 'proprietary' rights.
2. Minute of Bentinck, 26.9.1832, para.31, Bg.R.C. 27.12.1832, 79.
3. _Ibid._, para.32.

views of the Board of Revenue.[1] As the bulk of 'proprietary' right was in the hands of the village communities, the settlement was generally to be made with them. Where the Taluqdars did not establish their claim to 'proprietary' rights, then a mufassal settlement was to be made with the communities, and the former were to receive an allowance of a percentage of the revenue. In large zamindari 'estates' held by an individual or a family, the 'proprietary' right of the Zamindar was to be recognised, subject to the occupancy right of the cultivators. Lord Bentinck fully accepted the intention contained in the preamble to Regulation VII to protect and acknowledge the variety of 'proprietary' rights.[2] The preamble declared that it was the aim of the government to protect the rights of those, 'owning, occupying, managing, or cultivating the land, or gathering, or disposing of its produce, or collecting, or appropriating the rent or revenue payable on account of land, or paying or receiving any cesses, contribution, or perquisites, or holding a part of any village or mehal.'

It should be noted that Lord Bentinck who laid down the broad lines of recognising 'proprietory' rights supported the Board's views, and ignored those of Metcalfe.

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1. Minute of Bentinck, 20.1.1832, para.4, SRRNWP.2; Minute of Bentinck 26.9.1832, para.17, Bg.R.C. 27.12.1832, 79.
2. Minute of Bentinck, 26.9.1832, paras. 20-21, 31 and 16, Ibid.

The Home government, on the other hand, had held views similar to those of Metcalfe for a long time and fully supported him.[1] Its despatch of 15 February 1833 containing its exhortations on 'proprietary' rights, reached Calcutta after Bentinck had finalised the new arrangements. Even if it had arrived earlier, it is highly doubtful whether Bentinck would have shifted his position on the 'proprietary question.

On another great question with far-reaching consequences on agrarian relations and agricultural development, a decision consistent with the existence of 'proprietary' rights in the Zamindars, was taken. Bentinck in consultation with the Sadr Board, and several other revenue officers, decided not to fix the rents of all resident raiyats, but only of those who had paid the same rent continuously for twelve years.[2] For ordinary raiyats resident in the village, only a kismwar[3] jamabandi was to be maintained, and at one stage both Bentinck and Sadr Board were prepared to give them the option of paying in kind, as a way of protecting them from the exactions of Zamindars.[4] On reflection, Bentinck decided against

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1. Bg. R.D. 15.2.1833, 2, para.17.
2. Minute of Bentinck, 20.1.1832, para.72, SRRNWP.2; C. Macsween to J.G.Deedes, 8.3.1833, para.2; Bg.R.C. 8.3.1833, 64.
3. Kismwar = according to the soil classification.
4. Minute of Bentinck, 20.1.1832, para.74, SRRNWP. 2; Minute of Bentinck, 29.2.1832, para.16, Bentinck MSS. 2903; SBOR. to G.G. 25.5.1831, para.23, Bg.R.C. 27.12.1832, 33.

pursuing the point seriously, because it was likely to produce loss of revenue.[1] However, he was in favour of recording the shares of produce between Zamindars and raiyats.[2] The Sadr Board had categorically stated the absence of any right in the raiyats to have their rents fixed.[3] Bentinck, on the other hand, was in support of fixing the rent but only where such a right existed.[4] About the time the decision was taken for the Western Provinces, it was decided for Bengal also. In Bengal, as a result of Henry Colebrooke's initiative, the question of fixing the rent of khudkasht raiyats had been under discussion since 1812. The Home government had extended full support for the raiyats, and the Bengal government saw no objection to this in 1822. The fixing of raiyats'rent had the approval of such celebrities in official circles as Cornwallis, and Shore. The question was on what criterion it was to be done? The rates of 1793-94 had not remained stationary. It was only natural that the question lay dormant until John Herbert Harington revived it in 1827.[5] Due to the inefficiency of

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1. Minute of Bentinck, 26.9.1832, para.69, Bg.R.C. 27.12. 1832, 79.
2. Minute of Bentinck, 20.1.1832, para.74, SRRNWP. 2.
3. SBOR. to G.G. 25.5.1831, paras. 23-4, Bg.R.C. 27.12.1832, 33.
4. Minute of Bentinck, 26.9.1832, para.66, Bg.R.C. 27.12.1832, 79.
5. See Minute of J.H.Harington, 3.7.1827, Bg.R.C. 11.10.1827, 10; For drafts of Regulation prepared by Harington see Bg.R.C. 11.10.1827, 11-12.

the secretariat, a decision was taken only in September 1832.[1] It was, that to fix the rent of the raiyats was as 'absurd as to fix the price of food or the wages of labour in perpetuity.'[2] There was a good deal of common reasoning in the decisions. And it should be noted that the decision of 1832 especially for the Western Provinces, was a radical modification since the days of Holt Mackenzie, and it was in violation of the instructions of the Court of Directors.[3] Was there any justification in this?

Robert Merttins Bird had arrived in Bengal in 1808 as a writer, and served in various subordinate capacities in the judicial branch of the administration. His first independent and permanent charge came in 1820, when he was appointed as judge and magistrate of Gorakhpur. Previous to this, he had seen service in Calcutta, Benares, and Jaunpur. In 1829 came a change in his career which has left its imprint on the revenue history of the North-Western Provinces. He was appointed Commissioner of Revenue and Circuit of Gorakhpur division. In 1831 he was promoted to

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1. Minute of Bentinck, 29.9.1832, Bg.R.C. 29.1.1833, 3.
2. Ibid.; Blunt and Metcalfe fully supported Bentinck. See Minutes of W.Blunt and C.T.Metcalfe, 17.11.1832 and 25.1.1833 respectively, Bg.R.C. 29.1.1833, 24-5.
3. In 1822 fixing rent of resident raiyats was an important plank of the settlement scheme. See above, pp.244-5. Court had zealously championed protecting raiyats since 1810. See above pp. 148 ff. and 213 and See below, p.354 n.3. Bentinck himself had assured the Court of full protection of raiyats in 1831. See Bentinck to Court, 15.9.1831, paras. 7-8, (Bg.R.L.20).

be an officiating member of the Sadr Board of Revenue on deputation, he reverted to the post of Commissioner of Farrakhabad division in 1832, and rejoined the Board in 1834.[1]

In 1832 before Bentinck had completed the policy-making document of 26 September 1832, Bird made a powerful and impassioned plea for the fixing of the rents of all resident raiyats. According to him, resident raiyats had the right to fixed rents. To him, it was 'proved' that such a right existed. The basis of fixed rents was of an uninterrupted usage, and from ancient times, the sovereign had the duty to fix the portion of the produce to be paid by them. The British had also recognised this, and there was no incompatibility between 'proprietary' rights, and the fixing of rents. In the Regulations, there was a co-existence of the two interests.[2] The condition of the raiyats was not what it ought to be '... under a Christian or civilised government....'[3] Bird therefore proposed that the rent of all resident raiyats should be fixed for the term of the settlement.[4] It should be noted that he was stating all resident raiyats, that is, he was not drawing a distinction between a days residence, and that of several

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1. See Personal Records, 20, pp.57-58.
2. Minute of R.M.Bird, n.d., paras. 9,12, and 38-42, Bg. R.C. 27.12.1832, 84; Minute of R.M.Bird, 22.9.1832, Ibid.,89.
3. Minute of R.M.Bird, 22.9.1832, Ibid
4. Minute of R.M.Bird, n.d., paras. 11,36 and 47, Ibid.,84.

years. (When criticised by Holt Mackenzie at an earlier stage, he clarified his suggestion. There were many villages in the region, which had been newly colonised, while there were others which had been depopulated, but had come to life again. In these two categories of villages, the present raiyats were the original ones, and therefore should be treated on a par with the hereditary raiyats in the older villages. His modified proposal stood thus: that no right to fixed rents was to be conceded where it did not belong, that is, he would include raiyats in new villages, and in older ones, those who had permanent rights in the villages to the benefit of fixed rents).[1]

Bird strengthened his proposal by advancing economic arguments. Not to fix rents was potentially unsound from the agricultural and fiscal standpoints. Once the settlement was concluded, the Zamindar was sure to double the rents of the cultivators, producing a deterioration of the land, and consequently a failure in the payments of rents and revenue. On the contrary, he pointed out the preponderating advantages of fixing rents. The fixation of rents, he conceived, would act as a great incentive to cultivators, who would bring about agricultural improvements, and strengthen the source

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1. H. Mackenzie's remarks on Bird's memo. on settlements and Bird's reply, n.d. (both in the same document), Bentinck MSS. 2650; It is curious what Bird admitted to Mackenzie privately, was not included in his official minutes.

of land revenue. Many substantial raiyats had told Bird that they refrained from laying out capital in the sinking of masonry walls, improving land, and raising valuable products from fear of the Zamindar demanding an immediate increase of rent.[1]

Bird also showed the way in which rent could be fixed. There was no rule either in law or in 'prescription'. The only principle seems to have been the arbitrary will of the monarch. If there was any guide, it was in batai lands, but batai, Bird detested. It was injurious and crude.[2] He therefore looked to money rents which prevailed in every part of the province. These should be ascertained, and combined with the information from other mouzahs, and from summary suits of rent, in constructing accurate records of rent rates.[3] And in villages where the cultivators were 'proprietors' as well, there was no need to ascertain rents. Only revenue rates were to be recorded for these villages.[4]

In his insistence that raiyats had a right to have their rents fixed, was Bird generalising from limited experience? Or was he carried away by sentiment and the desire to do good? Bird was personally against generalisation and was critical of this fault in Holt Mackenzie. He wrote about his own approach in a memorandum: 'I prefer the

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1. Minute of R.M.Bird, n.d., paras. 23-4 and 33, Bg.R.C. 27.12.1832, 84.
2. Ibid., paras. 14-17 and 28.
3. Ibid., paras. 18 and 20-21.
4. Ibid., para.52.

synthetical philosophy & wish to have each fact fixed before I found a principle upon it.'[1] But he admitted that in future in the course of extended operations, he might also tend to generalise. The answer then lies in his personal make up. First, he genuinely believed that the raiyats had rights which would not trench upon the vested interests of the Zamindars, so long as they were assured of the 'accident of the management'. Secondly, he did not consider the interests of Zamindars, Rajas, and Taluqdars, to have arisen from land. 'I am entirely satisfied', he stated, 'after every investigation & enquiry I can make, that there was under the former Government no agricultural class between Government & the Cultivators ... all else were Government officers, or Government assignees'.[2] Thirdly, Bird considered the Zamindars as a 'host of unproductives',[3] wasting their resources on marriages and extravagant habits.[4] He further wrote about them: 'None of the jemindars [sic] being anything better than annuitants of the worst kind, unproductive themselves and wasting all their means on the unproductive'.[5] Fourthly, Bird believed in raiyatwari principles, but somewhat differed from Munro in the details of operation, though he agreed with what had

1. H. Mackenzie's remarks on Bird's memo. on settlements and Bird's reply, n.d., Bentinck MSS. 2650.
2. R.M.Bird, Further thoughts respecting settlements, n.d., Bentinck MSS.2650; the phrase 'accident of the management', is attributed by Bird to Holt Mackenzie, Ibid.
3. Minute of R.M.Bird, n.d., para.12, Bg.R.C. 27.12.1832,84.
4. R.M.Bird, memo. respecting settlements, n.d., Bentinck MSS. 2650.
5. Ibid.

been arranged in 1822.[1] None of his suggestions and criticisms of Zamindars were new. They had all been expressed many times over. But in official circles around 1832, he must have appeared as a radical. He wrote of himself: 'I believe my zeal on this point [the fixing of rents and of a field assessment] brought me under some suspicions of a desire to pirate the invention but it was nothing but a desire for the welfare of the people which led me to press it on various occasions. I thought it conducive & the "greatest happiness principle"'.[2] Bird's views consequently made no impression on the official policy towards the raiyats in the new arrangements. Of all persons even Metcalfe had to differ from him. In 1832, Bird stood alone in advocating that the rents of raiyats should be fixed.[3]

William Fane, Bird's colleague in 1832, had arrived in Calcutta in 1805. He served as an assistant at the Board of Revenue, next as acting Collector of Jessore, then in the customs department, and in 1819 was appointed Collector of Tirhut. His first contact with the Western Provinces came in 1824 when he was appointed Principal Collector of Bundelkhand, the first and last experiment in

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1. Ibid.
2. H. Mackenzie's remarks on Bird's memo. on settlements and Bird's reply, n.d., Bentinck MSS. 2650.
3. E. Stokes seems mistaken in stating that Bird with the support of the Home Authorities established the rights of raiyats to fixed rents. See The English Utilitarians and India, p.121.

those regions on the Madras model. After that came his appointment as Commissioner of Revenue and Circuit in the Sarun division. And in 1830 came the peak of his career, when he led a branch of the Sadr Board of Revenue on deputation to the Western Provinces to assist Bentinck in settling the vexed revenue problems.[1] Thus his name, like that of Bird - less famous than the latter, but no less entitled to fame - is linked with the Western Provinces.

Fane's arguments were in antithesis to those of Bird. He absolutely denied the right of the raiyats to fixed rents, except of course, for maurusi, who were cultivating 'proprietors'.[2] Fane produced a lengthy argument to the effect that the fixing of rent was neither legal, nor desirable, nor practicable.[3] Unless the Civil Courts acknowledged the rent fixed by government, it was useless. Rents in India had always been liable to adjustment annually or at intervals.[4] It would alter the very foundations of the agrarian relationship, and the system that emerged, '... would be a sort of half measure between ryotwar and mouzahwar settlement.'[5] Tension would also be created between the revenue officers and the Zamindars. One trying to enforce the rule, the other trying to evade it. Finally.

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1. Personal Record, 16, pp.1005-023.
2. Minute of W. Fane, 12.1.1833, paras.2-3, SRRNWP. 2.
3. Minute of W.Fane, 4.9.1832, paras.3-5, Bg.R.C. 27.12. 1832, 88.
4. Ibid., para.3.
5. Ibid., para.4.

it was practically impossible to fix rents without a loss of revenue, without considerable expenditure, and without an enormous waste of time.[1]

The leading question is what actual rights the raiyats had. The historian must ask whether Bird or Fane was right, whether the earlier position taken up by the Bengal government,[2] was justified, whether the insistence of the Court upon protecting the raiyats from 1810 to as late as 1837 was based on a mere supposition;[3] and whether the decision taken by Bentinck was based upon a correct appreciation of the raiyats' rights. How could the administration have arrived at the truth, and how can we arrive at the truth? We must answer the second question first, which is a technical one. For the administration and also for us the source of information, must be the village jamabandi and rent cases of the time. It is fair to assume that revenue officers who had served at the district level must have had a fair acquaintance with these sources of information. So far as we are concerned, the information lies deeply buried in the district and pargana records where it survived the holocaust of '1857'. Unless a large

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1. Ibid., para.5.
2. Under the arrangement of 1822, see Chap. 4,pp. 244-5.
3. See Chaps. 2 and 3, pp.347 n.3. Court continued to insist that raiyats had a right to fixed rent and an interest in land, and unavailingly charged the Bengal Government to secure those interests to them. See Bg. R.D. 15.2.1833, 2, paras. 11-13 and 16; I.R.D. 12.4.1837, 6, para.24.

scale processing is conducted of the surviving data, truth will not emerge. This has still to be done. We therefore, have to fall back upon the direct testimony of individuals connected with the revenue business of the time. In our present stage of knowledge therefore, only an approximation can be made to what might have been the truth.

First then the classification of the raiyats. From analysing the several classifications advanced by various officials, a three-fold broad categorisation emerges.[1] First, there were the cultivating 'proprietors' variously called in India, as mirasdars, maurusi, khudkasht and kadim. Secondly, there were those called by Bird and Bentinck, 'prescriptive occupancy'[2] raiyats or, called in official correspondence, hereditary resident raiyats at fixed rates, and in local revenue terminology, chapparband, jamai, dehi jadeed. Thirdly, there were raiyats without a right of occupancy in land, who may or may not be residing in the village. In the latter case, they were called paikasht. The British called the non-occupancy raiyat a tenant-at-will.

In the case of the first and third categories of raiyats there was no controversy. The cultivating

1. Minute of R.M.Bird, n.d., para.33, Bg.R.C. 27.12.1832,84; Minute of Bentinck, 26.9.1832, para.35, Ibid., 79; Minute of C.T.Metcalfe, n.d., Ibid., 93.
2. Perhaps 'hereditary' would have been a more accurate term in describing the rights of some of the resident raiyats.

'proprietors' were 'proprietors' and only they should pay revenue. The tenant-at-will would have to make the best bargain he could. It was on the second category that the controversy centred. How the tenure originated, how others could acquire it, was not clear, and a claim to fixed rates was therefore, a matter for caution, depending upon individual cases, as Bentinck pointed out.[1] Bird, on the other hand, as we have noticed, asserted that the rent of all resident raiyats should be fixed, but he adduced very little evidence in support of his argument, save the assertion that it was 'proved'.[2] The Sadr Board had denied the existence of a fixed rent in the case of resident raiyats from Gorakhpur to Delhi, including the Kingdom of Oudh![3] William Blunt, a member of the Bengal Council, admitted the right to fixed rent, but with certain exceptions.[4] Metcalf was very vague: the resident occupancy raiyat paid according to village custom or law; it depended upon the local situation. He was prepared to ''give the Devil his due',' i.e. he was against controlling the rent of the 'manufactured proprietors' or 'new fangled proprietors' (as he called the emergence of 'proprietors' under the British as distinct from indigenous ones) in their

1. Minute of Bentinck, 26.9.1832, paras. 36, 41 and 44, Bg.R.C. 27.12.1832, 79.
2. See above, pp. 348-50.
3. SBOR. to G.G. 25.5.1831, para.24, Bg.R.C. 27.12.1832,33.
4. Minutes of W.Blunt, 30.11.1831, 21.12.1832, para.15, Ibid., 44 and 94.

relation with the resident raiyats who did not have a previous right, because government had no power to do so.[1] Alexander Ross also, did not consider that any raiyat had the right to pay at fixed rates.[2] In Bengal in 1827, on the other hand, the Board of Revenue consisting of James Pattle, Wigram Money, and Nathaniel Halhead, had supported fixing rents of khudkasht raiyats.[3] The khudkasht raiyats of Bengal, were similar to the chapparband raiyats of the Western Provinces. While Henry St. George Tucker, writing in 1832, disagreed with the general view held by the Court on rights of khudkasht and chapparband raiyats. To call him as the Court had done, as 'joint-tenant' or 'co-proprietor' with the government, according to Tucker was a '... mockery of his condition.'[4]

The views of senior officials in the administration, have been noticed above; it would be interesting to review the opinions of the district and subordinate revenue officers based on personal knowledge and settlement work. In Agra, according to William Hardinge Tyler, who had formed several settlements under Regulation VII, only maurusi raiyats had a right of occupancy with fixed rents, changeable only with

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1. Minute of C.T.Metcalfe, n.d., Ibid., 93.
2. Minute of A. Ross, 6.3.1827, Bg.R.C. 11.10.1827, 1.
3. Minutes of J. Pattle, 1.6.1827, W. Money, 31.5.1827, and N.J. Halhead, 25.5.1827, Ibid., 8.
4. Dissent of H. St. G. Tucker, 27.12.1832, App. to Court Minutes, 5, pp. 282 and 284.

the increase of revenue. The fixing of the rents of the raiyats in villages which were revised under Regulation VII was resented by the Zamindars.[1] John Gordon Deedes from Saidabad, tells us that the resident raiyats had no rights beyond those of tenants-at-will, and the fixing of rents under Regulation VII, had made them objects of Zamindars dislike,[2] 'who sooner or later will either induce them to give up the obnoxious document,[3] or ruin them by some easier method.'[4] The payment of rent in Saidabad was not regulated by custom or any acknowledged practice, but it was governed by how much the cultivator could pay.[5] From the sub-collectorate of Belah, William Ogilvy stated that hereditary raiyats were not liable to dispossession as long as they paid the established rent, or that paid in the neighbourhood.[6] What was the established rent, we are not told. For the district of Kanpur, we have contradictory evidence. Beni Prasad, an official in the Collector's office, stated that the Lambardar, while issuing annual pattas to the raiyats, always conformed to long-established rates.[7] What precisely that rate was, he did not specify.

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1. Reply of W.H.Tyler, 6.8.1831, to queries issued by SBOR. on 24.6.1831, SRRNWP. 2, pp.318-20.
2. Reply of J.G.Deedes, 25.7.1831, to queries issued by SBOR. on 24.6.1831, Ibid., pp.329 and 334.
3. He is referring to patta which contained statement of fixed rent.
4. Reply of J.G.Deedes, 25.7.1831, op.cit., p.334.
5. Ibid., p.329.
6. Cited in Minute of Bentinck, 20.1.1832, para.51, SRRNWP.2.
7. Examination of Beni Prasad, Huzoor Tahsil of Kanpur, 5.1.1831, Bentinck MSS. 2650.

But, according to Mala Buksh, Serishtadar of Kanpur, only 'jangli boonee', and 'bund kutty' raiyats had a right of occupancy: they did not cultivate by patta, but by pledge, they were therefore cowli raiyats. About the fixity of rent Mala≠Buksh absolutely denied its existence in Kanpur. Zamindar had the freedom to offer land after the expiry of annual patta to any one paying higher rent.[1] He therefore contradicts what Beni Prasad had said. We cannot, however, accept Mala Buksh's testimony completely; it is very likely that he was favouring Zamindars, as he himself had an extensive zamindari paying Rs.40,000 annually in Tirhut district.[2]

In Azimgarh, as reported by J.T.Reade, the agrarian relationship was puzzling and confusing. Technically speaking, no occupancy right existed because patta was unknown. Permission from the Zamindar to cultivate, was taken every year. Even if patta were introduced, they would not be taken because raiyats never cultivated the same lands continuously. According to individuals with knowledge of the best period of the Nawab's administration, the raiyats were considered to have no rights. The raiyats considered themselves as mere 'ploughers of lands and

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1. Examination of Mala Buksh, Serishtadar of Kanpur, 10.1. 1831. Bentinck MSS. 2650. 'Jangli Boonee' = clearer of jungle.'Bund Kutty'= chapparband. Ancestors in both cases settled with original 'proprietary' community. Ibid.
2. Ibid.

payers of rent', claimed no right in the soil, yet considered themselves to have a social tie with the Zamindar amounting to a right. If turned out of their fields they would not resist, but complain of the Zamindar's 'violence' or 'injustice'. As to the determination of rent the only method was bargaining - one side trying to extract as much as possible, and the other to give away as little as possible, both sides with full knowledge of the productive powers of the land. The raiyats did not consider Zamindars entitled to enhance rents; and what is significant, rents had remained stationary in Azimgarh since the British acquisition. Reade was puzzled by what he learnt in Azimgarh, and considered the rights of the raiyats indefinable, because on the one hand, no understood right in land existed, and on the other, no obligation.[1]

To search for data throwing more light on the rights of the raiyats, it is necessary to descend to the village itself. We shall here examine the cases of eight villages situated in the districts of Saharanpur, Etawah, and Aligarh. These villages were covered in the revised settlement under Regulation VII, and were reviewed by Holt Mackenzie in 1826.

The village of Burleh in Muzaffarnagar sub-division

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1. J.T.Reade, Minute on the Rights and Conditions of the Ryots in the Chukleh Azimgarh, 1.9.1822, pp.2-10, Eur. MSS. D.279.

of Saharanpur district, was owned by the Tugal community. The maurusi raiyats paid at the same rate as the village Zamindars, at the rate of one-third the produce. It is surprising to note that these raiyats had a history of one hundred years behind them, but possessed no right of occupancy. They held fields from year to year and were liable to be ousted. Other resident raiyats paid at one-half the produce as their rent.[1] We do not know whether the rents of the latter could be enhanced.

In the village of Khaddah (Saharanpur) three types of raiyats are mentioned. The first class was connected with the 'proprietary' community, had a right of possession, paid at the same rate as the Zamindars, but had no voice in the village management. The second class, in spite of its residence in the village from time immemorial, had no rights whatever. How much rent the second category paid, is left unstated. The third class, the paikasht paid ¼ for some and 1/3 for the other kind of produce, besides zamindari perquisites.[2] The raiyats in the village of Mundleh in the same district, unless they were connected with the 'proprietary' community, had no right of occupancy.[3] At what rate the rent was paid was not stated. In the village of Rajpur Mustafabad (Saharanpur) the hereditary resident raiyats

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1. See H. Mackenzie, memo. on revision of settlements etc., 19.10.1826, paras. 4, 5 and 10-11. SRRNWP. 2.
2. Ibid., para.42.
3. Ibid., para.46.

enjoyed a fixed right of occupancy, and could resume their fields even after a temporary relinquishment.[1] About their rent, there is silence.

The village of Bujatari (Saharanpur) was an absentee zamindari village. There were two main categories of raiyats - residents with hereditary rights of occupancy and residents with rights of occupancy which were not hereditary. There were two raiyats in the former category, and in the latter, thirteen. The hereditary ones could not be ousted, were entitled to re-occupation after absence, they could divide their land among their sons, but could not sell. But they had no right to any particular rates of rent. The right of the second category (which had settled for the last 40-45 years) to occupancy was acknowledged, but they were liable to dispossession for neglect of cultivation, default of rent, or relinquishment of the holding. They paid at the same rate as the hereditary raiyats. Cavendish, the Settlement Officer, tells us that the absentee Zamindars encouraged the growth of occupancy rights because the settled raiyats in the village, would ensure their perquisite.[2] In the village of Anickowli in the pargana of Meerut, we are told the raiyats were entitled to hold at fixed rates.[3] Neither the category of raiyat nor the precise meaning of fixed rates has been explained.

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1. Ibid., para.110.
2. Ibid., paras. 48-50.
3. Ibid., para. 125.

The raiyats in mahal Doondgaon (Etawah) had no right of occupancy and were oustable if strangers offered a higher rent. But the Zamindar showed some consideration, for if they paid Rs.4 as rent and an outsider offered Rs.5, the Zamindar would settle with the former at Rs.4-8-0.[1] In village Kheri Buzury (Aligarh) raiyats not connected with the community had no rights either of occupancy or pertaining to rent. It is significant to note here that this village was part of a region which was in a high state of cultivation, and higher rents obtained.[2] In another 18 villages in the pargana of Hathrass, in the same district, William Hardinge, the Collector, did not consider the raiyats to have any rights beyond the year of cultivation.[3]

It may also be asked what the 'new fangled' 'proprietors' thought of the rights of the raiyats. John Briggs, who travelled from Calcutta to Delhi in 1831, records an interesting account of an East-Indian who had recently bought an'estate' in the Western Provinces. This new Zamindar considered all raiyats including khudkasht as mere tenants, who could be ejected at his convenience. He realised one-half the gross produce as rent, and exacted $3\frac{1}{8}$ per cent of the gross revenue of his 'estate' as

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1. Ibid., para.268.
2. Ibid., paras. 204 and 203.
3. Ibid., para.248.

remuneration for the Patwari.[1] Briggs tells us of another case in a village in Aligarh. There Pitambar Singh, one of Lord Lake's servants, was granted jagir rights. He soon started to claim the rights and privileges of a landlord, and considered himself empowered to dispossess even maurusi raiyats. The Mukaddam of the village, however, disputed this assertion.[2]

Ramdin, a Zamindar of several villages in Allahabad, who had acquired his 'property' through private sale during the British rule, considered Zamindars generally to be fully entitled to demand competitive rents, from their raiyats, and to dispossess them on their refusal to agree.[3] Lachman Dass, an ex-Diwan of Raja Ram Dyal, who had recently bought some land in Saharanpur, denied any rights to the community of ex-village Zamindars and to the hereditary raiyats.[4]

These views can be summed up as follows. The Court, the Bengal government around 1822, Bird,Blunt and the Board of Revenue for Bengal, were of the view that the hereditary resident raiyats had the right to pay a fixed rent. The Sadr Board on deputation, Ross and Tucker (by the

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1. The Patwari cess yielded Rs.236 annually, while he paid a pittance of Rs. 6 P.m. to that functionary. He regularly bribed the minor revenue and judicial servants, J. Briggs, Notes taken during a journey from Calcutta to Dehly etc., 3.10.1831, Bentinck MSS. 2650.
2. Ibid.
3. Examination of Ramdin, a Zamindar of Allahabad, 7.12.1830, Bentinck MSS.2650.
4. H. Mackenzie, memo. on revision of settlements etc., 19.10.1826, para.61, SRRNWP. 2.

implication of his argument in favour of the Zamindars) were of the opposite opinion. Bentinck and Metcalfe, who radically differed on other aspects of land revenue problems, were on this question more or less of the same opinion, that a right to pay at fixed rates, might exist in some cases. The opinion of officers in Agra, Saidabad and Azimgarh, falls in line with that of the Sadr Board, and those from Belah and Kanpur supports the view of Bird and others. The facts at the village level, are also of three types. In many of them, the evidence is against fixed rents, in some nothing can be said either way, and only in one instance, was there proof of fixed rents. And the views of the 'manufactured' 'proprietors' were against fixed rents.

An automatic deduction follows from the above: neither the supporters nor the opponents of fixed rents, had a clear understanding of the situation, and both were substantially wrong in their views. The decision initialled by Bentinck, was, on the other hand, based upon a judicious appreciation of the problem. No generalised opinion on inadequate and inconclusive data was possible, therefore no universal concession of fixed rent was given.

A few remarks on the question of fixed rents, apart from the official discussion presented above, may not be out of place here. The evidence of fixed rents might have existed or a 'natural' right to it might have been there, but due to several reasons, it was not effective. The

political chaos which existed before the establishment of British rule and its impact on land-holding over a period of several decades, may have made the hereditary raiyats forget their own rights, and be content to cultivate on any terms.[1] Bird was probably correct when he stated that the raiyats had a right which they could not exercise owing to past oppression,[2] but when any raiyat was maltreated by the Zamindar, he had the sympathy of others. In some of the villages there is concrete evidence of hereditary possession of land, but curiously not to a fixed rent.[3] Yet a possessory right unaccompanied by a fixed rent is meaningless. Under the British rule the emergence of a new 'proprietary' class also damaged the right of the hereditary raiyat, and even those of the 'proprietary' community over whom they were superposed.[4] Fane has narrated how some Zamindars tricked the raiyats into paying higher rents.[5] The extension of indigo cultivation, as Mackenzie pointed out, may also have

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1. See H. Mackenzie's remark on this point in his memo. on revision of settlements, 19.10.1826, para.522, Ibid.
2. Minute of R.M.Bird, n.d., para.50, Bg.R.C. 27.12.1832,84.
3. See above, pp. 360-63.
4. See Minute of E.Colebrooke, 15.6.1827, Bg.R.C. 11.10.1827, 6.
5. Fane tells us that in Tirhut a Zamindar desiring to increase rents, would persuade some principal raiyats to agree publicly to an enhancement; while privately he gave them a written undertaking not to increase their rent. The rent of others would be increased and if any opposition was shown, the Zamindar would start legal proceedings, and achieve his end. W. Fane. to R.Tilghman, 21.4.1827, Bg.R.C. 11.10.1827, 4.

affected the rights of possession and fixed rents.[1] In the case of jamai raiyats in Bundelkhand, and such other hereditary raiyats who settled with the original 'proprietary' community, had the right to pay at revenue rates.[2] In short, the suggestion that the right to pay at a fixed rate around 1830 was potentially more extensive than it was possible to admit, would be quite sound. The chief difficulty lay in proof and the burden of proof was on the raiyats. The growth of occupancy rights and partially fixed rents towards the last quarter of the 19th century and the ease with which they were acquired, strengthens the suggestion made here. Under Indian custom, resident raiyats acquired certain rights which under the security of British rule and comparative improvement in agricultural conditions, resulted in the growth of occupancy rights. British policy did not create it but simply acknowledged what had come to exist.[3] But one cannot surmise even at an abstract level, that all resident raiyats had a right to pay at a fixed rate. The status of the hereditary raiyats underwent a change in the turbulent period before British rule, as also during it. And the view that all resident raiyats had a right to pay at fixed rates at best was a fiction. References to a customary

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1. See H. Mackenzie, memo. on revision of settlements, 19.10.1826, para.448, SRRNWP.2.
2. See B.H. Baden-Powell, The Land Systems of British India, 2, p.189.
3. Ibid., see p.186.

rate of payment were extremely equivocal. Fane and Ross rightly stated that nobody knew what the customary rate was, and no recorded law or authorities to which one could refer, were in existence.[1] Further, the enhancement of the raiyats' payment arbitrarily in the pre-British days was well known. The argument for customary rates of rent, therefore loses all force. It was, in fact, a backward-looking argument, ignoring the changes which had occurred in agrarian relations, and it referred to no fixed period of time, or to any exact standard governing the amount to be paid. Customary rates might have existed under some of the Mughal rulers but not in the early 19th century.

Apart from the view taken of the rights of the raiyats there were three other reasons behind the decision of 1832-33. The encouragement to a rent market flowing from the recognition of 'proprietary' rights in the Western sense; the impracticability of fixing the rents, an attempt which had already failed, together with the desirability of preserving the traditional form of agrarian relationship in the interest of the raiyats themselves; and the overall British economic interest in India. The first and third reasons were interlinked and the second fitted into them very easily.

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1. W. Fane to Bentinck, 5.12.1829, Bentinck MSS. 953; Minute of A.Ross, 6.3.1827, Bg.R.C. 11.10.1827, 1.

The proponents of a fixed rent in India, had ignored simple economic assumptions. To consider that rents should remain constant during the currency of a settlement, was a static notion of the agricultural economy. With the increase in population and the rise in the price of food-grains, rents would automatically ascend. If, in the first quarter or so of the 19th century, or before it in certain parts of the Western Provinces, rents had not risen, it still does not invalidate the increasing rent theory, rather it shows certain peculiarities in the state of agriculture which can be easily accounted for. A constant rent might be due to an inadequate population ratio to land, or to former depopulation of a region, or to bad soil or to bad climate. There can also be a third possibility, that of fluctuating rents originating from an uncertain state of production due to floods or drought. Nevertheless, increasing rent was a dynamic notion, and constant and fluctuating rents only constituted exceptions to it.

Increasing rents, as it appears from the arguments of Ross, Pattle and Bentinck,endorsed by William Wilberforce Bird, Blunt and Metcalfe, resulted from market forces - the market for rent and the market for produce. It seemed healthy to subject the raiyats to market forces. Those of them who were inefficient and uneconomic, would turn into wage-earners and labourers. The increasing rents collected by the

Zamindars would lead to capitalist farming and by removing hindrance to market, such as internal duties, salt and opium monopolies and restrictions on European enterprise, would improve the economy, and increase the wealth of the country. The raiyats, so the argument ran, would then be better off. Hold down the rent and you perpetuate the present poverty of the raiyats, and an undeveloped agriculture.[1]

The aim of encouraging a rent market was unmistakably there. Bentinck minuted in favour of the Zamindars, thus: 'much has been said of late as to the inutility of the class of persons who are rent owners in contradistinction to the cultivating community...',[2] and any action against their interests would be harmful to the raiyats, to agriculture, and to the government. A rent market was to take its own natural course, and Bentinck supported his argument for non-interference, even from Munro's teaching. He wrote, 'fixed rates on certain classes of soil would seem, independently of other objections, to be unjust if intended to regulate the demand of Government on the malgoozar, the sole objection would be the difficulty of fixing the rate with fairness and on proper data. Sir Thomas Munro has distinctly laid down the rule that all that Government should fix is

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1. See Minute of A.Ross, 6.3.1827, Ibid., and of 27.7.1833, para.17 and n. to para. 25, Bg.R.C. 9.9.1833, 36; Minute of J. Pattle, 2.5.1832, para.4, Bg.R.C.27.12.1832, 59.
2. Minute of Bentinck, 26.9.1832, para.44, Bg.R.C. 27.12.1832, 79.

their own demand upon the ryot for revenue. While the rent which the ryot shall demand from his cultivating tenant must vary according to seasons, crops, demand for particular produce, and numerous other details too minute for Government to meddle with. There seems, indeed, no reason why the Government should interfere to regulate the wages of agricultural more than that of any other description of labour.'[1] (Bentinck was equating the Madras raiyat with the Zamindar and 'proprietor' of the Western Provinces, and the tenant of Madras with the raiyat of the Western Provinces who had no right to pay at a fixed rate: the first part of the analogy was technically correct, but the second part seems to be extremely doubtful.)

For practical reasons also, there was no need to fix rents where right to them did not belong. It was stated that no rule existed by which rents could be fixed, and to devise one universal rule in a varying state of affairs was a difficult matter. But this argument is more in the nature of a justification for not fixing the rent rather than an argument against fixing it. All that was required was to ascertain the actual rents paid by the raiyats, which would not have been a difficult thing at all. Because, this was actually the procedure adopted in fixing the assessment. The second part of the argument, which stated that it was

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1. Ibid., para.67.

not desirable to fix the rent, was a sound one.[1] Because where a constant or a fluctuating rent existed, there was no need to fix it over longer periods. In many parts the raiyats themselves did not desire a commitment for rent beyond the year of cultivation. And in several instances, where the rent was fixed under Regulation VII, it was not observed by any of the parties.[2] Besides, there was a real danger in fixing rents, as argued by Tyler, the Collector of Agra. If the raiyat happened to be a weak one financially and dependent upon the Zamindar or the money-lender for aid, then either the patta would be flouted by the Zamindar or the land would be controlled by the money-lender. In cases of adversity or failure of crop, the Zamindar treated the raiyats tenderly, but if the rent was fixed, he would always demand his pound of flesh.[3] Bentinck also made much the same argument.[4]

The third reason was the link between the land revenue arrangements, and the problem of transmitting the surplus from India to Britain.[5]

It may be pointed out here that the decision of 1832-33, implied both an encouragement to a rent market as

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1. Minute of Bentinck, 20.1.1832, paras. 70-71, SRRNWP. 2.
2. See Chap. 4.
3. Reply of W.H.Tyler 6.8.1831, to queries issued by SBOR. on 24.6.1831, SRRNWP. 2, pp.320-21.
4. Minute of Bentinck, 26.9.1832, para.44, Bg.R.C. 27.12. 1832, 79.
5. See below, pp. 413-18.

well as restraint upon it. The tenancy legislation of the latter half of the nineteenth century, owes considerable inspiration to it. The twelve-year rule of Bentinck[1] was incorporated in the legislation of 1859, 1873 and 1881 as the criterion of occupancy right. The decision of Bentinck, however, was an executive one and was not made into a law. The two aspects of the rent question in fact, owe their origin to Cornwallis arrangement of 1793, the only weakness being that the restraint on market was not worked out. From there, and in that form, Wellesley had introduced it to the Western Provinces in Proclamations and Regulations between 1801 and 1805. One may also ask if the rent market, and restraint upon it could be stretched back to the pre-British times. A restraint upon the market no doubt, was the Indian practice which the British incorporated in their policy, and improved upon. Concerning the existence of rent market in pre-British India, it has been stated in a recent study that it did not exist; it was created by the British because they believed that it existed.[2] This statement is purely speculative, as much so as if one stated that a fully developed rent market existed in pre-British times. The possibility that there was a rent market in the pre-British

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1. See above, p. 345.
2. W.C.Neale, Economic Change in Rural India, p.65.

times, though it remains to be shown, is however, a genuine one. The revenue market which existed under the Nawab would tend to create competitive rents. Cash rents were fairly prevalent, and for certain crops they were universal. It has been said that cash rents were a mere conversion of the customary state share in kind.[1] But it has been shown above that the use of the term 'customary' does not signify anything. It is highly likely that there were competitive rents for certain quality of land, and near towns, cities, markets, and roads. When indiscriminate fixation of rent took place under Regulation VII, Tyler has remarked for Agra, that the 'Natives' considered it against long-standing practice and an encroachment upon the rights of Zamindars. This remark is if true, highly significant.

On the question of assessment, two aspects require attention - the mode of assessment and the soil criteria, both of which generated a good deal of controversy before any decision was reached on them. In the 1822 arrangement the mode of assessment was from detail to aggregate or fieldwise.[3] In the rearrangement of 1830-33, this was

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1. Ibid., p.65; B.H.Baden-Powell, op.cit., pp.48 and 193.
2. Reply of W.H.Tyler 6.8.1831, SRRNWP.2, p.320.
3. See Chap. 4,p.265. The field assessment could be fixed in two ways, either by ascertaining the produce and value of each field as was tried under Regulation VII and known as detail to aggregate, or by first fixing assessment on a village or group of villages and then distributing it on fields, called aggregate to detail. The latter was the raiyatwari mode.

abandoned in favour of aggregate to detail. There were several reasons and a good deal of logic behind the decision.

The Sadr Board and Bentinck disapproved of the implications of field assessment, it would trench upon 'proprietary' rights, and would be against the spirit of the land-law which recognised those rights.[1] Field assessment was synonymous with fixing the rent of the raiyats which could not fully square with the tenure prevailing in the Western Provinces, where a land-owning class existed.[2] It suited the raiyatwari system of the Madras Presidency because no 'proprietary' class was interposed between the government and the raiyats. In the Western Provinces the object was to levy the assessment upon the proprietors' 'rent', (the term 'rent' was being used in a Ricardian sense) but not to fix or calculate the demand upon the raiyats. The 'proprietors' had the freedom to regulate the 'rent' payable by the raiyats.[3] Thus there was justification in determining the revenue upon the 'proprietors', but not the rent upon the fields. There was therefore no relevance in a detailed mode of assessment, beginning from the fields and moving upwards to the final

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1. SBOR to W.H.Macnaghten, 31.1.1832, paras. 6-7, Bg.R.C. 27.12.1832, 51.
2. See SBOR. to G.G. 25.5.1831, para.20, Bg.R.C. 27.12.1832, 33.
3. See SBOR. to W.H.Macnaghten, 31.1.1832, paras. 6 and 8, Ibid., 51; Minutes of Bentinck, 2.1.1832, para.18 and 29.2.1832, para.14, Bentinck MSS. 2903.

determination of revenue. Metcalfe,[1] on the other hand, supported by Blunt,[2] and the Court,[3] repeatedly clung to the argument that revenue was part of the gross produce, therefore the field was the basis of every mode of assessment. The difference in tenure did not vitiate that basic fact, that government had the same right to regulate revenue in the Western Provinces as in Madras, and 'rent' was a meaningless term in India.[4] The votaries of a field assessment consisting of Metcalfe,[5] Blunt,[6] Bird,[7] and the Court of Directors,[8] turned a blind eye to the chief difficulty in its implementation, which in the Sadr Board's and Bentinck's view constituted another reason for its rejection.

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1. He admitted where village communities did not exist, assessment would fall on rent and field assessment would not be applicable, Minute, 7.11.1830, SRRNWP.2, p.209.
2. Minute of W.Blunt, 30.11.1831, Bg.R.C. 27.12.1832, 44.
3. See Bg.R.D. 15.2.1833, 2, para.17.
4. Minutes of C.T.Metcalfe, 7.11.1830, op.cit., pp.209-14; and 31.1o.1831, Bg.R.C. 27.12.1832, 43.
5. Metcalfe considered field assessment sound and productive of equitable assessment, but he held back from recommending it where village communities existed from fear of their disruption. It could be applied where they were already dissolved. Minutes, 31.10.1831, Bg.R.C. 27.12.1832, 43, and 29.6.1832, Ibid., 66.
6. See Minute of W.Blunt, 30.11.1831, Ibid., 44.
7. Bird was recommending detail to aggregate field assessment, just as in the 1822 arrangement and was opposed to Munro's aggregate to detail because of its arbitrariness, and its unsuitability to the Western Provinces due to complex tenures requiring adjustment, Minute n.d., paras. 2-3, Bg.R.C. 27.12.1832, 84.
8. See Bg. R.D. 15.2.1833, 2, para.14.

The pathetic progress of settlements under Regulation VII had been essentially due to the detailed mode of assessment where even some of the ablest officers had failed.[1] Detailed inquiries had turned out to be useless, and the labour bestowed in determining the produce and value of land, had proved futile.[2] What the proponents of field assessment had been recommending, had nothing but a seal of failure stamped upon it. Even in the Bombay Deccan, where a field assessment had been tried and of which James Mill spoke with enthusiasm before the Parliamentary Committee of 1831-32, it had proved unequal, and failed.[3] The Sadr Board and Bentinck were therefore realistic enough to look for an alternative method.

Behind the emergence of aggregate to detail assessments there was then a certain logic and history. The new method was a timely recognition of the impossibility of fixing a precise assessment. The aim was a fair assessment based on comparative and analytical data. Its acceptance was made possible because cash rents were sufficiently widespread, and the data to test the fairness of the assessment were already in existence in district and tahsil revenue

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1. See Chap. 4, p.286ff.SBOR. to G.G. 25.5.1831, para.20, Bg.R.C. 27.12.1832, 33.
2. See Chap. 4, p.286ff.Minute of J.Pattle, 2.5.1832, paras. 3-5, Bg.R.C. 27.12.1832, 59.
3. See Minutes of Bentinck, 29.2.1832, paras. 15-17, Bentinck MSS. 2903 and 26.9.1832, para.49 and note facing it, Bg.R.C. 27.12.1832, 79.

records. These data it should be pointed out, were those which resulted from pre-1822 settlements, and not those under Regulation VII. Before 1822 settlements were formed on loose asset estimates, producing inequality of assessment and rendering constant adjustment of revenue inevitable. It was this frequency of adjustment which had led to the accumulation of valuable information which had remained unexploited. There could also be useful and genuine patwari accounts in some areas, and there were the proceedings of revenue and judicial officers on rent cases.[1] So cash rents, the information from past fiscal history when combined with the results of survey operations, were to constitute the groundwork of the aggregate to detail assessment. There was then no need for minute information and estimates of field rentals. The Sadr Board, it must be admitted, brought a simple approach to a difficult question without the fanfare of 1822. When it was first developed by Richard Carr Glyn, an outstanding settlement officer in Meerut, the Board in a flash saw in it the solution to an important problem.[2] To Bentinck, the Board justified its utility and who cited the parallel of raiyatwari mode which was also aggregate to detail.[3] Bentinck too saw, what the Board had already seen

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1. SBOR. to G.G. 25.5.1831, para.21, Bg.R.C. 27.12.1832,33.
2. Ibid., para.20; see also R.C.Glyn to W.B.Martin, 24.5.1831, paras. 8-10 and 13, Ibid., 37.
3. Ibid.; It should be noted that Board had rejected raiyatwari field assessment but accepted aggregate to detail, cf. above pp.375 and 377.

in it.[1] Two of the members of the Sadr Board at Calcutta, William Wilberforce Bird, and James Pattle, had also supported the deputation Board's solution.[2]

The aggregate to detail mode as conceived by the Board and subsequently developed to a degree of excellence ironically enough under Robert Merttins Bird, its erstwhile opponent, was as follows. The assessment was preceded by the measurement and survey of the land. Maps and statistical information regarding a pargana were passed on to the settlement officer by the surveyor. The data comprised an English map of each village in the pargana with particulars exhibited on the face of the map. Secondly, a 'native' field map with each field marked with a number, together with a khasrah or field book with each field numbered to correspond with the field map, gave the size of the field, the name of the 'proprietor', the quality of the soil, and the crop it bore with the money rates it paid according to the patwari's statement. Lastly, a pargana map was furnished compiled from scientific village maps and showing the general features of the country, and the disposition of the villages.[3]

The survey result was then analysed and estimates of the village assets were prepared; then the former fiscal

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1. Minute of Bentinck, 26.9.1832, paras. 46-7 and 99, Bg. R.C. 27.12.1832, 79.
2. Minute of W.W.Bird, 27.4.1832, para.33 and Minute of J.Pattle, 2.5.1832, paras. 3 and 5, Ibid., 58-9.
3. Auckland to Court, 18.8.1838, 3, para.32.

history of each village was compiled from existing records. This two-headed source of information was classified into a tabular form showing the former assessment of each village and its present resources and assets. After the subordinate revenue officers had prepared this digest of the data, the Collector stepped in to initiate the assessment proceedings. By using his local knowledge, he classified villages according to the properties of their soil, their irrigation facilities and similar considerations. And by bringing into play his experience, he assumed a jama, more or less than the existing one which the pargana could bear without injury to its resources. The aggregate or the lump jama so assessed, was then distributed over each cultivated and cultivable acre in the pargana. This distribution which gave the average pargana rate was then corrected village wise according to the soil classification rates obtaining at the village level. The corrected village rate then yielded a 'proximate' jama for the village which was entered in the tabular village statement mentioned before. Besides, another village rate was assumed which could be fairly paid by each description of soil ascertained from recorded information, and that of the Indian officers, and the Collector's own experience. The assumed village rate was then applied to the returns of each village, which gave a second 'proximate' jama, which was also recorded in the

tabular statement.[1]

The assessment then entered its final phase in which each individual case had to be examined. The two 'proximate' jamas were compared with the former assessment and with the estimates formed by the Indian officers. And if there occurred a great discrepancy in the figures after comparison then it was to be examined and explained satisfactorily. In the fixing of the actual jama upon 'estates' and 'proprietors' great skill and discretion was required of the Collector. It had to be a personal assessment because land of the same quality did not have the same capacity to pay revenue. The circumstances which produced these differences themselves, did not admit of an 'arithmetical calculation'. The caste and class of the raiyats or 'proprietors', the tenure under which the land was held, and the potentiality of the land to improve, had to be taken into consideration before a 'fair' assessment could be reached.[2]

When the jama upon an 'estate' was fixed and an engagement for it was taken, then the 'proprietor' was called upon to file a rent-roll with an individual description of the various tenures, whether heritable and transferable, and on fixed rates or at will, with the total amount payable by each raiyat. The rent-roll would then be publicised in the

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1. Ibid., paras. 33-4; see also SBOR. to W.H.Macnaghten, 31.1.1832, para.9, Bg.R.C. 27.12.1832, 51; B.H.Baden-Powell, op.cit., pp.42-3.
2. Auckland to Court, 18.8.1838, 3, para.35.

village with a view to invite objections. If no objections were raised and the rent-roll appeared to be fair and reasonable, then it became the official (and legal) criterion of transactions between landlord and raiyat.[1] Here the revenue officer was not to interfere with the regulation of the rent except where there was a right to it, but to offer his good offices in the negotiation of the rent. The rent-roll was in no way to prevent the enhancement of rents save in some cases, but it was to be used as evidence in rent disputes and it was to be kept up to date.

While the method of assessment was contrary to the well-known views of the Court, Bentinck was in full agreement with ~~them~~ it regarding the principle of assessment. The principle of assessment was to be the soil criteria, a fair deduction from rent theory, and in its formulation the influence of James Mill can be clearly seen. The Court had inculcated the principle of soil assessment first to the Bombay government in 1822, and then to that of Madras in 1824, and subsequently the principle was repeated and explained to those two governments in several other despatches.[2] In the Western Provinces the principle made its way in 1831, to which Bentinck gave his full support, while Metcalfe, even without understanding the meaning of soil

1. Ibid., para.37; B.H.Baden-Powell, op.cit., p.71.
2. See B.R.D. 13.2.1822, para.122; M.R.D. 18.8.1824, para.47; M.R.D. 17.1.1827, para.20; M.R.D. 21.11.1827, para.38; M.R.D. 15.6.1831, 2, para.10; M.R.D. 30.7.1828, para.8; M.R.D. 3.8.1831, 3, paras.6-7; B.R.D. 16.7.1830, para.2; B.R.D. 16.7.1830, para.2; B.R.D. 15.6.1831, para.11.

assessment, opposed it.

The principle of soil assessment when simply expressed, was that 'lands equally productive should be equally taxed, whatever they are made to produce.'[1] If the assessment on valuable crops was more than that on ordinary crops grown on land of equal fertility, then the assessment of the former was to be on par with the latter. On the other hand, if there was a change from ordinary to more valuable produce on the same land, then no increase of assessment was to take place.[2] It was the productive power of the land which was to be assessed and not the produce, which implied complete freedom of cultivating any crop for the raiyat. The principle did not imply, as Metcalfe wrongly thought, a reduction of the assessment of the superior crop to the level of that of the inferior one, nor was there a danger of loss of revenue arising from the application of soil assessment as he feared.[3] The greatest utility expected from the soil assessment was that it would hinder hindrances to the cultivation of valuable crops and that it would prevent increases in the price of valuable

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1. G.G. to SBOR. 7.4.1831, para.117, SRRNWP. 2.
2. B.R.D. 16.7.1830, para.2; B.R.D. 15.6.1831, para.11; M.R.D. 3.8.1831, 3, para.6.
3. See Minute of C.T.Metcalfe, 29.6.1832, Bg.R.C. 27.12.1832, 66; Metcalfe has stated that if soil assessment was applied, then, 'the greater part of Revenue would vanish and India be lost', Ibid.; Minute of C.T.Metcalfe, n.d., Ibid., 92; See also Minute of Bentinck, 2.1.1832, para. 17, Bentinck MSS. 2903; Bg.R.D. 15.2.1833, 2, paras. 40-42.

products, the evil of which would otherwise arise if assessments were to be according to crop.[1]

The need for a principle of assessment arose during the revision of policy, just as it had arisen in 1822 from the absence of a coherent set of rules in India to which one could refer as a broad standard of assessment. Even where zabti rent prevailed, its basis according to Bentinck could not be explained, for it was determined by the ability of the raiyat to pay.[2] Secondly, crop assessment (although it is doubtful if it was a universal form of assessment in the Western Provinces) was considered injurious to the cultivation of superior crops and iniquitous in principle. For land of the same fertility might bear different crops, and if the assessment was determined for a term of years on a crop basis, and soon after the settlement land bearing inferior crops was converted into that bearing superior crops, then land which was assessed at the rate of the superior crop at the time of the settlement would be adversely affected.[3] Crop assessment, therefore, on the one hand, impeded the freer cultivation of valuable crops and on the other, was inequitable. An incentive for superior crops had to be provided, not only for reasons of Indian

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1. See Bg.R.D. 15.2.1833, 2, paras. 39-41; I.R.D. 12.4.1837, 6, para.33; See E. Stokes, op.cit., p.129.
2. Minute of Bentinck, 2.1.1832, para.20, Bentinck MSS.2903.
3. Ibid., para.40; G.G. to SBOR. 7.4.1831, para.114, SRRNWP. 2; M.R.D. 18.8.1824, para.47.

agriculture alone, but also for those of British economic interests in India.[1]

In fixing the soil assessment, several factors were to be taken into consideration to make it equitable. In addition to the position and fertility of the land, the value of the produce was to be assumed with reference to market facilities or their absence.[2] To provide positive incentives for individuals, the fruits of outlay on land and its improvement were to be exempted from enhanced rates of assessment until a fair return on it had been acquired by them. However, if improvements in existing cultivation or in the breaking up of waste were the results of state initiative, then an immediate enhancement of the rate was to be enforced at the time of settlement. If the cultivation of waste was the result of individual exertion, then an allowance had to be made in assessing it. Normally cultivable land was to be the object of assessment and waste was to be left to future circumstances and subject to the two conditions mentioned.[3]

The doctrine of soil assessment was discussed in the Bengal Council in 1831 and Bentinck gave his full

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1. See below pp.416-8.
2. G.G. to SBOR. 7.4.1831, para.119, op.cit.
3. M.R.D. 17.1.1827, para.20; M.R.D. 21.11.1827, para.38; M.R.D. 30.7.1828, para.8; M.R.D. 15.6.1831, para.10; M.R.D. 3.8.1831, 3, para.7; Minutes of Bentinck, 2.1.1832, paras.11-12, Bentinck MSS. 2903; and 20.1.1832, para.30, SRRNWP. 2.

support to it.[1] Metcalfe, on the other hand, continued to write dissenting minutes right to the end of the year 1832. Up to 1837 it was admitted that the principle was not observed, as the practice of assessment by crop had continued in the Western Provinces.[2] But Lord Auckland assured the Court in 1838 that the government of India, and the subordinate governments fully accepted the principle, and the revenue officers understood all its implications.[3]

It should be pointed out that Bentinck and the Court were guilty of inconsistency and even contradiction between their advocacy of soil assessment, and other aspects of land revenue arrangements. It should be borne in mind that Bentinck had allowed the appropriation of private rent to 'proprietors' and had rejected field assessment, yet he was recommending soil assessment. The two are irreconcilable. Soil assessment cannot exist independently of field assessment, because after the settlement the landlord might charge his rent according to crop. The Court however, had been in favour of field and soil assessment, and its inconsistency lay in the fact that in the same despatch, it was preaching soil assessment, and admitting that revenue was part of the gross produce of the

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1. See Bentinck to Court, 15.9.1831, para.10.
2. I.R.D. 12.4.1837, 6, para.27.
3. I.R.L. 2.4.1838, 9, paras.1-2; I.R.L. 4.9.1837, 10, paras. 10-11; For Correspondence with subordinate governments and officials on soil assessment, see I.R.C., 26.6.1838, 1-34.

land.[1] The gross produce notion is in contradiction to the soil assessment principle as deduced from the rent theory.

Apart from the contradiction noted above, soil assessment like its complement of an earlier day, the net rent principle, was not applicable to the revenue system in India. The notion of soil assessment, though not deduced from rent theory, together with the idea of giving incentives to production by not inhibiting enterprise and initiative, was already prevalent in India.[2] The Court and Bentinck were not introducing any novelty when soil assessment was recommended. But in any principle of assessment the value either of the produce or of the soil was a nominal one. The gross assessment was extracted from gross produce in the shape of money rates upon crops, varying with wet and dry soils and in keeping with local practice, and by comparing with those obtaining in the neighbourhood. Although Metcalfe did not understand the soil assessment principle propounded by the Court and Bentinck, his criticism of it has considerable force and relevance. Any principle of assessment according to him, could not be divorced from the actual produce of the soil, 'it is the beginning and end the alpha and omega of all settlements.'[3]

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1. See Bg. R.D. 15.2.1833, 2, paras. 39-42 and 17.
2. Bentinck to Court, 15.9.1831, para.11; Minute of Bentinck 20.1.1832, para.27, SRRNWP. 2; Minute of C.T.Metcalfe, 29.6.1832, Bg.R.C. 27.12.1832, 66; R.C.Glyn to W.B.Martin, 24.5.1831, para.13, Ibid., 37.
3. Minute of C.T.Metcalfe, 29.6.1832, Ibid.

In those bhaiyachara villages where a flat rate of assessment prevailed, soil assessment would not be applicable even nominally. Where an equal division of land among co-sharers prevailed, that is, each had a jumble of good, bad and indifferent land in his possession and there was a uniform rate per bigah. In this context and that of soil assessment, the Collector of Saidabad in his reply to queries issued by the Sadr Board, pertinently observed: 'for one case in which the European officer will improve upon the existing arrangements and internal economy of a village, in 99 cases will the whole community join to correct and equalize the arrangements made by him whenever he has introduced novelty or reform.'[1] According to Glyn soil assessment was applicable to a rich agricultural community, but not to India without large remissions of revenue, 'varying with the various [abilities of the] proprietors to avail themselves of the natural fertilities and local advantages of their tenements, independently of their relative positions with respect to market conveniences.'[2] It would therefore, be correct to say that soil assessment was a mystical guiding principle, and no more than that.

In keeping with the desire to give value to 'property' by conceding a private rent to the 'proprietor',

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1. Reply to J.G.Deedes 25.7.1831, to queries issued by SBOR. on 24.6.1831, SRRNWP.2, p.333.
2. R.C.Glyn to W.B.Martin, 24.5.1831, para.8, Bg.R.C. 27.12.1832, 37.

and by so assessing land as to encourage the production of valuable crops, another far-reaching decision was taken - a decision on the 'quantum' of state demand or the residue which was to be allowed to the 'proprietor'. Before 1822 the residue, which was also called proprietary profit or malikana, was 10 per cent on the net jama exclusive of the expense of collection. Under the 1822 arrangement, the 10 per cent rule was incorporated with the modification, that where an increase on the existing jama was taken, then the profit was to be 20 per cent on the net jama. Bentinck, basing himself on the views of revenue officers and the Sadr Board, laid down a highly flexible residual scale. It was to vary between 15 per cent and 35 per cent on the gross jama, or gross rental as Bentinck preferred to call it, and was to cover profit, the expense of collection, and all risks and responsibilities of collecting it, and was to hold good under all circumstances.[2] In the technique of deducting the residue, it should be noted that there was

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1. Bentinck was using rent theory terminology. By gross rental he meant the produce or its value remaining after defraying wages of labour and profits of stock, See Minute, 26.9.1832, para.11, Bg.R.C. 27.12.1832, 79, and Minute, 20.1.1832, para.57, SRRNWP. 2; Bentinck was wrong in using the term 'gross rent', what he meant would have been correctly expressed by the term actual rent, i.e. what was paid by the raiyat.
2. G.G. to SBOR. 7.4.1831, para.106, SRRNWP. 2; R.C.Glyn to W.B.Martin, 24.5.1831, para.12, Bg.R.C. 27.12.1832, 37; SBOR. to G.G. 22.7.1831, paras. 14-15, Ibid., 41; Minute of Bentinck, 20.1.1832, paras. 25-6 and 57, SRRNWP.2; Minute of Bentinck, 26.9.1832, para.13, Bg.R.C. 27.12.1832, 79; Minute of W.Blunt, 21.12.1832, para.9, Ibid., 94.

a change from the method pursued since 1801. Formerly the technique was clumsy: from the gross jamabandi, first the expense of collection was deducted, then the jama was estimated upon which 10 per cent was allowed to the 'proprietors'. Now every species of deduction was to be deducted from the gross jama or jamabandi or rent-roll.

The great flexibility in the amount of the residue to be allowed to the 'proprietor' undoubtedly arose from the need to provide a general, but not rigid, rule, so as to meet a wide variety of individual, agricultural, economic and local situations. It was the revenue officer who was to exercise his discretion in awarding the amount of the residue. Bentinck agreed with the Sadr Board that in certain circumstances where a substantial increase in the assessment had accrued to the state, then the residue could be increased beyond the maximum he had laid down.[1] This was to constitute the only exception to the general rule on the residue laid down by Bentinck.

The assumption behind allotting the increased proportion of the residue to the Zamindars was in striking contrast to the utilitarian teaching. In the context of increased profit, Bentinck raised the question, 'after all may not this be considered as the capital by which improvement is accomplished?'[2] When in 1833 the Court was outraged

1. SBOR. to G.G. 22.7.1831, para.14, Ibid., 41; Minute of Bentinck, 20.1.1832, para.14, SRRNWP. 2.
2. G.G. to SBOR. 7.4.1831, para.106, SRRNWP.2; R.C.Glyn to W.B.Martin, 24.5.1831, para.12, Bg.R.C. 27.12.1832, 37.

by Bentinck's decision on the grounds that it had no sanction in law or tradition, and that the Zamindars did not carry out any improvements,[1] Bentinck saw no reason to alter his decision.[2] There was also the political aim of conciliating the Zamindars behind the decision.[3] Bentinck's decision had the support of revenue officers, the Sadr Board, and the Bengal Council and although Metcalfe considered it a large sacrifice of revenue, he did not oppose the decision.[4] It should be noted that the 'quantum' of the residue was consistent with the notion of 'proprietary' tenure accepted by Bentinck and the Sadr Board. But the opposition of the Court was consistent with its notion of 'proprietary' right and of the Indian revenue system. The 'quantum' of the residue cannot be considered as large, because under Regulation VII 20 per cent on the net jama was a partially accepted rule, to which should be added village expenses of 5 to 10 per cent, which would give a figure of between 25 to 30 per cent, while Bentinck had decided on a variable rate of 15 to 35 per cent on the gross jama. It is significant that the Court's view on it was completely

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1. E. Stokes is not fully correct when he states that the Court's opposition to a large residue was exclusively due to the utilitarian influence, See The English Utilitarians and India, p.114, cf. Bg. R.D. 15.2.1833, 2, paras. 35-6.
2. Minute of Bentinck, 4.9.1833, Bentinck MSS.2903.
3. Minute of W.Blunt, 21.12.1832, para.9, Bg.R.C. 27.12.1832, 94.
4. Minutes of C.T.Metcalfe, 31.10.1831 and n.d., Bg.R.C. 27.12.1832, 43 and 92.

ignored by Bentinck.

From the arrangement of 1832-33 the Zamindars had certainly emerged with a prosperous prospect before them. Not only was the 'quantum' of the residue increased but all legitimate increase in the rent after the settlement was concluded was to be appropriated by them. A long term settlement was emphasized once again as the basis of prosperity. Bentinck was in favour of a 15 to 20 year period for a settlement, while in 1837 the Court allowed 30 years as the maximum duration of a settlement.[1] The long term settlement no doubt, was a compromise solution between the promise and refusal of permanent settlement. This compromise gave heart to such inveterate supporters of permanent settlement as Henry St. George Tucker. He wrote in a private letter in 1845 (to whom is not mentioned), 'I, accordingly (in 1827),[2] was a party to the introduction of leases for thirty years in the Western Provinces, by way of compromise for violating the pledge which had been given to the landholders in 1803 and 1805 to confirm the settlement, then made with them, in perpetuity.'[3] Tucker

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1. Minute of Bentinck, 26.9.1832, para.103, Bg.R.C. 27.12.1832, 79, and Minute of 29.2.1832, para.21, Bentinck MSS.2903; I.R.D. 12.4.1837, 6, para.3.
2. 1827 was not the year when the Court sanctioned 30 year leases. It was 1837. Tucker, or Kaye who edited the Tucker Papers has made a mistake in mentioning 1827.
3. H. St. G. Tucker, 'System of Land Revenue', in J.W. Kaye (ed.), Memorials of Indian Government, Selections from papers of H. St. G. Tucker, pp.109-10.

has claimed undue credit for long leases: compromise undoubtedly there was but it goes back to a much earlier period. Between 1810 and 1813 the Court had rejected a permanent settlement with one hand, and conceded periodical settlements with the other.[1] The notion of periodical settlements propounded by the Court was the forerunner of thirty year leases. The Bengal Government's advocacy for long leases since 1820 was inspired by the Court's teaching between 1810 and 1813.

The leading questions of land settlement which had agitated the minds of administrators since 1801, were restated and resolved by Bentinck as has been shown above. There remained only the technical and procedural aspect of actually forming the settlement. On the technical points also, Bentinck had been in consultation with the Sadr Board, and revenue and survey officers. Bentinck formulated his solution in the minute of 26 September 1832 which became the basis of discussion at the revenue conference of 21-23 January 1833,[2] over which he himself presided. The individuals who attended the conference were William Fane, Robert Merttins Bird as the two members of the Sadr Board on deputation, the Survey officers, the revenue officers of

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1. See Chap. 2. p.148 ff.
2. Minute of Bentinck, 26.9.1832, paras. 99-100, Bg.R.C. 27.12.1832, 79; W.H.Macnaghten to J. Thomason, 24.1.1833, paras. 1-2, Bg.R.C. 8.3.1833, 63.

Allahabad, Charles Macsween, the Commissioner of Agra, and Richard Milbank Tilghman, now acting Commissioner of Bundelkhand.[1] The conference with slight modifications, approved of Bentinck's proposals.[2] Where the result of the conference required legislative action to remove some of the impractical procedure of Regulation VII of 1822, Regulation IX, a well-known enactment, was passed in 1833. It should be pointed out that the procedure of settlement was fully in accord with the needs of the revised policy. In fact, the revision of policy was done with one eye on the procedure.[3] In 1822 the aims of policy were so heavy that under its pressure the procedure of settlement disintegrated.

Under the revised procedure, a professional survey department was to do the bulk of survey work instead of the crude methods of the Indian surveying establishment.[4] The assessment was to be fixed according to the aggregate to detail method, and the net rent principle of 1822 which had been the cause of great confusion, was deleted from the revenue law.[5] The responsibility for the payment of the assessment in joint'estates', was to be collective, and in

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1. W.H.Macnaghten to J. Thomason, 24.1.1833, para.2, Ibid.
2. Ibid., paras. 3 and 17; C.Macsween to J.G.Deedes, 8.3.1833, para. 5, Bg.R.C. 8.3.1833, 64.
3. See SBOR. to G.G. 25.5.1831, paras. 19 and 39, Bg.R.C. 27.12.1832, 33.
4. Minute of Bentinck, 26.9.1832, para.99, Bg.R.C. 27.12.1832, 79; Bg.R.L. 9.9.1833, 7, para.7.
5. Reg. IX of 1833, S.2.

its apportionment among co-sharers, the Collector could offer his good offices, but was not to interfere unless internal disputes regarding it, arose among the members.[1]

No change was to be made in regard to 'proprietary' rights in land and such rights as the raiyats possessed to fixed rents. No right was to be trampled upon, and no new right was to be acknowledged which did not have a previous existence or which was not claimed, and duly established.[2] Special care was to be taken in the preservation and protection of the rights of the co-sharing village bodies. The weaker member of the community was to be prevented from being swallowed by the stronger one, by a clear and indisputable record of individual revenue obligations. A salvage attempt to protect the village community where it had been expropriated by Taluqdars, large Zamindars or even by Mukaddams was to be made. In this case where the members of the community still paid at fixed rates, then it was to be recorded.[3]

The exercise of judicial powers by the Collector, which began simultaneously with the ascertainment and

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1. Minute of Bentinck, 26.9.1832, paras. 99 and 55, op.cit., Minute of Bentinck, 20.1.1832, para.20, SRRNWP.2, Minute of A. Ross, 27.7.1833, para.27, Bg.R.C. 9.9.1833, 36.
2. Minute of Bentinck, 26.9.1832, para.99, Bg.R.C. 27.12. 1832, 79; C. Macsween to J.G.Deedes, 8.3.1833, para.2, Bg.R.C. 8.3.1833, 64.
3. Minute of Bentinck, 26.9.1832, paras. 59-61, Ibid.

determination of the assessment under the 1822 arrangement was also rescinded.[1] It had proved to be an impossible task and had failed to achieve either of the two ends in view. Now the exercise of judicial power was to be taken up after the assessment had been determined. The reason was to achieve efficiency in settlement making, and in many cases of disputes the cause may have been the uncertainty of the assessment itself. So if the assessment was already determined on fair and equitable grounds, this would automatically remove the causes of dispute which arose because of its uncertainty.[2] The Collector would, however, have still to determine 'proprietary' and boundary disputes, which also could be best decided after assessment fixation,[3] because the Collector would have no other burden of settlement work weighing upon his mind. In the discharge of his duty in this regard, the Collector could just as under Regulation VII, seek the assistance of arbitrators selected from the village by him and also of the village panchayat.[4]

As the procedure of assessment was modified and a simple view of tenures was taken, the investigation regarding the data for assessment, and of rights in land

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1. Reg. IX of 1833, S.3.
2. See W.H.Macnaghten to J. Thomason, 24.1.1833, para.11, Bg.R.C. 8.3.1833, 63.
3. Ibid.
4. Bg.R.L., 10.2.1834, 1, para.41; Rg.IX of 1833, SS. 5-8.

and preparation of records were also simplified. Which was the most important of technical decisions without which settlements would not have progressed rapidly. Under Regulation VII the record of one village alone produced a thick quarto volume. Much of the information had constituted an 'immense mass of useless writing'[1] pertaining to individual fields, rent-rolls, 'proprietary' rights, price currents, individual depositions, and the village census. Nobody put any faith in those records, and according to Deedes, every Zamindar laughed at the minute investigation conducted regarding the produce of land.[2] Now for assessment purposes, as has already been stated, no unnecessary and ambitious collection of data was required. To protect 'proprietary' rights and to make the transfer of land easy, two different types of records were to be prepared. In zamindari villages a simple statement of 'proprietary' rights was to be prepared: there was no need to connect the owner to particular fields because the right was definable and general, and expressed in fractions of a rupee. Here it was easy to give possession to a purchaser who bought an interest in the land amounting to so much fraction of a rupee. It was only in the pattidari villages

1. SBOR. to G.G., 25.5.1831, para.25, Bg.R.C. 27.12.1832,33.
2. Reply of J.G.Deedes, 25.7.1831, to queries issued by SBOR. on 24.6.1831, SRRNWP.2, p.337.

where the co-sharers held more or less than their actual ancestral share expressed in fractions of a bigah that a detailed record was necessary. An accurate record of the actual possession of the co-sharer would have to be made. In this process a survey would play the dominant role. In the absence of such a record for the pattidari villages it would be difficult to effect transfers of land. So far as the raiyats were concerned, the khasra[1] would offer all the necessary particulars, whether some of them had certain rights to possession and fixed rent.[2] The proposal for the simplification of records had originated with the Sadr Board, and several other revenue officers had similarly urged a reform in the preparation of records.[3] Bentinck fully complied with those solicitations.[4]

To impart efficiency at the lower levels of revenue administration, certain significant measures were to be taken. The Patwari office was to be made efficient, and the Kanungo office was to be re-established. The village

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1. Khasra = field book, The result of survey which showed fields and raiyats and their relation to Zamindars.
2. SBOR. to G.G. 25.5.1831, paras. 12-16, Bg.R.C. 27.12. 1832, 33.
3. Ibid.; Reply of J.G.Deedes, 25.7.1831, to queries issued by SBOR. on 24.6.1831, op.cit.; Reply of W.H.Tyler 6.8.1831 to queries issued by SBOR. on 24.6.1831, SRRNWP.2, p.326; W.B.Martin to G.G. 31.5.1831, para.9, Bg.R.C. 27.12.1832, 36; Minute of W.W.Bird, 27.4.1832, paras. 27 and 29. Ibid., 58.
4. Minute of Bentinck, 20.1.1832, paras. 47 and 69, SRRNWP.2.

accounts were to be open for the examination of any person, and if the Zamindar created any obstacle in this regard, then he was to be penalised.[1] Finally, to raise the standard of performance of the subordinate Indian revenue officers and to lift them above corruption, a salutary remedy originating with William Wilberforce Bird was applied. He pointed out that the Indian revenue servants had had an unfair deal from the British, for their salary was low and their work went unacknowledged. In some districts the settlement work was actually done by them while the Collectors were given the credit for it. He therefore argued for the appointment of Indians as Deputy Collectors: the cost of it would be cheap, and settlement work would be done effectually.[2] Bentinck was in agreement: so emerged the Indian Deputy Collectors, and collaboration between Indians and British in settlement work at a somewhat more honourable level for the Indians than they had enjoyed since the days of Tahsildari Raj in the early years.

The plan of 1832-33, which became the basis of the revenue system of the North Western Provinces, was a slight modification in fundamentals when compared with that of

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1. Minute of Bentinck, 26.9.1832, para.99, Bg.R.C. 27.12. 1832, 79; Reg. IX of 1833, SS. 13-4.
2. Minute of W.W. Bird, 27.4.1832, paras. 43-4, Bg.R.C. 27.12.1832, 58; Minute of Bentinck, 26.9.1832, paras.104-05, Ibid., 79; Reg. IX of 1833, S.16.

the 1822 scheme, but it was a considerable improvement in method and procedure upon the latter arrangement.

In regard to the question of 'proprietary' rights and the persons with whom settlements were to be made, there was some difference between the two schemes. In both we notice the earnestness of the administration to protect each species of 'proprietary' rights that were found to be in existence. The village communities under both the schemes were to be objects of tender care. In 1822 the resident raiyats were generally to have their rents fixed, in 1833 only such of them who had a provable right to it were entitled to that privilege. It was in regard to the inquiry into 'proprietary' rights that the 1832-33 arrangement deviated considerably from that of 1822. In 1822 an almost ruthless inquisition was to take place into 'proprietary' rights, obviously forced upon the administration by the exposure of early errors, and by the obliterating effect of sale laws. The zeal in this endeavour, whose chief advocates had been the Court and Holt Mackenzie, was merely effervescent, because the task itself was impracticable. In 1832-33 the approach was level-headed. What ever injury had occurred, it had simply occurred.[1] After all it had

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1. See Minute of Bentinck, 4.9.1833, Bentinck MSS.2903, differing with Metcalfe and the Court, and supporting the views of Sadr Board on what attitude government should adopt on 'proprietary' rights.

emanated to a certain extent, from the initial state action. The rights of the auction-purchaser, the 'proprietary' rights of large Zamindars and Taluqdars (where such rights existed) were to be on a par with the 'proprietary' rights of village communities. In the eyes of the law, every species of 'proprietary' rights had equal respectability. The criterion was to record rights which were in existence and for which there was proof. The intention was to maintain the status quo in the existing state of 'property'; the old rights which were even now in existence, were to be on the same footing with the new ones created since the British rule. The 1832-33 decision regarding 'proprietary' rights was undoubtedly taken without emotional involvement, nor was there the meaningless romantic harking back to the past that village Zamindars alone were the 'proprietors', characteristic of an earlier period, and robustly advocated by such individuals as James Cumming, Charles Metcalfe, and to a lesser extent, by Holt Mackenzie. An obsession with the past was only to blunt the ability to take decisions on current problems, which was to bring to a speedy conclusion the settlement proceedings. The foot, therefore, had to be put down firmly. And the modification in 1832-33 therefore, must be considered to be a realistic one. It may also be pointed out here, that it was not a mere coincidence that at about the same time the proceedings under Regulation I of 1821, on the fraudulent acquisition

of land in the early years of British rule, were also terminated.[1] The reason was to stabilise landholding and not to excite the mind of landlords by special judicial investigation into their past. The Civil Courts were there to solve disputed 'proprietary' rights.

The principle and method of assessment of 1832-33 were considerably different from those of 1822. Baden-Powell appears to be in considerable error when he remarks, 'it will not be supposed that the Regulation of 1833 altered or overthrew the principles that were established eleven years before, it merely simplified the method of assessment, and rendered work possible.'[2] He is not at all clear in what he states because he does not sufficiently explain the principle of assessment of 1822. If he means that in 1822 as well as in 1833 the object was to avoid arbitrary assessment as had been the practice in the past, then he would appear to be correct. In 1822 the net asset notion was part of the principle of assessment, and this was discarded in 1833. Here is what Regulation IX of 1833 had to say: the section of Regulation VII of 1822 which, 'prescribes, or has been

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1. In the reorganisation of revenue and judicial administration which came into force in 1829, the Special Commission set up under Reg.1 of 1821 was abolished and its function was transferred to the new divisional Commissioners. See Bg.R.L. 10.12.1828, para.6. And in 1835 the function of investigating early frauds was brought to an end altogether. See India Act III 1835.
2. B.H.Baden-Powell, op.cit., p.27.

understood to prescribe, that the amount of the juma to be demanded from any Mehal shall be calculated on an ascertainment of the quantity and value of actual produce, or on a comparison between the costs of production and value of produce, is hereby rescinded.'[1] Eric Stokes would also appear to be in error when he states that though rent theory was given up in practice, it was retained in theory.[2]

In fact, neither the principle of 1822 nor that of 1832-33 were to be guided exclusively by rent theory. In both the object was to attain a fair assessment upon perfectly intelligible principles, and to terminate what was considered to be the crude and arbitrary Indian method of assessment upon the gross produce. In both, the method was essentially empirical. The 1822 method was 'synthetic', 'positive' and 'inductive', and the rent of each field was to be fixed before fixing the assessment. The 1832-33 method was 'analytic' and 'comparative' and the assessment was to be fixed upon the 'proprietor' first, before fixing the rent of raiyat where he had such a right.[3] In both, the settlement officer had to make an inspired guess in fixing the assessment - in 1822 such a guess was not officially sanctioned, but it was practiced, in 1833 it was officially

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1. Reg. IX of 1833, sec.2.
2. Op.cit., pp.104-05.
3. The terms 'synthetic', 'positive', 'analytical' and 'comparative' were used by Auckland in his letter of 18 August 1838 to the Court of Directors.

avowed. In the 1822 method there was every likelihood of error creeping into the assessment because it was based upon individual and independent consideration of each field, village, and pargana, in 1833 mistakes would be possible only under stupid settlement officers, because there was a continuous check and comparison between various sources of assessment before it was finalised. There existed a built-in corrective element in the principle of the assessment of 1832-33. The 1822 method did not ensure the cooperation of the people because it involved ascertaining the positive resources of a village which the people would combine to conceal. The 'comparative' method of 1832-33, on the other hand, assured the cooperation of the villagers, because an aggregate sum was to be distributed on a group of villages, therefore all would have to combine to make its distribution equable.[1]

It may be a little surprising to note that one feature of the 1832-33 mode of assessment resembled very closely the one developed before 1822 under Edward Colebrooke and John Deane. The estimate of the capability of land was to be determined in both cases by the Tahsildar on several considerations, and was to be subsequently checked by the Collector.[2] The only just criticism that can be levelled

1. See Chap. 4, pp.265-288ff; see above pp.379-82; See Auckland to Court 18.8.1838, 3, paras. 44, 50, 36 and 45.
2. See Minute of A.Ross, 27.7.1833, paras. 8-9, Bg.R.C. 9.9.1833, 36.

against the 1832-33 mode is that it could have been made more efficient, and its determination should have been left in more competent hands. The surveyor, the Tahsildar and the Collector were to cooperate in fixing the assessment. But the role of the surveyor did not extend beyond furnishing survey data. But in estimating the capability of the land the Tahsildar and the Collector were to duplicate each others work, which was a waste of time, without any guarantee against over-assessment, because the consideration of the circumstances for estimating the capability of land eluded any precise valuation. As the actual rent constituted the only definite and certain data for assessment, it could have been best ascertained by the surveyor and not by the Tahsildar or Collector, because the surveyor had the technical skill and a first hand opportunity at the time of survey in which to extract true information regarding rent.[1]

In regard to the protection of land rights too there was substantial modification of the 1822 scheme. Under that arrangement the investigation into rights was given equal importance with the fiscal aspect of settlement. But under the revised scheme it was the problem of assessment which was to take precedence over the question of rights, for reasons already explained. However, it would be wrong to infer that the investigation, recording and protecting of

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1. Ibid. See paras. 9 and 21.

rights was to be done casually. There was of course, no obsession with the protection of rights. These were the proper priorities. Survey and assessment would give an accurate account of the land, its extent and produce. The assessment being already determined, it would be easy for the settlement officer to solve disputed rights, and to give titles to each portion of cultivated, culturable and waste land where it was necessary, and to record fractional shares in zamindari 'estates'. When subsequent disputes arose, they could be easily settled in the courts on the basis of the records now made.[1] Similarly, the Zamindar - raiyat relationship was also placed upon a proper foundation. The field map and khasra enabled the Zamindar to obtain his dues and the raiyat whatever right he was shown to possess.[2] In agrarian disputes the record would be the most authentic piece of evidence.

The technique of settlement and the details of the scheme of 1832-33 was a mean between those of 1822 and those which prevailed before 1822. One would fully agree with Metcalfe's observation on the new scheme as compared to the previous ones, it was 'more detailed and accurate than the latter which [was] blamed for its frequent incorrectness ... and less detailed than the former which has been found fault

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1. See above pp. 249 ff. & 393 ff.; See Auckland to Court 18.8.1838, 3, paras. 55-56.
2. See Auckland to Court 18.8.1838, 3, para.57; see above pp. 379, 381-2 and 398.

with on account of its minuteness.'[1]

Behind the revision of policy there were powerful and compelling economic reasons bearing upon the relations between Britain and India. The creation of valuable property - by handing over private rent to the Zamindars, by acknowledging the value of soil assessment, by moderate assessment and long leases - was not an act of a government merely charitably disposed towards its subjects. Britain wanted a solution to the vexed problem of exchange between Britain and India, it also desired and was ready to provide a market for the raw material of India, and it sought a market in India for its own manufactured goods. All these economic motives hinged upon the land question. The improvement of agriculture was to be the sine qua non to the solution of those questions. For improving agriculture - chiefly by plantation enterprise - Europeans were to be allowed to hold land in India without of course, any prejudice to 'native' landholding.

For European landholding on an unrestricted scale and for all forms of enterprise, the initiative came from Bentinck. It was forced upon him because of the economic connection between England and India which required radical rethinking, and the pressure exerted by agency houses. He was a convert to 'colonisation': when he arrived in India

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1. Minute of C.T.Metcalfe, n.d., Bg.R.C. 27.12.1832, 92.

he was opposed to it. In his fervour for 'colonisation' he was several steps ahead of the Court of Directors and the Board of Control. His theoretical justification of 'colonisation', which was duly supported by Metcalfe and Bayley, was a remarkable and imaginative piece of exercise in logic. He argued that India's export trade based on handicraft was finished. Without export trade the economic future of India and British interest in it, was gloomy. For a flourishing trade new articles of export must be developed which was possible only through 'European capital and skill'. He dismissed the common apprehension of the time that colonisation was politically dangerous to government, and economically harmful to Indians. There would be no flood of immigrants. Climate reasons and density of population would operate as a natural check. Cheap immigrant labour in competition with Indian labour, would perish. Only a skilled, managerial and financially well-off class of immigrant had a future. Such immigrants would be actually a source of political stability from whom administrators could also be recruited. There would be no clash of economic interest between immigrants and Indians. Land law was fully defined, and a well established government existed to enforce it. Europeans would be interested in plantation, and would not be in competition with Indians for the rent of land. If they did attempt to compete they would be bought out by

Indians. On the contrary, Indians would welcome close contact with Europeans, because Indian social habits were changing under British influence and economically enterprising Indians were emerging. They would benefit from example of European enterprise. Thus, in 'colonisation' alone, Bentinck saw economic prosperity of India.[1]

It can perhaps be argued that Bentinck was influenced by 'free trade' principles, in his plea for European landholding in India. But it would be wrong to theorise that 'free trade' principles were the foundation of his decision. It was the compelling economic reason which was the dictating factor. On the question of European landholding Bentinck has himself admitted that he was opposed to it on his arrival in India as Governor-General.

In order to make the story of European landholding intelligible, it is necessary at least to give its brief history. Its history before 1787 is not very clear. Europeans certainly held some land for indigo cultivation and manufacture in Bengal and Benares. That is why the revenue rules of 1787 prohibited European landholding outside Calcutta without government permission. This rule

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1. Minutes of Bentinck, 30.5.1829 and 8.12.1829, Bg.R.C. 1.9.1829, 2, and Bentinck MSS. 2903 respectively; Bentinck to Ellenborough, 18.12.1829, Bentinck MSS.2594; Minute of C.T.Metcalfe, 19.2.1829, encl. in R.Tilghman to P. Auber, 1.9.1829, 3; Minute of C.T.Metcalfe, 13.12.1829, encl. in Bg.R.L. 1.1.1830, 4; Minute of W.B.Bayley, 31.12.1829, Ibid., 3.

was incorporated in Regulation XXXVIII of 1793 which specified that land could be purchased or rented for residential purposes or for erecting business premises, land to be held for any other purpose was to require government sanction. The reason was that Europeans were not amenable for legal purposes to provincial courts of judicature as Indians were. Similar Regulations were enacted for Madras and Bombay Presidencies. It should be noted that the government in India was competent to grant land to Europeans for any purpose and for any duration. Yet, the Bengal government seems to have been inhibited in granting land, that is why in 1822 Dr. Wallick in conjunction with the agency house of Mackintosh made representation to the government for grant of land for coffee cultivation, which produced the Resolution of 7 May 1824. Under it Dr. Wallick was granted 11,000 bigahs of land for 99 years for coffee cultivation. The grantee under the Resolution was to observe the terms of engagement and to show good behaviour otherwise the lease would be cancelled. Subsequently, the scope of the Resolution was extended to cotton and sugar-cane also. The Resolution of 1824 and its extended application had support of the Court of Directors. In 1829 on the representation of the agency houses, the principle of 1824 was extended to indigo, and other forms of plantation enterprise or in other words, freedom to hold land for any

enterprise was allowed. The Court was somewhat annoyed for having been ignored by Bentinck on what they considered to be an important question. Its despatch of 8 July 1829 which originated with it, was hastily drafted and on which very little discussion was allowed, and which had the full support of Ellenborough and the Duke of Wellington, the Bengal government was ordered to modify its Resolution of 17 February 1829. A particular provision of 1824 Resolution which provided for cancellation of lease on misconduct, had been altered in 1829 into empowering the government to deport a European on misconduct. The Court considered this to be an ineffective provision and desired the restoration of 1824 provision in that regard. The Court also laid down that land for any agricultural enterprise was not to be granted for a period beyond 21 years. In principle, however, there does not appear to be any difference between the Bengal government and the Court of Directors. There was only apparent technical difference, because the 21 year lease was bound to be renewed, for enough capital would already have been invested by Europeans. At any rate, the modification ordered by the Court soon lost its force because in 1836 Europeans of any nationality were allowed to hold land with full property rights and for any terms of years in British

India.[1]

The opposition to colonisation in the Court came from a small band of diehards whose chief spokesman was Tucker. The argument was old but it was made with great passion and force. 'Colonisation' was politically harmful to government and economically disastrous for Indians. However, a tightly controlled landholding to be permitted in exceptional cases but not as a general rule, was not undesirable.[2] Tucker, in his condemnation of the general policy of 'colonisation' and the pressure group behind it rose to a feverish pitch of eloquence. Here is what he wrote in 1829, 'We have departed from that broad line of policy to which we are indebted, more perhaps than to any other circumstance, for the maintenance of our Indian Empire in a state of internal tranquillity. That forbearance - that abstinence - that sacrifice of a selfish interest in favor of our native subjects which the most intelligent foreigners can scarcely credit, but which has extorted from

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1. See Dissent of J.G. Ravenshaw, 17.7.1829, App. to Court Minutes, 4, pp.600-04 and 610-24; Resolution of Govt. 17.2.1829, encl. in R. Tilghman to P. Auber, 1.9.1829,2; Bg.R.D. 8.7.1829, paras. 2,5-7, 9 and 13; Ellenborough to Bentinck, 6.7.1829, Bentinck MSS.934; Dissent of H. St.G. Tucker, 9.11.1836, App. to Court Minutes, 6, p.265.
2. See Dissents of H. St.G. Tucker, 13.7.1829, J.Bebb, 21.7.1829, J.G. Ravenshaw, 17.7.1829, App. to Court Minutes, 4, pp.570-75 and 632-6; and see Dissents of H. St.G. Tucker, 9.11.1836, N.B. Edmonstone, n.d., R. Campbell, 14.11.1836, App. to Court Minutes, 6, pp.265-8 and 273-9.

them an involuntary tribute of admiration and respect - that high and honorable course of policy, has been abandoned. The sacrifice has been made to popular clamour. We have not dared to resist the importunate demands of interested merchants and manufacturers'.[1] In 1836 Tucker complained that all recent economic reforms in India had originated with local government, behind which was the influence of agency houses. He wrote, 'a small body of individuals, resident in Calcutta, have constituted themselves the public of India and are disposed to take a very active part in the management of public Affairs. They have found a powerful auxiliary in the press: and indeed some of our own servants ... are to be found of late among the active promoters of popular clamour. We have thus the germ of a popular power, and we cannot more effectually promote its early development than by exposing to its grasp a vast Rental, affording a temptation, which cannot fail to encourage the resort of European Adventurers to India.'[2]

The problem of exchange between England and India had been causing concern for a number of years. The remittance from India to England consisted of expenses incurred in London on account of India administration and supplies, the remittance of European fortunes and savings from India, and remittance on account of imports from

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1. Dissent, 13.7.1829, Ibid., pp.566-7.
2. Dissent, 9.11.1836, op.cit., pp.276 and 274-6.

England. The value of all this amounted to £8m. a year. This composite demand on India was realised through India's export trade with England directly or indirectly through China, and this amounted to £7m. a year.[1] The £1m. deficiency was further complicated by the fact that India goods were losing their market in Britain, and were unsaleable.[2] This problem could be solved by promoting the growth of articles in India, such as raw cotton, sugar-cane, raw silk, coffee and tea for which Britain would provide a market. In the context of the problem of exchange, the 'chairs' wrote to Ellenborough, 'there is not, nor can there be any way in which India can furnish funds for a transfer of capital except by produce and therefore this serious hindrance to the making of adequate returns for an export trade with India is irremediable until means can be derived for augmenting the productiveness of India and for creating new marts for the sale of such increased produce.'[3]

The problem of remittance was one aspect of the effort to develop raw material in India. Its other aspect was to ensure the supply of primary produce for British

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1. Court to Board, 4.9.1829, 10, pp.24,31 and 32; See also H. St. G. Tucker, 'Exchange Operations - Home Remittances', in J.W. Kaye (ed.) Selections from Papers of H. St.G. Tucker, pp.381-2.
2. Court to Board, 4.9.1829, Ibid., p.23; Board to Court, 4.8.1829, 7, p.322.
3. Court to Board, 4.9.1829, Ibid., p.34.

industry and British consumer. In this regard practical steps in Bengal had been taken since 1801 under the Court's initiative, and subsequently the Bengal government and the Calcutta agency houses were most interested in this question.[1] In 1820 the Agricultural and Horticultural Society was founded in Calcutta which had official support, and its object was to improve the culture of a variety of commercial crops. In the 1820's the Court, the Board of Control, the British Board of Trade and the Bengal government were in equal earnestness to see the development of raw material in India.[2] Bentinck thought that it would produce immense 'political' benefit both to Britain and India.[3] Ellenborough expressed himself very clearly when he wrote to the 'chairs', 'there is another object to which the attention of the Court will be constantly directed, not merely for the purpose of facilitating Remittances, but for that of connecting England and India by the Bonds of mutual Interest, the object of drawing forth all the natural resources of India and of enabling us to derive from our own dominions

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1. See H.R. Ghosal, Economic Transition in the Bengal Presidency, 1793-1833, pp.258-9; A. Tripathi, Trade and Finance in the Bengal Presidency, 1793-1833, pp.165-6; See above pp.410-11.
2. See Minute of Bentinck, n.d., Bentinck MSS. 2903; In spite of the views of Bentinck, Ellenborough and others on drawing raw materials from India for British industry, it is hard to enumerate even a single product used by that industry from India around 1830. They were only thinking in future terms.
3. Ibid.

the raw materials of our most important manufactures.'[1] It would make Britain independent of supplies from foreign countries.[2]

The corollary to the solving of the exchange problem and to promoting the growth of raw materials, was to sell manufactured goods to India. If Britain did not buy Indian raw materials, India could not buy British goods. Secondly, to enable India to buy British goods, wealth must be created in India by reforming its revenue structure. To Bentinck, Ellenborough had written, 'India cannot rise under the pressure of present taxation: & to make the people of that country consumers of the manufacture of England we must first make them rich.'[3]

To Bentinck the economic salvation of India upon which depended the superstructure of British economic interest, lay in colonisation and in direct state action;[4] India had lost market for her staple product, she had not progressed in scientific and technical fields, 'she is as she was, ages ago ....'[5] He speculated concerning the functions of state action in promoting the development of India in a letter to Ellenborough. He wrote, '... you must

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1. Board to Court, 13.10.1829, 7, p.390.
2. Ellenborough to Bentinck, 19.5.1829, Bentinck MSS.932a; See also C.H.Philips, The East India Company, 1784-1834, (First ed.), p.262.
3. Ellenborough to Bentinck, 19.5.1829, Ibid.
4. Bentinck to Ellenborough, 5.11.1829 and 7.11.1830, Bentinck MSS. 2594; and see above p. 407-09.
5. Bentinck to Ellenborough, 5.11.1829, Ibid.

always recollect that the Government here are the real landowners', therefore Government should carry out improvement, and '... I look at all this country as a great Estate, of which I am the chief agent, whose principal business is to improve the condition of the tenantry and to raise the income, not by rack-renting and subletting, but by bringing into play, by judicious management, all the resources which it had and circumstances abundantly offer.'[1] The revised land revenue policy, to a large extent, was to solve the economic problem stated above. One of the advantages of soil assessment was thought in 1837 by the Court to be to encourage production of raw material for the British market.[2] In 1837 the Court was pointing out to the India government, that Europeans would take full advantage of their opportunities in developing plantation industries and Indians would not be their equals in respect of capital and enterprise, so it was the duty of the government, 'occasionally to lead and assist them [Indians] in the line of improvement, this we consider to be the true policy of a liberal Government ruling over a people not possessing the knowledge or means of developing all the resources of their native land.'[3] The revised policy was admirably suited to the encouragement of the development of

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1. Ibid.
2. See I.R.D. 12.4.1837, 6, para.28.
3. Ibid., para.31.

agriculture by Indians themselves. In the same despatch the Court had observed, 'no better means of securing this good object can be pointed out than the adoption of such a mode of assessment as shall leave the cultivator in possession of an ample and encouraging remuneration for the exercise of his industry in the growth of articles adapted to the demands of the home market. The policy of long leases and moderate assessments is therefore not only recommended by general principle and general experience but is enforced by the peculiar circumstances of the time.'[1]

In conclusion it should be pointed out that the arrangement of 1832-33 was entirely due to the initiative of the Bengal government, and in it very little influence of the Home government and consequently of the utilitarians through James Mill is noticeable. In a recent study a mountain has been made out of a molehill of utilitarian influence on land revenue policy in the Western Provinces.[2] Landholding according to James Mill, was to be vested in the raiyats, and the Zamindars were to be tolerated only on sufferance. Only one-tenth of 'rent' was to be allowed for private appropriation in either case.[3] In the rearrangement the large Zamindars, Taluqdars, auction-purchasers, and village Zamindars were to be fully accepted as 'proprietors' to the

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1. Ibid., para.32.
2. See E. Stokes, The English Utilitarians and India, Chap. 2, particularly pp.115-16, 120-22, 128-9 and 132-33.
3. See Chap.4, pp. 269-73.

extent that they had such a right. The raiyats were not at all to be treated as 'proprietors' nor were their rents to be fixed in all the cases. The 'proprietors' were not only allowed an increased proportion of the gross revenue, i.e. 15 to 35 per cent, but private rent, which would emerge after the assessment had been fixed, was also handed over to them in a great measure.[1] Does this not stand out in sharp contrast to what Mill had been teaching? Mill wanted the creation of limited property of the raiyatwari type, and what the Bengal government did was to lay down the foundations of valuable property in the Western Provinces. By no stretch of the imagination can this foundation of private property be considered to have been deduced from utilitarian concepts. Mill's conception was a cross between the rent theory and the raiyatwari form oflandholding; whereas behind the decision of 1832-33 liberal principles at work since the days of Cornwallis in Bengal are discernible, combined with what government honestly believed to have been the state of 'property' before, and since the British rule. The Revenue despatch to Bengal of 15 February 1833, no.2, whose author, it has been suggested, was James Mill,[2] objected to the view taken by the Bengal government on 'proprietary' rights and the large residue proposed to be handed over to the 'proprietors', and considered the

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1. See above, p.388 ff.
2. See E. Stokes, op.cit., p.114 n.

neglect to protect raiyats as 'criminal'.[1] In this despatch there was nothing new nor was there much of utilitarian content in it. The Court had been airing its views on 'proprietary' rights and had been deploring the fate of the raiyats under the British since 1810. The Court was objecting to the decision to hand over a large portion of the gross revenue to the Zamindars not on strictly utilitarian grounds, but on the grounds that it was an undue sacrifice of revenue and was against Indian tradition, though it did state in support of its objection that the Zamindars did not carry out improvements. No doubt this distrust of Zamindars can be considered as an utilitarian argument, but it should be at the same time, pointed out that the Court had stated the same thing much before James Mill came to the India House. The objections raised in the despatch of 1833 had no effect on the government's decision. Bentinck, in his minute of 4 September 1833, on the despatch under discussion, refuted the objections put forward by the Court, and defended the views which he shared with the Sadr Board on 'proprietary' rights.[2] In 1837 we find the Court reconciling itself to the arrangement of 1832-33.[3]

Another feature of James Mill's scheme for revenue reorganisation in India was the principle of field

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1. See above, pp.345 & 390-1; and see Bg.R.D. 15.2.1833, 2, para.21.
2. See Minute of Bentinck, 4.9.1833, Bentinck MSS.2903.
3. I.R.D. 12.4.1837, 6, para.15.

assessment, clearly borrowed from Munro's raiyatwari system. Field assessment was nothing new, and the Court knew all about it before Mill had the opportunity to grasp its significance. In fact, it would not be wrong to state that the Court needed very little schooling, or none at all, on Indian land revenue matters from James Mill or anyone else. However, to come back to the question of field assessment which was part of the utilitarian blueprint for Indian Land Revenue, it should once again be pointed out that it was rejected in 1832-33. Assessment was not to fall upon field and raiyat, but upon a mahal and therefore upon a Zamindar or Zamindars.

On the question of the principle of assessment, in so far as soil assessment was part of it, the government certainly accepted the Court's instructions and therefore Mill's teaching. But the notion of soil assessment had existed in India too from an unknown time. And it was never a practical principle nor did it become so under the British. The basic principle of assessment was what has already been described as 'analytic' and 'comparative' and its touchstone was the actual rent. The soil assessment principle which Metcalfe ought to have described as a 'new fangled' principle was used and could be used only in an academic sense. The government and the revenue officers did understand it, and the government promised adherence to it, yet it would be

wrong to call it the basic principle of assessment in India after 1833. At any rate, to consider the principle of assessment as developed in the region after 1833 as an essential utilitarian contribution, is too exaggerated a claim to be admitted.

On the question of long leases, there was complete unanimity between the Court and the Bengal government. This again, was not a new principle when it was incorporated in the rearrangement or when the Court approved of it in 1837. The credit for it goes entirely to the Court who first suggested it in 1812, and it was deduced from Adam Smith's teaching on land tax. James Mill in no way originated the principle of long leases. In the thinking of the Bengal government the acceptance of long leases was first reflected in Lord Hastings's minute of 1815, and in 1820 and after it the government was repeatedly seeking permission from the Court, to announce its intention to settle for a long term of years. As the prospect of a permanent settlement receded into the background, the Court had no hesitation in upholding long leases, and the proponents of permanent settlements had no option but to support it too. But it would be a mistake to consider the growth of long leases as a result of a compromise solution between two contending schools of thought alone. It was a well thought out concept in its own right, and should be considered as a dynamic element in agricultural

development, aimed at increasing wealth and revenue, and perfectly capable of universal application.

With the rearrangement was closely linked the subject of European landholding. Here also, the lead came from the Bengal government while the Home Authorities were trailing behind. The decision to create European landlordism in India had profound and far-reaching consequences in the development of the Indian economy, both for good and bad. The Indian economy was to be geared to that of the British, and obstacles were removed to the flow of capital into India.

In the reshaping of policy, there was no commitment to any economic doctrine nor was there a theoretical model to which policy and institutions were to conform. In the new policy we can perceive a meshing of liberal ideas, local problems and facts, and British economic motives. The great and immediate problem was to solve a question which had remained unsolved for three decades, to expedite the settlement proceedings. In its solution Bentinck was of primary importance. His position as a revenue executive is unique in the annals of British land revenue administration. He had the genius which mastered the complex, boring and awesome problem of land settlement, and showed a way to tackle it in a skilled and sophisticated manner to the minutest detail. His achievement has not been surpassed by any British administrator before or after him. Cornwallis

had genius as an administrator but no mastery of the details of revenue affairs. Munro too, had genius but he failed to create a sophisticated revenue system. Holt Mackenzie had great industry and the study of detail overwhelmed his intellect. The responsibility for the failure of Regulation VII should be placed squarely upon him. He did not have a system or ideas, he only had loose notions. Metcalfe had flashes of brilliance, but he was a dogmatist, he was even superficial, and his contribution to the solution of problems was almost nil. To use an American legislative expression, Metcalfe was a pastmaster in the art of 'filibustering'. He would repeat practically the same points in minute after minute to prevent decisions of which he disapproved. The Sadr Board on deputation had industry and a competent and clear approach to problems, and its role was subordinate only to that of Bentinck. Alexander Ross, who has been identified as a utilitarian, had no hand in shaping the rearrangement. When the discussions were going on, he was busy as a judge of the Sadr Court in Calcutta, he came to the Bengal Council in 1833 when the scheme had been finalised. William Blunt, who was a member of Council during the revision of policy, played no effective role. He wrote several minutes, but most of their contents hardly differ from Metcalfe. The decisions were taken by Bentinck outside Bengal in the Western Provinces, and the Bengal Council

ultimately had no option but to endorse them. Without Bentinck, the problem would have still been solved, but it is doubtful if it could have been done as rapidly as it was actually done under him.

The path was now clear for Bird and then Thomason to carry out the first great settlement which is incomparable in the entire range of Indian history. The North-Western Provinces had taken the lead over the Madras and Bombay presidencies by creating the first sophisticated revenue system in India.

Conclusion

The British administrators were essentially practical and although they understood the principles of contemporary political economy they used them in no dogmatic fashion. They found a debased land revenue system and it took them over three decades to establish a regular policy of reform. This more than anything else is a very strong argument in favour of interpreting their policy as an empirical one. The driving force of that policy centred round the problem of revenue collection, without destroying the prevailing agrarian structure. Even when in the early period permanency of assessment was almost imminent, there was no intention of destroying the agrarian structure. After 1813 the land-holding system of which the village communities formed the bulk was to be used as a sub-structure for the civil administration of the country. A Government Resolution stated: 'the existence of such communities, like that of Parish and country associations, appears to offer to Government an invaluable facility in the administration of affairs; the details of which, if not administered by the people for themselves, can never be well administered. The union they secure, while municipally thus advantageous, seems to present no danger of political inconvenience: but on the contrary to offer, in some cases, under good management, the prospect of political security.'[1]

The two main aims of this policy - to ensure

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1. Resolution of Govt., n.d., annexed to Bg.R.L.10.12.1828, Encl.10.

increasing revenue for the increasing wants of the state, and to create conditions for a stable agrarian structure and for the expansion of agriculture - were to be secured through periodical settlements lasting between twenty to thirty years. The idea of a periodical settlement emerged as an antithesis to a permanent settlement. But it did not triumph without a resistance from the supporters of a permanent settlement. In 1835 after the policy decisions had been taken, a proposal for permanency originated from Metcalfe, then Governor of the newly formed but short-lived Presidency of Agra. Metcalfe's permanent settlement was not to be of the Bengal type, for which he had undisguised contempt. The shafts of his criticism did not even spare Cornwallis personally. In 1831 he had written in a minute about Cornwallis, that '... he was the creator of private property in the State Revenue and the great Destroyer of private property in land in India, destroying hundreds or thousands of proprietors for every one that he gratuitously created.' Metcalfe however was not opposed to a permanent settlement with the village community.[2] In 1835, when he sought authority from the Court of Directors to concede a discriminative measure, he laid down two conditions. Nine-tenths of the land must be under cultivation, and the assessment should be fixed on the principle of corn-rent, so as to prevent the effect of fluctuating price upon revenue.[3] The proposal of 1835 drew

1. Minute of C.T.Metcalfe, 31.10.1831,Bg.R.C.27.12.1832,43.
2. Minute of C.T.Metcalfe, 29.6.1832,Bg.R.C.27.12.1832,66.
3. C.T.Metcalfe to Court, 28.2.1835, Board's Collection 63873.

support from Bentinck, and from Henry Thoby Prinsep, a member of the Governor-General's Council.[1] Bentinck was of the view that the government was pledged to permanency because of the early policy measures. Where survey and assessment had been completed a permanent settlement, according to Bentinck, should be made, but from it waste land was to be excluded and subjected to assessment as it came under cultivation. Metcalfe's proposal, however, did not receive uniform support in the Governor-General's Council. Opposition came from Ross who used Ricardian rent-theory to emphasize the folly of permanency. He stood for a tax system weighted against agriculture and in favour of manufactures, trade and commerce.[2] Ross was supported by Morison the military member of the Council.[3]

At the Court two inveterate supporters of permanency - Edmonstone and Tucker - had been agitating for permanency. Tucker ironically was one of the two Commissioners who had recommended the postponement of permanency in 1808. In 1832 he recollected his earlier recommendation, and did not consider it to mean an absolute denial of permanency. Permanency had been unmistakably promised, and 'that pledge can never be effaced, altho' it remains unfulfilled',[4] wrote Tucker in his minute of dissent. Edmonstone and Tucker met with no success and in 1837 the Court turned down Metcalfe's

1. Minutes of Bentinck, 19.3.1835 and H.T.Prinsep, 29.3.1835, both in Board's Collection, 63873.
2. Minute of A.Ross, 26.3.1835, Ibid.
3. Minute of W.Morison, 24.4.1835, Ibid.
4. Dissent of H. St.G.Tucker, 27.12.1832, App.to Court Minutes, 5, p.290.

proposal of 1835.[1] The rejection of permanency by the Court was not at all inspired by a commitment to rent-theory, nor was it a manifestation of utilitarian influence, as has been stated in a recent study.[2] The question had been exhaustively discussed by the Court between 1810 and 1815, and it was to these discussions that the Court was now referring.

It may be of interest to point out that the despatch of 12 April 1837 which rejected a permanent settlement was passed by a slim majority of one only, by the Directors.[3] And Tucker took the initiative in drafting the minority dissent. The dissent was almost an indictment of the official policy of the Court. It presented the stock political and economic arguments in favour of a permanent settlement. It accused the Court of distorting the sense in which the promise of permanency was made in 1802, 1803 and 1805, so as to deny it absolutely.[4] The condition of that promise had been that at the time of forming a permanent settlement, the land must be in a sufficiently advanced state of cultivation. One of the arguments which the Court had given in rejecting permanency was, that the phrase 'sufficiently advanced state of cultivation' was meaningless because it was not defined by government. There can scarcely be any doubt that the Court used the ambiguity of that condition as a pretext for

1. I.R.D., 12.4.1837, 6, paras.2-3.
2. See E.Stokes, The English Utilitarians and India, pp.116-7.
3. Dissent of H.St.G.Tucker, 2.4.1837, App.to Court Minutes, 6, p.345.
4. Ibid., pp.340-4 and 339-40.

rejecting permanency. It was pertinently asked in the dissent, was not there a single 'estate' in the whole of the Western Provinces which fulfilled the condition? Tucker brought down his wrath upon the Court in a severe expression, perhaps very rarely used by a member of the Court. He wrote, 'to evade the performance of a public engagement upon any frivolous pretence, or any perversion of the plain import of words, is dishonest, discreditable, and injurious to a Government: and I cannot believe that any instance of such evasion will ever occur in this Court.'[1]

The characteristics of periodical settlement were broadly speaking two-fold. On the one hand the state demand and its collection were put on a sound basis. In the early period there had existed an uncontrolled revenue market. The resulting uncertainty had therefore been reflected in the collection of revenue as well as in the changes in the ownership of land. The final form in which the policy emerged in 1833 implies the control of the revenue market. All the uncertainties and peculiarities of that market were to be closely studied before determining the state demand over a period of time. The aids called upon for the exercise of control were the survey results, and the 'analytic', and 'comparative' principles of assessment. The control of the revenue market in no way implied an unnecessary sacrifice of revenue. Defaults in revenue, however moderate, would still occur and public sales of land would still be enforced. The

1. Ibid., p.340.

public sale of land therefore clearly implied the creation of an 'open' land market. This market during the period under review did not work at all because land had not acquired a marketable value.

The other characteristic was to stabilise rights in land, to make them valuable, and to bring about agricultural development. The short settlements, lasting between three to five years which were characteristic of the first three decades of the policy ran contrary to its objectives. It was only under a long-term settlement that a proper investigation into rights could take place, the results be recorded, and a respite from frequent assessments ensure a fair expansion of agriculture. In order that some degree of improvement in agriculture in the form of commercial crops could be brought about, not only were transferable rights in land created, but the 'proprietor' was allowed an increased proportion of the residue and a private rent over and above the amount of the revenue. But where the raiyats had a right to fixed rents restraints upon the 'proprietor's' private rent were imposed. The transfer of private rights in land also implied the creation of land market, and the subjecting of 'proprietors' to market forces,so as to maintain efficiency in agriculture by eliminating inefficient 'proprietors'.

It has been argued by some official commentators, obviously the supporters of a permanent settlement, that a detailed settlement was a source of fraud, corruption,

exaction, and oppression.[1] The subordinate revenue servants were clearly the object of distrust here, and there was also clearly implied a distrust of vesting the executive with too much authority - a whig notion of the minimum functions of government. The criticism noticed here undoubtedly has some force. In a detailed revenue organisation, as was built up in the Ceded and Conquered Provinces, the control of the supervisory level of authority over the subordinate servants would be naturally loose. Consequently a host of petty officials would be left with considerable authority which they would exercise to advance their own mundane aims. A poor, semi-literate subordinate bureaucracy lacking economic or ethical standards was bound to prey upon the ignorance, credulity, and fears of the Zamindars and raiyats alike. The reasons were plainly socio-economic. Material advancement is a crude instinct ingrained in man in every community in the world, differing in expression according to the sanctions and traditions from community to community. In the India of 1964 also it should be no surprise to find innumerable instances of corruption and abuse of authority at the village level and upwards. These defects in the revenue organisation however in no way detract from the merits of a periodical settlement.Without it, it would have been impossible to secure private rights, to compile records of rights, to fix the assessment, and to collect revenue accordingly. Its

1. See Dissent of N.B.Edmonstone, 28.5.1827, App.to Court Minutes, 4, p.396; Dissent of H.St.G.Tucker, 27.12.1832, App. to Court Minutes, 5, pp.274-5.

technique in juxtaposition to the zamindari system of Bengal was far superior. In the latter system what really went on in the interior was simply unknown to the revenue officers.

In the shaping of the policy and in the forging of the system there was a confluence of contributions from the Bengal government and the Home Authorities. The Bengal government had the advantage of being near the centre of activity and at a distance from London. Consequently at the moment of certain crucial decisions the Home government was bound to be ignored, and as the latter exercised its authority through despatches alone, it was not always in a position to interfere effectively. Lord Wellesley had set the policy in motion by inaugurating a phase of short settlements covering a period of ten years which was to be followed by a permanent settlement. He informed the Court of the arrangements he had made, but it should be noted that he did not insert any provision in the proclamation and Regulations reserving ~~the~~ Court's sanction ~~reaction~~ to a permanent settlement. He clearly ignored the Court or assumed its support.

The policy followed the course chalked out by Wellesley until 1811. Most of the crucial land Regulations owe their enactment to this period, and even Regulation VII of 1822, and Regulation IX of 1833 did not in any material degree alter the provisions regarding property rights, rights of raiyats and the collection of revenue. It is the confusion of the early period which has distracted the critics of the early policy including James Cumming, Court, and Holt Mackenzie of

acknowledging the positive aspects of the arrangement, and in failing to foresee its influence on the subsequent growth of the policy. Had it not been for the confusion in the revenue administration, it is perhaps right to suggest that a permanent settlement might have been carried out. The Bengal government in 1811 had sought authority to declare permanent settlement in some districts of the region. The period 1801-11 should therefore be rightly characterised as one in which the initiative of the Bengal government was dominant, and almost unchallenged.

The period between 1811 and 1819 witnessed the decisive influence of the Home Authorities. It was this period in which policy turned away from the beaten tracks of permanent settlement. The question of a permanent settlement was raised on several occasions, in 1820, in 1835, in 1842 by R.M.Bird and in the 1860's in the wake of the mutiny and famine; but for all practical purposes it had been disposed of at the period of the Home Authorities' initiative. It was on the question of permanency that London exerted a most vital interference in the shaping of the policy. Without this interference it is difficult to see how periodical settlements would have emerged, especially in view of the reluctance of the Bengal government to accept the rejection of a measure which was the centre-piece of its administration and economic thinking. It was again the Home government which planted the seed of periodical settlements. But the contribution of the Home government was in the realm of administrative and

economic thinking. It was not in a position to oversee the blue-print of the plan based on its formula, and much less its implementation. It could only guide without participating in the logical development of its ideas. The development of its ideas was therefore entirely left to the discretion of the Bengal government. And by 1819 the periodical settlement mechanism was for the first time forged by Holt Mackenzie. The roles therefore of the Home government and Bengal government were complementary to each other, despite the latter's inclination in favour of permanency after a detailed settlement had been carried out.

It was perhaps easy to shape a settlement plan, but it was quite another matter to see to its implementation. The policy of periodical settlements was put in operation between 1822 and 1833 but it was an ignominious failure compelling the Bengal government to re-think the problems involved, and to modify the settlement mechanism. During this entire period the initiative chiefly came from the Bengal government, and there were certain glaring reversals of the 1822 arrangement chiefly in regard to agrarian relations, and the method and procedure of settlement. Over the question of agrarian relations and the amount of residue to be surrendered to the 'proprietors', the views of the Court were utterly ignored by the Bengal government. Thus the policy in its final form as it emerged in 1833 was the result of equally important contributions of the Bengal and Home governments.

The influences that shaped the policy were various and interpenetrating. There were the influence of the Bengal zamindari settlement, the raiyatwari influence, the influence of the local situation and along with them concurrently ran certain loose notions of political economy. The agrarian structure as recognised officially was imbued with Bengal zamindari idea of settlement. To be sure the heterogeneous character of tenures was fully recognised, but the settlement was to be made with an individual or a group of individuals - they were intermediaries between the government and raiyats. Here was an attempt to preserve heterogeneity within a broad zamindari framework of landholding. There was no intention of imposing uniformity upon what in its nature was not uniform, yet uniformity of a sort was imposed. In a non-raiyatwari region there was perhaps no alternative to forming settlement with intermediaries as in Bengal and the Ceded and Conquered Provinces. The influence of the Bengal notion can be clearly seen in the creation of private property in the Ceded and Conquered Provinces, and in making it valuable by allowing private rent plus an increased proportion of residue and in treating it as sacrosanct. The Bengal notion in itself was the product of the whig attitude to private property.

The influence of the raiyatwari system was minimal, and had an erratic course in the Ceded and Conquered Provinces. The Court and the Board were undoubtedly greatly impressed by raiyatwari settlement. The Court had introduced the Bengal government to the technicalities of raiyatwari, and had

desired to know if it could be applied in the Ceded and Conquered Provinces, but the Bengal government was not pressed to adopt it. The Board of Control, on the other hand, had desired the adoption of the raiyatwari system throughout British India outside the permanently settled area. But the Board at the Court's persuasion gave up its extreme proposal. The Bengal government viewed the raiyatwari system with considerable distrust, and to borrow ideas from Madras seemed to it as a slander upon its Bengal revenue experts, and the tradition that had grown since the days of Cornwallis. Even an inveterate paternalist and admirer of Munro like Metcalfe had considered the adoption of raiyatwari in the Ceded and Conquered Provinces as unwise, and inapplicable generally, because it would break up the village communities.[1] Yet certain crucial influences of raiyatwari did creep into the revenue system of the Ceded and Conquered Provinces. The fiscal aspect of the 1822 scheme and that of fixing the rents of raiyats rested upon the notion of field assessment. The only distinction was that in Madras the field assessment was arrived at from the distribution of an assumed aggregate sum upon the fields, while in the Ceded and Conquered Provinces it was to be arrived at from the consideration of the field itself. In 1833, however, much against the protest of the Court and of R.M.Bird the 1822 principle was discarded. But in 1831-33 it is interesting to note that the Sadr Board on

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1. Minute of C.T.Metcalfe, 31.10.1831, Bg.R.C.27.12.1832,43.

deputation, an arch opponent of raiyatwari, and a great admirer of the Bengal system, borrowed the raiyatwari technique of an aggregate to detail assessment. Another feature of raiyatwari influence upon the Ceded and Conquered Provinces system was in the use of a survey in ascertaining the data of assessment. The use of a survey as an integral feature of the land systems of British India was developed first in the Madras Presidency. It came to be used in the Ceded and Conquered Provinces as a result of pressure from the Court.

The local situation contributed to some of the main attributes of revenue policy in the Ceded and Conquered Provinces. In Bengal no detailed inquiry was considered necessary into the right of property in land and no record of rights was prepared. In the raiyatwari system of Madras Presidency the ascertainment of rights was not a basic feature of the system: there it was the demand upon each parcel of land that was the main question. Once the demand was fixed any one could cultivate land and pay directly to government. There was no place for Zamindars in the raiyatwari system. In the Ceded and Conquered Provinces there existed several categories of what were considered to be 'proprietary' rights. Joint-property rights were considered by the authorities after 1807 to be more sacrosanct than other forms of rights, originating from fraud or violence or usurpation or public sales. Rights in land in order to be secured must be defined and recorded. The defining and recording of rights

was possible only after their nature had been understood and examined. The record of rights which became so important and so integral a part of revenue policy originated from the state of local tenures. Similarly the use of the mahal as a unit of assessment - from which the term mahalwari originated - was also the contribution of local practice. The local situation, custom and practice also contributed tremendously to the method and principles of assessment, and the rules governing agrarian relations.

In the periodical assessment of revenue inspiration from Smithsian economic thought can be clearly noticed. The role of land in the economy as a whole, from which the state also derived revenue, was emphasized. The state must not block its main source of revenue by putting permanent bounds upon it, but at the same time it must not exact too exorbitant a revenue as to discourage agriculture. Since the state would have prospects of increasing revenue, it would undertake reproductive works. These works would enrich the agricultural economy as also augment the revenue of the state. These liberal Smithsian ideas were behind the concept of a periodical settlement, and it was from these that moderate assessments and long leases emerged. But it would be only fair to point out that the nature of the Indian land revenue system easily lent itself to the application of Smithsian ideas of taxation.

In a recent study it has been stated that the utilitarians who adopted Ricardian political economy as the

core of their philosophy, exerted considerable influence in the formation of land revenue policy in the Western Provinces. It has been asserted that they provided the criterion and principle of assessment, prevented a permanent settlement and the conferment of freehold rights of property in land, and imparted the notion of thirty year leases. It has also been argued that the Court's criticism of the increased proportion of the residue left to the 'proprietor' was inspired by their teaching, and that the reduction of Taluqdars and Zamindars during the great settlement was the logical development of their theory.[1]

These statements are partly exaggerated, and partly without foundation. It has already been shown that in the arrangement of 1822 there was some influence of the rent doctrine, but that was adopted by the Bengal government and the utilitarians had no hand in that arrangement. Besides, the rent theory was not at all applicable to the agrarian economy of the Western Provinces. In the rearrangement of 1833 there certainly was utilitarian influence upon the principle of assessment in the form of soil criteria. But soil criteria were not to be the exclusive foundation of assessment, and could not be applied in practice. Utilitarianism therefore had a very loose and partial influence upon the principles of assessment.[2] In rejecting a permanent settlement and therefore in forestalling the

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1. E.Stokes, op.cit., pp.81, 94-5, 128, 116-7, and 114.
2. See Chap. 4, pp. 263-86 and chap. 5, pp. 382-8.

creation of freehold rights in land the utilitarians hardly played any role, except that they were against permanency. It has been established that it was the Home Authorities which prohibited permanency in 1811, in 1821 and in 1837. The arguments given by them can be seen in the Revenue Despatches between the years 1810 and 1815. It was to those arguments that the Court was referring to in 1837. Nor can the notion of a thirty year lease be attributed to the utilitarians. The thirty year lease was deduced from Adam Smith's teaching when the Court enunciated the idea of a periodical settlement between the years 1810 and 1815, and the necessity of longer leases was being emphasized by the Bengal government also since the year 1815. Rent theory inspired neither the criticism by the Court of the increasing residue of up to 35 per cent allowed by Bentinck to the 'proprietors' nor the dismemberment of large talugs and zamindaris under the Bird settlement although the logical consequence of that theory would be a small residue, and the reduction of Taluqdars and Zamindars. When in 1833 the Court was expressing its disapprobation of a large residue, it was doing so on the contention that it was against the tradition of Indian revenue system, and that it was an undue sacrifice of the state's resources. The reduction of large talugs and zamindaris had been an accepted principle of the policy from the early period itself, and in several cases it was applied also. But till 1833 a full practical application of the principle could not be developed because of the short settlements. The settlement of 1833-49

therefore followed the logical course of the early policy towards the Taluqdars and Zamindars.

The influence of the utilitarians was not only minimal but several features of policy ran counter to the programme as developed by James Mill. The logical development of the application of the rent doctrine would have been a minimum residue to the individual owners, the aboslute elimination of an intermediary class, settlement generally with the raiyats, and absolute individual property rights of a very limited nature. But this is not the policy laid down. That policy sanctioned a substantial 'proprietary' right and support to the zamindar class, and it made possible the creation of larger zamindaris through private and public purchase; settlement with the raiyats was not only out of the question, but they were not to be given any rights which they did not already possess or which they could not acquire through the custom of the country. Nor did the policy inaugurate absolute individual rights, it sought to preserve the motley nature of rights in land. Individual rights in land did grow up but this had nothing to do with the utilitarians. It flowed from the Regulations of the early period through sale laws, private transfers, the partition of 'estates', and the racketeering in land characteristic of the early period.

It is futile to interpret the policy solely in terms of political economy or utilitarian philosophy. Models drawn from abstract principles cannot provide for the conditions that exist in an altogether different environment, and a

fresh set of principles was developed in a country with totally different conditions. The point requiring notice here is that the rent theory was developed in England in the midst of the Industrial revolution, where it had relevance but made no headway. Conditions in India were entirely different.

To dispute the influence of political economy as the foundation of British land revenue policy in the Ceded and Conquered Provinces is not to deny the importance of James Mill's thinking on Indian land revenue problems nor his desire to apply utilitarian ideas in Indian administration. He was also held in esteem in official circles. In a recent article it has been pointed out that in his History the indictment of Indian society was with a view to apply utilitarian principles on Indian administration. It was as a result of his History that he was appointed to the India House. The influence of his writings on the British attitude to India was great, and his History was a text book in Haileybury College.[1] Mill no doubt had a programme and he was in a position to influence the formation of policy as he claimed, and as was confirmed by his son.[2] He certainly must have written the revenue despatches between 1819 and 1830. But during this period there was not a single policy-laying despatch for the Ceded and Conquered Provinces. The despatch of 1833 which was of

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1. C.H.Philips,'James Mill, Mountstuart Elphinstone and the History of India', Historians of India, Pakistan and Ceylon, 1, pp.219-21; see also D.Forbes,'James Mill and India', Cambridge Journal, 5, 1951-2.
2. See E.Stokes, op.cit.,pp.48-9.

considerable importance and whose authorship has been attributed to James Mill, had no practical effect on the formation of policy, because Bentinck had already finalised the policy which was defended by him.

The policy was essentially conservative,and it was interspersed with certain liberal elements for the following reasons. The agrarian structure as it was found to exist the core of which was the village community system was sought to be preserved. Any interference in it was disclaimed. It also implied the essential feature of conservatism that institutions grow through the process of historical continuity. The Cornwallis system was partly conservative in that it refrained from interfering with the social structure, while it anglicised the administration. As a reaction against the Cornwallis system the Home government looked to conservatism as an alternative basis of policy, and in 1819 in a very important despatch it was invoking Warren Hastings' authority in support of its argument.[1]

The liberal[2] element in the policy can be discerned in the creation of broad conditions for the emergence of valuable and individual property rights in land. This was to be achieved by determining a fair, certain, and equitable assessment for a long period of time, by allowing a larger proportion of revenue and private rent on top of it; and by

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1. See Chap. 3 pp.212 and 215.
2. Liberal, this is a very vague term and is used here only in so far as private property was an integral part of liberal thinking.

providing for the unrestricted transfer of land, and by allowing for the break up of large and joint 'estates' into smaller individual units. The conservative and the liberal elements together created a tension within the policy. The preservation of joint-holdings was irreconciliable with the provision for their break up.

It may also be asked what were the consequences of the policy, how were the interests of government, the property-holder, the raiyat and agriculture to fare from it. The revenue interest of the government and its wider economic motives were fully secured by the policy. There was no longer the question of tieing down the revenue from land to affect revenue from the fluctuation in the value of money. At each successive long settlement the revenue was to increase as a result of the improvement in agriculture, and from its expansion. At the same time conditions were created for colonization, and for the improvement and culture of commercial crops, so as to facilitate exchange operations between India and Britain.

Property in land was made secure, stable, and to some extent valuable, by the creation of a legal framework and record of rights by defining the revenue demand and by drawing agriculture within the orbit of market forces to the extent that this was possible. Joint property and individual property were to co-exist. The legal framework and the customary mode of holding land among a host of sharers were to be fundamentally and perpetually in conflict with each other. It was

through the provisions of the sale laws and through the mortgage and partition of 'estates' that property was to be transformed from joint to individual holdings. On the other hand through the Hindu and Muslim law of inheritance individual property would become joint. There would never be universal joint property nor would there be universal individual property. The British disclaimed intervention in the nature of landholding but through the legal framework they made landholding 'open', i.e. it terminated the monopoly of the village communities, Zamindars and Rajas over land. Land could be bought and sold freely. By making land into a commodity the full capitalistic conception of property was implied. But a land market could not function. The land transfers which took place were mainly the result of forced sales of land because of land revenue arrears, and the frauds of the subordinate revenue servants. The landholding structure was nonetheless subjected to severe change through sale laws, private transfer of land and commercialisation of crops. Each one of them was a powerful factor of change. In the present state of knowledge it is impossible to assess the proportion of change in property-holding in the first three decades of the policy. In 1818 according tc Edward Colebrooke's opinion about 80 per cent of land was in the hands of joint owners,[1] and towards the end of the nineteenth century it had perhaps diminished to about 30 per cent.[2] Some alarmists who dreaded

1. See Chap.3. p.225.
2. See B.H.Baden-Powell, op.cit., pp.116-20.

a change in the landholding structure during the crucial period of policy formation - such as the Court, James Cumming, Holt Mackenzie, and Metcalfe - wrongly attributed the break up of village communities to British legislation alone. Land legislation no doubt was an ever-present threat to the integrity of the community. But there was another and a very important source through which the process of disintegration was to work itself out. This was within the organisation of the community itself. Alexander Ross perceived this.[1] The village community had originated with a distant ancestor, and had the same religion and caste. By the custom of the community each member had the right to transfer his share wholly or in part by sale or in any other way, to persons belonging to any religion or caste. This right was exercised to a considerable extent and led to the sub-division of the original joint holding into smaller ones called thoke or beri. The religion and caste of the joint owners of the thokes and beris differed from that of the original community, which was positive evidence of transfer. Such sub-division had been taking place much before the British occupation.

In regard to the village community policy was basically directed towards its preservation. So far as the large Zamindars and Taluqdars were concerned they emerged from the new policy as shrunken and truncated figures. They were reduced both politically and financially,although still

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1. Minute of A.Ross, 27.7.1833, Bg.R.C.9.9.1833, 36.

retaining much local influence, authority and wealth. British policy towards them was cautious and ambivalent. They were not to be totally exterminated, and they were not to be entirely allowed to retain their original power and its economic bases. The consequences of this policy were perhaps bad for India. Before the British came the Zamindar-Taluqdar class was perhaps trying to find new roles in the decline of the Mughal Empire. What contribution they would have made in the absence of foreign domination of India is a question that cannot be answered. But under the British until after 1857 they found no new roles above their respective mufassal level, and that too was hemmed in by British civil institutions. This class therefore became degenerate and sterile.

In regard to the raiyats the new policy was based principally on what was considered to be Indian practice, combined with the implications of allowing freedom of economic relationship between land-owners and cultivators. For the protection of the raiyats no radical measures were taken. In India as in Japan the condition of the immediate worker on the land was not oppressive as was the case under feudalism. He paid half or perhaps slightly more of the produce of land. He had the freedom to cultivate crops and freedom to migrate, and there is very little evidence to show that he was required to perform free services to the Zamindar. He obtained free wood from the forest, free grazing land, a free site for a house, and had the right to the trees he planted in his field.

There does not appear to be any tension in agrarian relations during this period. And this point is underlined by the massive growth of occupancy rights under the twelve-year rule in the latter half of the nineteenth century; which was accepted by the Zamindars without resistance.

The economic condition of the raiyat was certainly not good by modern standards. In the early nineteenth century perhaps he did not earn more than a few rupees a year. But in times of good harvest he must have certainly had sufficient to eat. The pressure of rent was also perhaps not high: it must have been bearable otherwise the revenue would not have been realised. And the arrears of rent and revenue do not point to its high pitch, but to the state of production which depended upon weather and prices. If the condition of the raiyat was hopeless according to modern standards, this resulted not so much from agrarian relations or from the British land revenue system, as from the drawbacks of a land based economy producing mainly for internal consumption in the village itself.

The effect of the new policy upon agriculture in the early period has also to be argued in general terms. Any general statement has to be imprecise. But for the sake of raising problems so that they can be solved subsequently in the light of fresh data, it is worth risking a general statement. The new policy had a very limited relationship to the development of agriculture, through the implications of

the market, through the creation of private property and through incentives to individuals. Market mechanism of a sort did exist in India but it was nowhere near the conception which the British had in mind. Market incentives in all probability did stimulate agriculture, but the chief reason for its expansion came from certain natural factors. The expansion of agriculture can be ascertained only indirectly. Revenue is the only index. It is nonetheless a sound indicator because there existed a fundamental connection between revenue and agriculture. If the revenue figure is taken and to it is added one-tenth as 'proprietary' allowance then we obtain the gross revenue. The gross revenue - or in other words what the intermediaries received from the raiyats - was generally estimated at half the produce of the land. So if the gross revenue is multiplied by two we have the value of the produce. This is a rough method of computation but the only possible one at the moment, and subject to the qualification that it excludes revenue-free tenures, and over and under-assessed land. In 1803 the revenue was Rs.18.5 m.,[1] by adding one-tenth to it the gross revenue figure comes to Rs.20,350,000 and by multiplying the gross by two the value of the produce comes to Rs.40,750.000. Around 1833 the revenue stood at about Rs.30 m.,[2] the gross revenue would be Rs.33m. and the value of the produce Rs.66 m. From this it has to be argued that the value of the produce in terms of money rose

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1. See above, p.78 n.2.
2. Dissent of H. St.G.Tucker, 27.12.1832, App.to Court Minutes, 5, p.292.

by 1833 by well over 50 per cent when compared with the figure for 1803. The average rate of the annual expansion of agriculture for the three decades would work out at nearly $1\frac{2}{3}$ per cent. This expansion of agriculture was essentially due to the operation of non-economic factors. There is abundant general observational evidence in the letters and reports of revenue officers of large tracts of cultivable waste and under-population during the early period. There is also evidence that in spite of the expansion of agriculture there was still large cultivable land available at the end of the first three decades. The expansion that did take place was the result of the security and protection to life and property provided under the British rule, and the consequent increase in population. What was the rate of increase in population and what was the total population at the two points of comparison is a question which draws a blank answer. No census took place during this period and the first rough one was made in 1848. It should also be stated that the expansion of agriculture conceals the increase in production due to the increase in the yield per acre or per bigah as a result of takavi advances for sinking wells. But the impact of wells on production must have been very limited and chiefly confined to crops like sugar-cane, tobacco and vegetables. Large scale irrigational projects had not yet begun.

The role of Zamindars, Talugdars and revenue farmers in the expansion of agriculture had a positive and negative

side. On a consideration of the positive side of their role the view entertained by the Court, Holt Mackenzie, Metcalfe and Bird on the destructiveness of this class seems to be biassed and without foundation. It should equally be pointed out that the rent theory in so far as it considered the intermediaries as mere parasites was erroneous. It is fair to assume that in face of extensive waste and under-population it would only be individuals with capital who would undertake to bring deserted villages to life again, and to found new villages in waste land by settling cultivators. Capital of course was scarce and what there was, was in the hands of large Zamindars, Taluqdars and revenue farmers. Cox and Tucker in their report of 1808[1] stated that the Taluqdars in Aligarh were conscious of the value of agriculture, and even when the heavens denied rain the cultivation in their taluqs did not suffer because of their expenditure on the protection of cultivation. Similarly the revenue farmers whom the early administration encouraged must have contributed to the increase in cultivation especially in areas of extensive waste such as Gorakhpur, and the Rohilkhand region. The speculative nature of their enterprise in no way detracts from their solid contribution to the agricultural economy. A classic case of what a large Zamindar can do is to be found in the case of pargana Bara in Allahabad, as narrated by Richard Temple in his report on the pargana in 1850.[2] This

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1. 13.4.1808, para.162, Bg.R.C. 20.6.1808, 2.
2. Cited in B.H.Baden-Powell, op.cit., pp.165-7.

pargana was owned by the Raja of Benares for over two decades, until his ownership was terminated by the Commission set up in 1821. His ownership was the result of the fraudulent acquisition of the early period. Ethical questions apart, he carried out considerable improvements in the pargana during his tenure. He invested capital in clearing waste and providing irrigation facilities, and his internal arrangement was mild and so successful that by 1820 he had doubled his rent-roll. His management was so popular that as late as 1850 the raiyats of the pargana remembered it as a golden age. Perhaps there is more evidence in pargana sources of the positive contribution of intermediaries. On the other hand it is undeniable that intermediaries were a wastrel class. For example, in Kanpur, which had a flourishing indigo/production in which Europeans had invested 32[1] lakhs of rupees through the Zamindars in a short space of time, they did not produce any improvement. The Zamindars simply squandered the money. Here it was the socio-economic structure which was preventing capital formation.

It should be pointed out that the expansion of agriculture took place under short settlements. This was characteristic of the period as a whole. This disproves the theory that the expansion of agriculture was possible only under permanent settlement. Nathaniel Edmonstone had even indicted short settlement as hampering the improvement of

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1. E.A.Reade, Minute on the effects of the restrictions now in force against settlers etc., 25.2.1833, Eur.MSS.D.279, pp.80-81.

agriculture. In support of his argument he cited letters which he received from the Collector of Bareli around 1824. The Collector had written to him, 'I had an opportunity of personally seeing the greatest part of the Pergunnah. Its general state is that of total desolation. I found the villages without Inhabitants; the lands waste and uncultivated the numerous dams, aqueducts, and smaller pools which ... appear to have been so excellently contrived as to irrigate almost every field are now overgrown with jungle and going fast to decay. The spirit of the remaining Inhabitants also appears totally broken and altho' at first they surrounded me with application for the renewal of those works yet when on reflection they began to feel the inadequacy of their personal numbers and pecuniary ability to complete them they evidently shrank from the responsibility of entering into engagements to clear and renew them.'[1]

In another letter the Collector had written to Edmonstone about another pargana thus: 'I find the pergunnah in such an utter state of ruin that it will be impossible to form a settlement on advantageous terms with any description of persons. There is scarcely any cultivation in the Kham estates and not half the quantity in the Pergunnah generally which existed at the periods of the former settlements. The villages are without houses and without inhabitants. In 5 whole and 43 half estates now to be settled there are only

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1. Quoted in Dissent of N.B.Edmonstone, 28.5.1827, App. to Court Minutes, 4, pp.396-7.

232 Ryots possessing 170 ploughs and 250 phowrahs (hoes). The rest of the Purgunnah is but little better; of 148 villages which were in a flourishing state in 1218 fs. 108 only are reported to have maintained their cultivation while 26 have more or less depopulated and 14 are totally wyran,'[1](ruined or deserted).

The above two impressions are first-hand observations, as such they are authentic. But to attribute the condition of the two parganas as Edmonstone does to short settlements is a highly dubious argument. The condition may very well have been the result of depression which had set in around 1820, or it may have been the result of a succession of bad harvests. Certainly it was not the result of short settlements and especially after 1822 the assessment had been deliberately pegged down, and even reduced where it was shown to be necessary.

Apart from the improvement in agriculture as it flowed directly or indirectly from the new revenue policy, the British had no ~~policy~~ programme for rapid and revolutionary agricultural development. The period under review was a crucial one for the future economic development of the region. And here the British lost a great opportunity to transform the economy of the country. The population was scanty and resources were rich. The British, it has been suggested in a recent paper, had no agricultural policy at all.[2] Another

1. Quoted in Dissent of N.B.Edmonstone, Ibid., p.397.
2. D.Thorner, 'Long Term Trends in Output in India', S.Kuznets (ed.) Economic Growth : Brazil, India, Japan, p.127.

scholar has pointed out that production and technology was not at all emphasised, instead there was an obsession with tenures, land legislation, and assessment.[1] The decision to 'colonize' was a crude division of labour between Britain and India. It was a static conception of the Indian economy and in the long run the surplus needed for agricultural development was siphoned off because it was the Zamindar-moneylender-trader combination which benefitted from monetization. And this class had the least motive for agricultural development. Consequently no change in the technique and level of production was carried out. Of course the indigenous social and economic organisation was an obstacle to capital formation and to the free functioning of market forces. But this sociological aspect of the failure of Indian agriculture has been emphasized out of all proportion in a recent study.[2] Both the social and economic structure were susceptible to change, but social policy was conservative and there was no effort to create credit for development by channeling savings into investment. The net result was to perpetuate the archaic mode of production. More areas would be brought under cultivation, but agriculture would not be transformed, and with the increase in population production would tend towards stagnation. The British turned to irrigation, transport,

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1. K.Davis, 'Social and Demographic Aspects of Economic Development in India', Ibid., pp.292-3.
2. W.C.Neale, op.cit., pp.179-80, 183-4, 196-206, and 279.

credit policy, and model farming rather late.

The government's policy in its objective of properly settling the revenue and in determining the rights in land was an undoubted success. Under it the expansion of agriculture also occurred. The greatest contribution of the new policy was however in the institutional field. It succeeded in creating the mahalwari land system, a highly complex and sophisticated organism which has left its indelible mark on the region. The development of the mechanism supporting the system was a great achievement, and helped in the revenue organisation of new regions like the Panjab and the Central Provinces as they came under British rule.

Appendix A

An Analysis of S.C.Gupta's Agrarian Relations and Early British Rule in India.

Dr. Gupta's work is unique in many respects. His aim is to '... to light up' in his own words, 'a significant cross-section of Indo-British agrarian history, its currents and cross-currents, the nature and motivation of state policy and the changing structure of agrarian relations under the impact thereof, - a cross section, which reflects the nature and working of the forces active in the wider field of Indian economy.'[1]

According to Dr. Gupta, the British agrarian policy in India, was connected with the economic exploitation of India by Britain. This economic exploitation depended upon agricultural improvement of India. Agricultural improvement in its turn, depended upon agrarian relations. The exploitation of India, which had been by using her surplus revenue to finance the Company's investment, underwent a change in theory in the early 19th century. Now India was to be conquered for British industry - to buy British goods and to sell raw materials for British industry. (This is not a new hypothesis and it has not been worked out at all). Under the earlier notion of exploitation the permanent

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1. Agrarian relations and early British rule in India, etc. p.5.

zamindari settlement in Bengal was made. The theory of agricultural improvement implicit in the permanent settlement relied on the aristocracy as the means of that improvement. After the French revolution and with the rise of Ricardian political economy the belief in the aristocracy as the means of agricultural improvement was undermined. Instead, agricultural improvement through small owners was emphasized.[1] The notion regarding Indian land revenue and land tenures, also underwent a change. The Ricardian theory of rent was used as a criterion on both of the questions. The raiyatwari system and the presence of village communities in the Ceded and Conquered Provinces also helped in the shift of ideas on various aspects of the agrarian policy. When this change in idea was taking place a policy decision for the Ceded and Conquered Provinces was pending.[2] The system which emerged in the province by 1833 was distinct from that of Bengal and Madras Presidencies. Dr. Gupta claims to have provided an account of those developments in the Ceded and Conquered Provinces and to have shown their impact on agrarian relations.

However, Dr. Gupta's work seems to be at best, an argument by inference and speculation; and at its worst, it degenerates into unargued assertions. The basic argument

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1. Ibid., pp.2-3, 142-3, 150-52 and 158.
2. Ibid., pp.3, 130-31 and 159-65.

against his work is simply that his sources are deficient. The ones which he has seen only give an understanding of the ideas of agrarian relations contained in the Regulations and the policy-making documents, and no more. One looks in vain from cover to cover, for a factual analysis of agrarian relations. There is not even a single illustration in his book. The organisation of the book is unsatisfactory. It is neither chronological nor strictly topical; consequently, the book is replete with repetitions, too numerous to be indicated here. There are many errors and some lack of understanding of the raiyatwari system.[1]

The connection between the agrarian policy and the exploitation of India has not been established at all. One does not find anywhere in the book, the flow of 'currents and cross-currents' of the Indo-British economic relationship. His emphasis on the theory of agricultural improvement underlying the British agrarian policy is an inference. The British certainly desired agricultural improvement. But as yet, they had no agricultural policy. They only wished to create conditions through law and administration under which agriculture was expected to improve. Dr. Gupta without question, accepts Dr. Stokes's interpretation that the question of Indian land revenue was fully brought within the orbit of utilitarian political

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1. Ibid., see pp.145 and 149 for remarks on raiyatwari.

economy; that it influenced the rejection of permanent settlement for the Western Provinces; and that the 1822 arrangement for that region was deduced from its premises. This is a colourful interpretation but it is highly exaggerated and even misleading. The present writer only, but only partly agrees with this interpretation.[1]

When one comes to the brass-tacks of Dr. Gupta's work, the results are still less acceptable. The village communities were the owner-cultivators of the soil to whom belonged all the surplus left after the payment of land revenue. The Zamindar-Taluqdar-revenue farming class had no proprietary rights in land; it had a right to part of the State's share of the produce for its services.[2] The Regulations introduced by the British were adopted from the Bengal revenue code. The Regulations accepted the traditional share of the State in the produce of land, but created proprietary rights, equated them to the right to engage for the revenue, and created a market for land by making it transferable on private and public account.[3] The proprietors acknowledged in the Regulations are denominated 'new proprietors' by Dr. Gupta and their relations with the non-engaging members of the community were to be governed on the principles of the laissez faire philosophy.[4] Up to

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1. See above, Chaps 4, 5 and Conclusion.
2. S.C.Gupta, op.cit., See Chaps. 2 and 3.
3. Ibid., pp.82-92.
4. Ibid., pp.90-91.

1822 the settlements were made with the 'new proprietors' with insignificant exceptions. The first two decades witnessed a veritable revolution in landed property with the introduction of the notion of 'new proprietors', the law of transfer and their dishonest application by the subordinate revenue servants. The net result was that "'millions'" of village Zamindars and resident raiyats lost their rights. For this, the Regulations alone were responsible.[1]

A permanent settlement which was promised in the early years for the Ceded and Conquered Provinces was averted because of the opposition of the Home Authorities. This was due to several factors: British financial needs, the local situation, the novelty of the raiyatwari system, the criticism of the British-India administration by the authors of the Fifth Report, the mistakes of the Bengal zamindari settlement, the need for a new form of exploitation of India consistent with the industrial needs of Britain, and the utilitarian influence through James Mill were the reasons which undermined the belief in a permanent settlement. It was the rent theory which finally clinched the case against it.[2]

As a result of powerful forces, such as English

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1. Ibid., pp.104-124.
2. Ibid., pp.125-65.

liberalism and utilitarianism and British economic needs, there came about a radical change in the British agrarian policy in the Western Provinces by 1822.[1] The arrangements under the new dispensation planned by Holt Mackenzie were based on Ricardian rent theory. Upon that theory were based both the principles of recognising landed rights and the principles of assessment.[2] Proprietary rights in land were kept distinct from rights to engage for the revenue. The village communities were recognised as proprietary bodies. But the proprietors had no right to regulate rent and the occupancy of land. The resident raiyats who too had suffered in the past, were to be protected by fixing their rent for the term of a settlement and by acknowledging their occupancy rights.[3] Dr. Gupta is so enthusiastic about the content of political economy in the 1822 arrangement that he summarily dismisses as 'ingenious' a statement of the government that the Bengal revenue code had envisaged protection of all rights in land.[4]

The settlements which were made under the new principles failed because of the adverse environment: the officers responsible for their implementation were opposed

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1. Ibid., pp.220-24.
2. Ibid., pp.176-9 and 181-2.
3. Ibid., pp.175, 188-90, 193-5, 200-01 and 207.
4. Ibid., pp.201-02.

to those principles and in favour of the Bengal land revenue system. The 'new proprietors' who had influence over the subordinate revenue servants were opposed to investigation. Finally, the adjudication of rights and the calculation of the assessment on the basis of rent theory proved to be too difficult.[1] Bentinck, who desired a termination of the unsettled state of affairs, solved the problem with the help of the Sadr Board of Revenue. In 1833 the 1822 principles were considerably modified. The net rent principle though retained in theory, was given up in practice. The rights in land of the 'new proprietors' were recognised alongside those of the village communities and the generous treatment of the resident raiyats in the 1822 arrangement was watered down in the 1833 arrangement. The procedure of forming the settlement was also modified. Between Regulation VII of 1822 and Regulation IX of 1833 Gupta sees a considerable difference, particularly relating to rights in land, and takes Baden-Powell to task for not saying so.[2]

Dr. Gupta does not like the modifications in the 1822 principles carried out in 1833. The recognition of the British created proprietors was due to practical and political considerations. The rights in land now acknowledged

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1. Ibid., pp.226 and 240-49.
2. Ibid., pp.309-17 and 248-52.

were consistent with the notion of private property. Private rent was allowed to the proprietors. Had the 1822 arrangement been carried out, the pattern of agrarian relations would have been different.[1] The 1833 arrangement by allowing private rent and individual engagements in pattidari villages provided the basis for the disruption of village communities. Under the 1833 arrangement there were considerable transfers of land to the monied class. Land-holding became zamindari.[2] Gupta seems to regret that such results should have occurred after 1833.

Gupta is mistaken in blaming the Regulations for radically altering the pre-existing forms of property. In the first place it has not been authentically shown in any work what was the pre-existing form of property. Gupta's own chapter on 'the economic organisation of the villages in the immediate pre-British period' is speculative and superficial. The area under study was a vast one. The case against generalisation therefore, speaks for itself. He has made no specific case studies. He has not searched for any contemporary evidence, i.e. close to the period he is describing. Some of his references have no bearing on the region at all, e.g. T. Fortescue's Report and Metcalfe's minute. Fortescue was writing on the Delhi territory and

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1. Ibid., pp.221-2, 268 and 309.
2. Ibid., pp.222 and 323-4.

the celebrated minute of Metcalfe of 7 November 1830 is fanciful. Besides, Metcalfe had no experience of serving in the Ceded and Conquered Provinces. The Regulations did create individual property rights and a land market; but he is wrong in stating that the British merged the engaging with the proprietary rights. A clear distinction between the two rights was kept from the beginning.[1] In practice however, such a distinction was not maintained, but to what degree we do not know nor does Gupta care to state. He has presented not a single analysis of revenue settlements and jumps to the conclusion that up to 1822 settlements were generally made with the 'new proprietors'. The safest method of arguing on the point, would be the statistical one - by finding the total number of the village Zamindars in the Ceded and Conquered Provinces at the time of British acquisition and the number admitted to engagements for the revenue as 'proprietors' in the successive settlements. Such an enumeration is not yet possible. However, the truth seems to be that after 1807 engagements were increasingly taken from the village Zamindars as 'proprietors' of land. A statement prepared by Edward Colebrooke and John Deane (the Commissioners in the region) shows that in 1802-03 the number of engaging village Zamindars in the Ceded Provinces

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1. The British did not stop claims to 'proprietary' rights in the early years. See above, Chap.1.

was 12,347, rising to 19,392 in 1808-09 and to 24,618 in 1812-13. In the Conquered Provinces and Bundelkhand the number was 5,751 in 1805-06, rising to 16,333 in 1808-09 and to 19,629 in 1812-13. The total number in both the regions thus stood at 44,247 in 1812-13.[1] In Rohilkhand, according to various officers, no one claimed any 'proprietary' rights: John Deane, after laborious investigations, traced village Zamindars by hundreds and admitted them to engagements as 'proprietors'. We are also not in possession of facts throwing light on the transfer of land during the early British rule. Gupta accepts the statement of the U.P. Zamindari abolition Committee Report (1948), that 'millions' of people lost land.[2] Without evidence this statement should be treated with suspicion. Only some land changed hands through various ways, including fraud. That land changed hands as a result of fraudulent activities was basically due to the prevalence of revenue farming inherited from the Nawab of Oudh.[3] The Regulations only made it easy to acquire land, but Gupta states that the Regulations were responsible for such transfers. Whatever injury may have been suffered by the village Zamindars, was essentially

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1. B.O.C. Report on revenues, 21.3.1815, Bg.R.C. 16.9.1820, 34 and its enclosures.
2. S.C.Gupta, op.cit., p.118.
3. See above, Chap.1.

due to the chaotic situation inherited from the Nawab of Oudh and the Marathas, with which the early British administration failed to cope. Regulations definitely affected village rights, but how, in what way and to what extent, remains to be studied.

In the matter of the rejection of a permanent settlement for the Ceded and Conquered Provinces, some of Gupta's assertions seem to be without foundation. He has produced no evidence to show that in the official discussion on a permanent settlement, the needs of British industry were taken into account. His statement that the rent theory and the utilitarian influence too, had a bearing on the question, amounts to a gross piece of distortion. For all practical purposes a permanent settlement was rejected as early as 27 November 1811.[1] Rent theory had not emerged nor was the utilitarian influence on Indian affairs present at that date. His other arguments on the rejection of a permanent settlement have relevance.

In the 1822 arrangement, contrary to what Gupta says, there was only a little sprinkling of rent theory and political economy in the policy discussion. Gupta has not established his statement that the 1822 arrangement was with a view to the economic exploitation of India according

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1. See above, Chaps. 2,4,5 and Conclusion.

to the changed needs of Britain. Holt Mackenzie has almost been shown as a Ricardian economist. But in his memorandum of 1819 which contains 764 paragraphs, only a few reflect an understanding of rent theory and its implications.[1] And in those few paragraphs, he appears to be nearer Malthus than Ricardo.[2] The cardinal principle of the 1822 arrangement was to regulate land rights according to the customs and traditions of the people of the region. Inquiry was to be the key to a knowledge of those customs and traditions. Proprietary rights were not to be pre-determined but to be ascertained.[3] The resident raiyats'

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1. e.g. paras. 219 n., 317, 329 n., 348, 369 n. and 636 n., Bg. R.C. 16.9.1820, 4, also in SRRNWP.1, in para. 242 n. Holt Mackenzie doubts if land revenue could be called rent and suggests that it is more of the nature of a tax; In quoting Mackenzie's para. 369 n. Gupta is guilty of distortion by omission. The second para. of Mackenzie's note runs thus: 'in other respects, rent properly so called, might perhaps be wholly absorbed by taxation without checking the progress of cultivation. The moral and political advantages derived from the existence of rent holders is a separate question; they are indeed incalculable, where, as in our country, they give a body of men to manage almost the whole internal Government of the country, and to secure its political and civil freedom. We may hope that the landholders of this country may gradually be brought to contribute in their degree to the same ends here, and, at all events, existing rights are of course sacred things.' S.C.Gupta unquotes at the first part of the second sentence of this quotation, op.cit., p.178.
2. See above, Chap. 4.
3. See above, Chaps. 3 and 4.

rent was to be fixed not because of rent theory, but because such raiyats were believed to have that right by the custom of the country. It was because of this that proprietors with resident raiyats on their land, would have no private rent and not because of rent theory. Where no resident raiyats existed, the 'proprietors' were to appropriate private rent.[1] The Bengal government was right and Gupta is wrong in criticising it on the ground that the Bengal revenue code had envisaged equal protection of all rights in land.[2] It is only in the principle of assessment that rent theory had some influence.[3]

Gupta's work seems particularly open to question where the settlement under Regulation VII of 1822 and the revision of policy by 1833 are discussed.[4] (He has not examined a single settlement under Regulation VII). His remark that one of the reasons for the failure of that Regulation was the opposition of revenue officers to the principles underlying it is unsubstantiated. He is also wrong in giving the impression that Regulation VII had acknowledged the proprietary rights of the village Zamindars alone,[5] and that the rearrangement of 1833 therefore

1. Ibid.
2. See Chap. 3.
3. See Chap. 4.
4. S.C.Gupta, op.cit., see particularly pp.227-238, 248-54 and 255-317.
5. Under Regulation VII all rights in land were to be protected on the results of inquiry. Although attention to the village communities was to be paid, restitution of rights already lost, was not its aim. The future protection of all rights was, of course, its main object.

modified it to include the 'new proprietors' also. Nor is he aware that all resident raiyats did not have the right to a fixed rent. It was because of this that the rents of all resident raiyats were not envisaged to be fixed in 1833.[1] Nor is Gupta correct in criticising Baden-Powell for not showing the difference between Regulation VII of 1822 and Regulation IX of 1833 so far as rights in land were concerned. Regulation IX says nothing on the question of rights.[2] Such modifications in that regard, as were made by the 1833 arrangement, were entered in the various official documents and not in that Regulation.

Gupta's hypothesis that under the 1833 arrangement by creating the lure of private property the monied class was attracted towards landholding, and that this, together with the provision of individual engagements from the co-sharers, undermined the structure of village communities, is a sound one. Yet, one would have liked to know how much land passed out of the hands of the village communities after 1833, at least in a few districts. It is also of interest to note that the lands of village communities were being absorbed in taluqdaris and pargana zamindaris in the pre-British days. Even without the British rule, it seems likely that the village communities would have lost ground. The British rule halted the growth of great land-

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1. See above, Chap.5.
2. See Reg. IX of 1833.

holding in the region, and whenever possible, reduced its size.[1] Gupta has not considered these questions.

The selection of papers seen by Gupta contains documents relating generally to land revenue policy. There is very little in them on agrarian relations. No work on agrarian relations in the view of the present writer, can be done without examining the records at the regional and governmental level. It may also be desirable to go down to the district and village level. An examination of records of the Civil Courts where they may have survived destruction, would also prove rewarding. Search for old records with old Zamindarz and Talugdarz families, should also be made. It is indeed an uphill task. The total number of volumes relating to the proceedings of the various regional revenue authorities and the revenue proceedings of the Bengal government between the years 1803 and 1833 amounts to 1,024.[2] Dr. Gupta has not examined even a fraction of these volumes. His work therefore, lacks solidity and he does no justice to its title.

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1. See above Chap.4.
2. This figure excludes index volumes, and is totalled from I.O.L. Catalogue of Bengal Consultations, pp.147-67, 187-8, 245-60, 265-8 and 270-74.

Appendix B Ø

Cost of production of wheat in a bigah of land

Item and quantity of yield	Price	Value of produce		Cost of production	Net profit of raiyat
			Total		
Wheat 8 maunds	25 seers a rupee	Rs.12-12-9		30 seers seed at 20 seers a rupee Rs.1-8-0	
Husk 8 maunds	5 maunds a rupee	Rs.1-9-7	Rs.14-14-4	13 hired ploughs at 6 ploughs a rupee Rs.2-2-8	
Sursoo sown with wheat - 10 seers	20 seers a rupee	Rs.0-8-0		Watering cost Rs.1-8-0	
				Cost of cutting the crop - 10 men to the bigah Rs.1-0-0	
				Contingent expense Rs.0-5-4	Value of produce Rs.14-14-4
				Gift to village servants Rs.0-8-0	Cost of production Rs.10-0-0
				Rent per bigah Rs.3-0-0	
				Total Rs.10-0-0	Net profit Rs.4-14-0

Source: unsigned and undated statement in Bentinck MSS. 2793.

Appendix C

Glossary

Amani = Collection of revenue directly by government servants.

Amil = Contract revenue Collector. Also known as Nazim, Chakladar, and Mustajir.

Balahar = Village sweeper who originally served as watchman also.

Bankar = Profit derived from the produce of forest.

Batai = Division of crop between Zamindar and cultivator.

Bhaiyachara= A form of joint landholding in which members of the community hold land by true and equal division. Each member had parts of good and bad land, the division being such that the value of each sharer's land would be equal to that of every one else's share.

Bigah, standard one in the Western Provinces = 3,025 sq. yards = 5/8 of an acre. In Bengal = 1,600 sq. yards = 1/3 of an acre.

Chaukidar = Village watchman. This was a British innovation.

Dastak = Written certificate.

Fasli = A calendar originating with Akbar in the Christian year 1555. That year was Hijri 963 and Samvat 1612. He deducted 649 years from the latter so as to coincide with Hijri 963 and called it Fasli. To synchronise the Christian with the Fasli 592 years should be deducted from the former. For instance 1801 A.D. would be equal to 1209 Fasli.

Gaz = 33 inches. This was the standard established by the British and the measurement was actually done according to that standard. Akbar's ~~whif~~ gaz which was usually referred to in the region had no uniform standard. It varied between 29 and 35 inches.

Hat = Moveable market or a market that was held only on certain days of the week.

Istmrari = Right to pay a fixed amount of revenue generally during the life of a grantee.

Jagir = Revenue of land assigned to military servants. Later on applied to assignments on account of loyalty or service performed to the State.

Jalkar = Profits or rents derived from the water, lakes, ponds etc. in an 'estate' or village including the right of fishing.

Jama = Land revenue. Originally applied to land revenue plus cesses.

Jamabandi = Statement of amount paid by raiyats to intermediaries in a village or the village rent-rolls, also applied to the district rent-roll.

Jarib = Chain or rope for measurement of land. Its length was 60 gaz.

Kanungo = A village or district revenue officer who kept records of land and revenue, and when required, explained local practices and public regulations.

Khalsa = Revenue of that portion of land which was directly under state management.

Khas = Collection of revenue by subordinate revenue servants from individual raiyat; used when intermediaries did not engage for revenue or when they did not exist.

Khasra = Fieldbook, result of survey showing fields and raiyats' possession and their relation to the Zamindars.

Kismwar = According to soil description.

Lambardar = Village headman or Mukaddam or Sadr Malguzar. The term Lambardar is entirely of British origin. It is derived from the word number used in the records for serialising revenue engagement. Thus the holder of a particular 'number' became a Lambardar in mufassal phraseology.

Mafi = Land exempted from paying revenue to the government. Such land was generally a small parcel, assigned in lieu of service or granted for charitable or religious purpose.

Malguzar = A person who pays revenue for himself or on behalf of others to government or to a 'proprietor' or a holder under a 'proprietor' or the State.

Malguzari land = Land paying revenue to the government or land assessed to revenue.

Maurusi = Cultivating proprietary right in land.

Mufassal = Interior or countryside, a subordinate or separate district.

Mukaddam and Pradhan signify the same, village headman.

Mukarraridar = An individual granted the right to collect the revenue of a tract of land and to pay a fixed sum to the State. It was generally a life tenure.

Naib-Tahsildar = Deputy Tahsildar.

Nazarana = Gift or present from an inferior to superior.

Non-Malguzari = Land not paying any revenue to the government.

Pargana = A revenue and administrative unit, comprising a group of villages and forming a small sub-division of a district.

Pattidari = A form of joint landholding in which sharers hold land according to their ancestral shares. Each one had a portion of land expressed in bigahs without reference to ~~un~~fertility of land. (Ancestral share governed according to the law of inheritance).

Patwari = Village accountant and record keeper.

Phalkar = Profits derived from the produce of orchards.

Rai-bandi = A statement or table of rates, a document showing the rates at which different descriptions of land are usually assessed in any particular district.

Raja = A title given to Hindus of rank by Muslim rulers, or hereditary when descending from a Prince; later assumed by adventurers also.

Sadr Malguzar = Chief revenue engager.

Sayer = Internal or transit duties on goods.

Siwai = Any collection besides land revenue, e.g. from forest, river, pond or a cess.

Tahsildar = Indian officer in charge of a subdivision with revenue and police powers.

Taluq = A revenue subdivision comprising several villages.

Taluqdar = Holder of a taluq. Taluq = a dependency, an 'estate' or tract of land. In the Western Provinces he did not have 'proprietary' rights over the entire taluq.

Zabti = Regular or detailed mode of assessment as developed under Akbar. Later on also used for crops paying at cash rates.

Zamindar = An occupant of land or landholder other than a peasant.

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