transport deficiencies and lack of communications, long afflicted the districts of Bengal.

In 1853 Kaye remarked of the India of his day:

> hundreds of its natives disappear; and their disappearance is either hardly noted, or it creates no astonishment or alarm. A journey in India is a matter of many months; and numerous are the perils which beset the path of the unprotected pedestrian. Hence it was that whole hecatombs were sacrificed to the goddess Devi, and no one took account of the victims.

He refers to the monstrous crimes of the thags (literally "cheats") who for years infested every part of India except the Konkan in the Bombay Presidency. They were a fraternity of murderers who bore a name earned apparently by their disguises and crafty methods of procedure. Before starting on expeditions to rob and murder, they invoked the aid of the Hindu goddess of strength and destruction, Kali *alias* Devi *alias* Bhawani, consecrating to her the weapons of their trade, the strips of cloth used in strangling their victims and the pickaxes with which the graves of these poor people were dug. "A thag", wrote Captain Sleeman, "considers the persons murdered precisely in the light of victims offered up to the goddess."

It was some time before the Supreme Government awoke to the fact that within their own home territory organised bands of professional and hereditary robbers and murderers, recognised and indeed to a certain extent tolerated by their fellow-men, were committing the most horrible crimes "with as much forethought and ingenuity as though murder was one of the fine arts, and robbery a becoming effort of human skill, nay even were glorying in such achievements as acts welcome to the deity". But when at last the position was understood, a thagi police department was organised under Captain, afterwards Sir William, Sleeman, one of the Company's ablest servants. In the older provinces, however, to catch a thag was far easier than to procure his conviction, for thags "throve upon the legal niceties and the judicial reserve of the English tribunals and laughed our regulations to scorn".[1] So in 1836 a special act was passed by which any person convicted of belonging or having belonged to a gang of thags became liable to imprisonment for life. Thus all that was necessary to secure conviction was to prove association of an individual with these pests of society. Encouraging approvers, Sleeman and his officers by indefatigable and comprehensive operations gradually put an end to thagi, rooting out what he justly calls "an enormous evil which had for centuries oppressed the people and from which it was long supposed that no human efforts could relieve them".[2] By 1852 the guild had been scattered, never again to reassemble; but Bengal had been infested by river thags as well as by

[1] Kaye, *op. cit.* pp. 354–79; O'Malley, *Bengal, Bihar and Orissa*, pp. 346–50.
[2] Quoted, *Calcutta Review* (1860), xxxv, 372.

road thags, and even in 1854 as many as 250 boats manned by these miscreants were infesting the Ganges between Calcutta and Benares.

The struggle against *dakaiti* or dacoity (brigandage) lasted even longer than that against thagi, and had not attained complete success at the close of our period. Warren Hastings had applied "an extraordinary and exemplary coercion",[1] not only against dacoity but also against those whom he stigmatised as its "nursing-mothers", the zamindars and the police. The snake, however, was only scotched. In 1810 Lord Minto observed that "a monstrous and disorganised state of society existed at the very seat of that government to which the country might justly look for safety and protection". Bengal was far more subject to brigandage than more recent acquisitions and less civilised tracts. This anomaly was due to the riches of the country, its long security from invasion, its venal police and unscrupulous zamindars, who frequently regarded their estates "as fields to plunder in, extort and pillage". The dacoits had secured their position by systematic intimidation.[2]

"It is impossible", wrote Minto, "to imagine without seeing it the horrid ascendancy which they have obtained over the inhabitants at large of the countries which have been the principal scene of their atrocities.... In truth the captains of the band are esteemed and even called the hakim or ruling power, while the government does not possess either authority or influence enough to obtain from the people the smallest aid toward their own protection."

Minto initiated a vigorous campaign against dacoity; but in 1823 the pest was so rife in the Purnea district that leases of estates were sought for in the expectation that profits would be swelled by shares from illicit plunder. Afterwards, with the aid of the recently organised thagi police-force, some gangs of dacoits were broken up; but captures seldom ended in conviction as victims feared to testify against their oppressors; so in 1843 an act was passed similar to that previously directed against thagi. To secure conviction it sufficed merely to prove association with a gang of dacoits either within or outside the Company's territories before or after the passing of the new measure. Doubt, however, arose as to the applicability of this enactment to dacoits who did not belong to certain tribes therein specified. In 1851 this doubt was removed by further legislation. Kaye tells us that even then by terrorism, by producing numerous false witnesses, and by availing themselves of the barriers which the complicated machinery of the law placed between "the eyes of the British functionary and the crimes which were committed around him", the dacoits were still glorying in their exploits "as sportsmen do".

In 1852 Wauchope, the magistrate of Hughli, forwarded to the superintendent of police a list of 287 dacoits belonging to three gangs which were concerned in eighty-three dacoities, adding that at least

[1] Bengal Revenue Consultations, 19 April, 1774.
[2] O'Malley, *op. cit.* pp. 305–6; also Mill and Wilson, VII, 284.

thirty-five gangs were then committing depredations near Calcutta. He was himself appointed special Dacoity Commissioner and, assisted by the new enactments, rapidly improved the situation. But the central difficulty of the situation was the fact that the sufferers were too apathetic to defend themselves individually, and even in 1859 the Dacoity Commissioner was still indispensable.

Among the best achievements of the Company's servants in parts of the Lower Provinces were the conversion of restless and savage tribes of aboriginals into generally law-abiding cultivators. The pacification of the Santals, of the Chuars or Bhumij of Manbhum, of the Larka Kols of Chota Nagpur, of the Khonds of the Orissa hills was effected not only by the exercise of superior force which alone could subdue rapine and bloody ferocity, but by methods of conciliation and kindness practised by certain British officers whose names still blossom in the dust.

From time to time religious and agrarian agitation produced relapses into barbarism. Such a relapse was the Santal rebellion of 1855, which arose from the resentment of a tribe of primitive cultivators at their impotence to resist the exactions of Bengali and Bihari landlords. About 30,000 Santals overran a large expanse of country, roasting Bengalis, ripping up their women and torturing their children. The rising was quelled by a strong military force and afterwards the Santal Parganas were constituted a separate district and ruled on a simpler system designed to secure closer personal contact between British officers and the people.

District administration in Bengal weathered the trials of the Mutiny right gallantly. When the storm broke there were in Bengal, Bihar and Orissa only 2400 European soldiers as against Indian forces of more than 29,000. In Calcutta there was a single British regiment. No other British troops were nearer than Dinapur, 380 miles away, where a regiment was employed in watching four Indian regiments and the great city of Patna.[1] In June, 1857, Lord Canning found it necessary to pass a stringent Press Act, operative for one year, which was required rather for Calcutta and Bengal than for Upper India.

"I doubt", he said, "whether it is fully known or understood to what an audacious extent sedition has been poured into the hearts of the native population of India within the last few weeks under the guise of intelligence supplied to them by the native newspapers....It has been done sedulously, cleverly, artfully....In addition to perversion of facts there are constant vilifications of the Government, false assertions of its purposes, and unceasing attempts to sow discontent and hatred between it and its subjects."[2]

Yet despite all adverse circumstances, despite a general lack of communications, despite defects of administrative organisation already noticed, although hardly a single district escaped either actual danger or the apprehension thereof, so little was the public peace disturbed

[1] Buckland, *op. cit.* p. 6.

[2] Donogh, *History and Law of Sedition*, p. 183.

that in submitting his final detailed report on the whole of that troublous period, the lieutenant-governor was able to state that "the outbreak, as far as the Lower Provinces are concerned, had been simply a military mutiny, and there has been at no time anything that can be called a rebellion in the sense in which that term may properly be used".[1]

The people of Bengal are for the most part, as Lord Canning said, "less warlike and turbulent than those of Upper India". But while large sections of them are timid, apathetic and peculiarly susceptible to the domination of unscrupulous terrorism, there were in 1857 many restless and truculent men who desired nothing more ardently than the overthrow of the one power which stood between the province and anarchy. Between all such and the achievement of their designs stood a small band of British officers and the general confidence of the people in the power and determination of the British government.

Here, for the present, we must leave our subject, remembering that, so far, the educational policy adopted in 1835 had hardly touched Bengal outside Calcutta. Even in 1852 there were in the government educational institutions of the whole Lower Provinces upwards of 11,000 pupils only, of whom 103 were Christians, 791 were Muhammadans, 189 were Arakanese, thags, and Bhagalpur Hill aborigines, while the rest were Hindus.[2] Action on the famous Education Dispatch of 19 July, 1854, had barely commenced when it was retarded by the outbreak of the Mutiny and consequent financial difficulties. State education was, later on, to bring in new problems; but to the gross ignorance which prevailed so widely within our period are largely to be ascribed not only certain monstrous evils mentioned in this chapter, but also the general incompetence and dishonesty of the police.[3] The field for the selection of capable and trustworthy government servants was narrow and restricted. This circumstance naturally affected the efficiency of the law courts which were not guided by the carefully considered codes of law and procedure of a later day. The criminal law was then "a patchwork made up of pieces, engrafted at all times and seasons on a ground nearly covered and obliterated".[4]

If we weigh these circumstances with the consequences of administrative mistakes made far away in the past and postponements of Bengal interests to more immediately pressing considerations, if we remember the lack of communications and the physical features of the eastern districts, we shall rather wonder that things went as well as they did than cavil because they did not go better.

It may be asked why, in view of the onerous nature of the task of district administration in Bengal, was no serious attempt made to introduce local self-government? Efforts were made, dictated largely

[1] Buckland, *op. cit.* p. 157.
[2] Kaye, *op. cit.* p. 614.
[3] *Calcutta Review* (1860), xxxv, 372.
[4] Campbell, *Modern India*, p. 465.

by sanitary considerations, to establish a municipal system in towns which were willing to accept one; but Campbell tells us that when a deputy-governor of Bengal had imposed a municipal constitution on a certain town, and the district magistrate tried to "carry out its details", he was "prosecuted" in the Supreme Court at Calcutta by some of the inhabitants and ordered to pay damages as a majority of the inhabitants did not desire the innovation. "Strange to say", remarks Campbell, "the unenlightened Indian public cannot be brought to understand the pleasure of taxing themselves and resolutely decline the proffered favour."[1] Neither for sanitation, nor for maintaining an adequate system of watch-and-ward, nor for any similar purpose, was there any popular inclination to spend money.

[1] Campbell, *op. cit.* p. 261.

CHAPTER III

# DISTRICT ADMINISTRATION IN MADRAS 1818–1857

THROUGHOUT this period the history of Madras was generally untroubled. But difficulties arose in the jagir of Kurnool over which the Company had acquired suzerainty in 1800. A disputed succession in 1815 had led to the temporary occupation of Kurnool town; another vacancy in 1823 had involved the arrest of the heir for murder and the installation of Rasul Khan. His freaks might have passed unnoticed but for his buying cannons and repairing forts. Then, agitated by rumours of a general Wahabi conspiracy, the government, in 1839, sent commissioners with troops to make enquiries. The nawab took refuge with his Rohilla and Arab soldiers and a conflict ensued in which the Rohillas suffered severely. Rasul Khan was taken to Trichinopoly, where he diligently attended services at a Christian chapel until he was murdered by one of his servants. The nawab was probably mad, but the affair ended in the annexation of his state, which was administered as a non-regulation province by a commissioner or agent till 1858 when it was combined with other areas to form the present district of Kurnool.

On the west coast Canara became involved in the Coorg War through Coorg holding part of the lowlands, and was the scene of a repulse with considerable loss of a small force advancing from the coast. The war resulted in the restoration to Canara of the patch of lowland, but some malcontents remained there and found occupation in 1837 in chasing the collector and his sepoys back to Mangalore where they did some damage, ill-armed as they were, before they were dispersed.

Malabar had had an unusual spell of peace before the Moplahs (who include Malayali converts to Islam as well as the descendants of Arabs and Malayali women) in 1836 began a series of twenty-two disturbances within eighteen years. There was desperate fighting in 1849 when all the sixty-four Moplahs "out" were killed and the outbreak of 1852 was accompanied by hideous murders in which, for the first time, the Hindu women and children were not spared. Strange, of the sadr adalat, deputed to enquire, attributed the disorders to fanaticism and advocated stern repression. His mission was followed by the murder of Conolly, the collector, and laws[1] were passed for the better prevention of outrages and to deprive the Moplahs of their war-knives. The effect of these measures was disappointing, as will be seen later.

[1] India Acts XXIII and XXIV of 1854 and XX of 1859.

The north had not known peace for generations. It was reported in 1759 that the forms and even the remembrance of civil government seemed to have been wholly lost in the Circars. In Ganjam turmoil had been incessant. Family feud, mutual jealousy, resentment against civil decrees or revenue demands, hatred of the police—there was always some reason for a zamindar to be in arms, some occasion for troops to be contracting fever. Matters came to a head in the Parlakimedi zamindari where rival *ranis* had embroiled the hill chiefs in a feud of nineteen years' duration. In the midst of the trouble the estate came under the Court of Wards whose manager became involved in the fray, and other zamindaris were drawn in too. It was time to settle things once and for all. George Russell, of the board, was appointed special commissioner with extraordinary powers and a large body of troops. A special tribunal was set up to try prisoners. Russell proclaimed martial law. Forts were reduced, the rebels were defeated everywhere, some were hanged, others transported or confined as state prisoners, estate lands were sequestrated. By 1834 the trouble seemed over. But, at the beginning of the operations, Dhananjaya Bhanj,[1] raja of Gumsur, "that tyrannous monster", had been enlarged from captivity by the government, credulous of fair promises, and restored to his estate, and the opportunity seemed to him too good to be wasted. He withheld the revenue and defied the authorities. But the blood of the government was up. Russell was reappointed and the troops set in motion again. Dhananjaya fled for refuge to the Khonds in the hills. For the first time in history the Company's forces entered those fever-stricken tracts. Dhananjaya died, laying injunction on the Khonds not to allow his women-folk to be captured. In this they failed, but they overwhelmed the detachment in charge of Dhananjaya's belongings and killed several of the women to save them from anticipated dishonour. The troops spread over the country and returned to finish their work the following year. The rebellious chiefs were killed, hanged or transported. The Gumsur and Surada zamindaris were declared forfeit. For the first time since 1768 Ganjam had a spell of peace which lasted until the Savaras in 1853, and again in 1856, descended from the hills to plunder and burn. They quieted down when their own huts and crops were burnt in retaliation. In the meantime there had been an outbreak in the Vizagapatam hills which involved military operations for three years. These troublesome Northern Circars, which covered almost the whole of the present five northernmost districts, had been held subject to an annual payment to the Nizam, until 1823, when the liability was capitalised and discharged. The condition of the administration moved the directors to order in 1849 that the Circars should be placed under the direct charge of a member of the board as special commissioner, and this arrangement continued for five or six years.

[1] For his story see the *Ganjam District Manual*.

Russell's operations had results still to be mentioned. One of these was the enactment of India Act XXIV of 1839, which withdrew the hill tracts of Ganjam and Vizagapatam from the operation of the ordinary courts and laws, and placed them under the sole control of the collectors of those districts, styled agents to the governor, an arrangement which still endures. Another consequence demands longer description.

At that time strange and terrible crimes were moving under the surface of Indian life. Timorously but successfully the government had legislated against sati,[1] never much in vogue in Madras. Female infanticide, though known among the Khonds, concerned that presidency little. In 1836 legislative and executive measures were initiated against thagi. That crime, too, was alien to Madras, though, in the 'thirties, gangs were at work in Anantapur, and sundry ruffians were hanged and gibbeted. The crime which Russell's campaigns brought into prominence (its existence had been reported nearly seventy years before) was human sacrifice as practised under the name of Meriah (Mervi) among the Khonds of Ganjam. The victims were bought or were dedicated as children to the earth-goddess. They were treated with veneration till their time came, often after a lapse of many years, and, on attaining maturity, a Meriah boy would be given a Meriah girl to wife; the children born to such a couple were victims by heredity. Sacrifices were so arranged that each family should have at least once a year a strip of flesh for burial in the family-land to ensure good crops. When the victim's turn came, he or she was put to death after strange ceremonies and in revolting ways; the flesh was stripped off, sometimes while the poor wretch was still alive, and distributed. This practice prevailed in the hills of Ganjam, Vizagapatam and neighbouring tracts. A military officer was deputed to stop it and tactfully won over the tribes. In 1842 two tribes agreed to give up the custom, if permitted to denounce the government as responsible for their apostasy. Other tribes followed suit, those of Boad celebrating their conversion by a grand, final slaughter of 120 victims, just half the number immolated on a New Moon Day in 1841. By India Act XXI of 1845 the Government of India placed the localities affected by the custom under the sole jurisdiction of special agents appointed by the governments of Bengal and Madras and the governor of Bengal, and made them amenable to rules framed by itself. This arrangement lasted till 1861, but the last Meriah sacrifice in Madras seems to have occurred in 1855. It is reckoned that between 1837 and 1854 over 1500 destined victims were saved.

A few words may be added here about slavery which, usually in a mild form, existed on the west coast and in the Tamil country. In the former area there were both predial and personal slaves, and there had been some export trade in slaves which, however, was early

[1] Madras Reg. 1 of 1830.

made illegal.[1] In the latter area the slaves were predial only (apart from a certain amount of slavery "on contract") and the institution was already dying out in 1819.[2] Nevertheless, certain classes of labourers used in some parts to be sold or mortgaged with the land until the passing of India Act V of 1843, which declared that no rights arising out of slavery should be enforced by the courts. Even in the present century, however, deeds of sale of land have occasionally contained a clause transferring to the purchaser the debt which bound the farm-labourers to the vendor by a chain hardly differing from that of slavery.

By 1803 the movements and hazards of half a century had secured to Madras a territory of a hundred and forty thousand square miles. The subsequent changes in the outline of the presidency have been few. Canara gained a bit from Coorg in the war of 1834, but lost more by transfer to Bombay in 1862; the tributary state of Kurnool was annexed in 1839, and certain parings off the Central Provinces were allotted to Godavari in and after 1874. To these alterations may be added the cession to the Company in 1818 of suzerainty over the Sandur state.

The government was composed of a governor and a council of three senior merchants[3] who had power to legislate[4], but were in entire subordination to the governor-general in council at Fort William.[5] Such was the position until 1833 when,[6] with a view to centralise all authority in the governor-general of India in council, as he was thenceforward to be called, the power to legislate was withdrawn and the court of directors was authorised to reduce or abolish any provincial council. This last provision did not receive effect, for the directors, although they reduced the civilian councillors to two, counterbalanced this by adding the local commander-in-chief to the council.[7] In 1786 a Board of Trade and a Board of Revenue had been established, each consisting of three members with a member of council as president. The former body looked after the commercial interests of the Company, but its business dwindled into insignificance after the abolition of the Indian monopoly[8] and it disappeared in 1825. At the outset the Board of Revenue had, extra-legally, certain judicial powers. These were confirmed for parts of the country by Regulation I of 1803, but were extinguished soon afterwards.[9] It became by Regulation V of 1804 a Court of Wards for the presidency and had for many years control over religious and other endowments.[10] Until 1887

[1] 51 Geo. III, c. 23, and Reg. II of 1812 (repealed by Reg. II of 1826).
[2] Revenue Board's Proceedings, 5 January, 1818, and 25 November, 1819.
[3] 24 Geo. III, c. 25, and 33 Geo. III, c. 52. Writers, factors and junior and senior merchants represented at the time the covenanted civil service.
[4] 39 and 40 Geo. III, c. 79, and 47 Geo. III, sess. 2, c. 68.
[5] 33 Geo. III, c. 52. [6] 3 & 4 Will. IV, c. 85.
[7] Political Dispatch, No. 18, 27 December, 1833.
[8] 53 Geo. III, c. 155. [9] Reg. II of 1806. [10] Reg. VII of 1817.

the united board exercised general supervision over revenue matters. In that year the portfolio system was introduced, the number of members was raised to four (the councillor-president had disappeared long before) and the various branches of the revenue administration were distributed among the members as commissioners.

The country was, and is, divided into districts[1] which have varied in number from twenty to twenty-six, and these again into *taluks* which now average about 700 square miles. At the head of the district stands the collector, who first appears on the scene in 1787. The twentieth century found him still the local representative of government; chief magistrate; head of the Land Revenue and Forest Departments; as president of the District Board, supervising roads, schools and hospitals; possessed of a measure of control over the police and municipalities; as a revenue judge, exercising summary jurisdiction in many matters. In his revenue capacity he is in direct subordination to the board, to which body appeals lie against many of his orders, executive and judicial. To collectors were assigned in 1792 covenanted assistants, and, later on, fixed territorial jurisdictions were allotted to the assistant and subordinate collectors in the form of divisions made up of groups of *taluks* wherein they exercise most of the powers possessed by collectors. The *taluks* were from the first under Indian *tahsildars*; above them all the executive officers were English. No practical steps were taken to open the higher executive to natives of the country until India Act I of 1857 authorised the appointment of deputy-collectors, who occupy a position similar to that of covenanted divisional officers.

A Supreme Court had been established in 1801[2] but its jurisdiction was almost wholly confined to Madras town. The administration of justice up-country was conducted under the system introduced in 1802–6 and modified by the legislation of 1816. The reforms of the latter year were designed to reduce expense and hasten disposal by larger employment of native agency, to simplify litigation by reverting to earlier methods whereby civil and criminal cases were largely disposed of in the village, and to ensure greater control over crime by restoring to collectors magisterial powers and the supervision of the police. The central court for up-country purposes consisted of a body of judges presided over by a member of council.[3] On its civil side this tribunal was called "sadr adalat"; on its criminal side, "sadr faujdari adalat". Below this body functioned four provincial courts dealing with most of the civil appeals and with suits over Rs. 5000; these bodies, as courts of circuit, disposed also of all the more important criminal work.[4] In the district the principal civil judge was

[1] Formerly called zillahs, the *taluks* being styled districts.
[2] 39 & 40 Geo. III, c. 79.
[3] Regs. v and viii of 1802 and iii of 1807. This court, as at first constituted, consisted of the governor in council.
[4] Regs. iv and vii of 1802 and xii of 1809.

the zillah judge, assisted sometimes by registers or assistant judges to whom actions might be referred for disposal.[1] The presiding officers of all the above courts were European covenanted civilians, who were assisted on legal points by Indian law officers.[2] Below came three classes of native judges, namely, *sadr amins* to whom suits up to Rs. 300 might be referred,[3] district *munsiffs* who were authorised to deal with suits up to Rs. 200[4] and village headmen or *munsiffs* who had power to dispose of certain cases not exceeding in value Rs. 10 or, with the consent of the parties, Rs. 100.[5] Both the district and the village *munsiffs* were required, on demand, to summon *panchayats*, or bodies of arbitrators, which had unlimited jurisdiction in respect of the classes of cases which might be referred to them.[6]

Within the district the principal criminal jurisdiction was vested in the zillah judge to whom the register gave help as assistant criminal judge, but six months' imprisonment was the limit of the latter's powers.[7] The collector as magistrate and his covenanted assistants as assistant magistrates had a very restricted power of punishment, their main duty being the arrest and commitment of offenders.[8] Certain petty misdemeanours were punishable by *tahsildars* and village headmen.[9] For want of anything better, the Muhammadan criminal law, as interpreted by the law officers and modified from time to time by enactment, was applied in the criminal courts until the Penal Code came into force in 1862.

Such were the judicial arrangements as they stood in 1818; and of the reforms carried out in 1816 none was more important administratively than the severance of the unsuitable association of the judge with the magistracy and police, none more popular than the creation of the district *munsiffs*.[10] It was, in fact, the popularity of these latter officers which rendered ineffectual the effort to revive the old method of adjudication by *panchayats*. Soon afterwards we find the directors pressing for a still more extended use of Indian agency and, as a consequence, provision was made for the establishment of "auxiliary" and "native" civil and criminal courts, possessing in defined areas jurisdiction on the same lines as that exercised by the zillah and criminal judge.[11] The "auxiliary" judges differed from the "native" judges in that they had jurisdiction in respect of Europeans and Americans, but they disappeared in time, whereas the "native" judges, under changed titles (they were known as principal *sadr amins* after 1836), have lasted to the present day. It was at this point that

[1] Regs. II of 1802 and VII and XII of 1809.
[2] Abolished by India Act XI of 1864. They were also employed as *sadr amins*.
[3] Regs. VII and X of 1809 and VIII of 1816.
[4] Reg. VI of 1816. [5] Reg. IV of 1816. [6] Regs. V and VII of 1816.
[7] Reg. X of 1816. The limit was raised to two years' imprisonment in certain cases by Reg. VI of 1822.
[8] Reg. IX of 1816. [9] Reg. XI of 1816.
[10] They took the place of the "native commissioners" of 1802 with jurisdiction up to Rs. 80. [11] Regs. I, II, VII and VIII of 1827.

a modified form of the English jury-system was introduced into the courts of circuit by Regulation x of 1827.

A new phase opened with India Act VII of 1843. The provincial courts of civil appeal and circuit and the zillah courts were abolished and their civil and criminal powers were distributed between new "civil and sessions" judges of the zillah and the principal *sadr amins* (or the "auxiliary" judges); at the same time the powers of the magistrates were substantially enlarged. In the result, whereas in 1802 no Indian could try a criminal case or deal with a suit valued at more than Rs. 80, an Indian judge might now adjudicate suits up to Rs. 10,000 in value and pass sentences of two years' imprisonment. There was an extension in the same direction later,[1] when district *munsiffs* were conceded a limited criminal jurisdiction.

At the beginning of the present period the zamindari system prevailed in the Northern Circars, Salem, Chingleput and certain other areas; village leases in the Ceded districts, Nellore, the Arcots, Palnad, Trichinopoly, Tinnevelly and Tanjore; ryotwari in Malabar, Canara, Coimbatore, Madura and Dindigul.[2]

As a revenue system, the zamindari settlement was not a success, even where it had for basis the old estates of poligars; as to the artificial estates, or *muttahs*, they came tumbling down almost as soon as they were set up. The process of decay was both rapid and long continued, so that we find the whole of the Guntur collectorate and much of the Masulipatam collectorate passing over from zamindari to ryotwari between 1835 and 1849, and now the system applies to less than one-fourth of the presidency. Certain features of the settlement call for further remarks.

After long discussion in Bengal it was decided that the demand on the estates should be fixed in perpetuity. The principle of an unalterable assessment is not in favour nowadays, but, throughout the first half of the last century, there prevailed in Madras, vaguely felt rather than definitely asserted, an idea that, in all forms of land-revenue settlement, fixity of demand should be aimed at. This view was not always endorsed by the court of directors, but it commended itself to the secretary of state as late as 1862, and in 1868 the Board of Revenue had nothing to say against a permanent ryotwari settlement. Though a rapid rise in prices led to the abandonment of the notion, it was not formally renounced until 1883.[3]

In investing zamindars with "the proprietary right of the soil", the legislature gave rise to misconceptions which had to be corrected later by a declaration that there was no intention to infringe the rights of third parties.[4] There never had been such intention, but the legisla-

[1] India Act XII of 1854.
[2] Revenue Board's Proceedings, 5 January, 1818.
[3] Court's Dispatch, 16 December, 1812 (*Revenue Selections*, 1820, vol. 1); Board's Proceedings, No. 6369, 8 September, 1868; S. of S. Dispatch, 28 March, 1883, and Baden Powell, I, 340.
[4] Reg. IV of 1822.

n of 1802[1] gave insufficient protection to the cultivators, while granting to the zamindars powers of distraint and ejectment which could be challenged only through a regular suit. This defect led to Regulation V of 1822, which brought the collector in as a summary arbitrator between zamindar and occupier, an arrangement which worked with some success until the courts began to admit claims to determine rents on a competitive basis and to alter the customary modes of sharing the crops. Act VIII of 1865 was intended to settle these and other questions but caused much greater confusion by declaring that all contracts for rent, express or implied, must be enforced. The position was not made clear until the Estates Land Act, 1908, came into operation. This elaborate enactment brought the revenue courts into summary operation in all relations between zamindar and ryot, conferred, in express terms, right of permanent occupancy upon most of the zamindar ryots, and enabled others to secure that privilege by means of a small payment. The need for protecting the tenants had been mainly felt in the Telugu country; among the Tamils there had always been a much stronger sense of private property in land and the ryot's claim to occupancy right had generally been accepted. So much for the cultivators. The question whether the zamindars themselves did not need protection was considered by Munro,[2] but nearly eighty years elapsed before anything was done in that direction. Then, when debt and suits for partition had broken up various estates, it became a matter of concern to the government to preserve the rest. The case of indebtedness was met by authorising the government, on request, to place embarrassed estates under the Court of Wards.[3] The other threat had arisen from a change in judicial opinion, the courts receding from the position that impartibility and inalienability attach by general custom to the ancient zamindaris, and holding that the existence of these attributes must be proved for each individual estate. This dictum gave rise to much ruinous litigation, but, after considerable delay, a remedy was provided in the form of a law which imposed restrictions upon the alienation of specified estates, and declared them to be impartible and heritable by a single heir.[4]

The decennial leases, introduced by the Madras Government "to become a fixed settlement if approved" and immediately condemned by the court of directors,[5] were drawing to a close when the present period opens and did not everywhere run their full course. With the expiration of the last of them, the village lease system disappeared except in a few peculiar localities. The decennial leases had been

[1] Regs. XXV and XXXII of 1802.
[2] Minute, 19 September, 1820.
[3] Act IV of 1899.
[4] Act II of 1904, replacing similar acts of 1903 and 1902; see also Srinivasa Raghavachari, *Progress of the Madras Presidency*, p. 245.
[5] Dispatches, 16 December, 1812, and 16 December, 1813.

granted on more lenient terms than the triennial ones, but the general result of the arrangement never came under review. According to the Board of Revenue the leases were working satisfactorily in 1818,[1] but the board was strongly prejudiced and the reports from individual districts are by no means suggestive of success. The board's bias in favour of village leases may, perhaps, be explained in part by the existence in portions of the Tamil country of a tenure to which they really seemed to be thoroughly well adapted. This tenure, commonly known as *mirasi* right, was decaying but sufficiently alive to engender a vast and enthusiastic correspondence in which the varying views of the government are generally in opposition to the varying views of the board. In this tenure the ownership of each village (subject to the usual claim of the state to a share of the produce) vested in a single *mirasidar* or, more commonly, in a body of *mirasidars*. From the tilth the *mirasidars* derived a share of the produce and, in some places, grain-fees also; over the waste they claimed certain privileges. The main controversy arose over the questions whether a ryotwari settlement should be made with the *mirasidars* or the actual cultivators, and whether the *mirasidars* had a right to prevent the state from assigning the waste for cultivation. The former point may be considered to have been settled by the cautious instructions of the directors to respect the rights of the *mirasidars* but to be chary of ousting persons already recognised as owners, and to dispose of all disputes on their merits.[2] On the latter point the final decision was that the *mirasidars* had no power to keep waste out of cultivation, but should have the first refusal of any part applied for by a non-*mirasidar*.[3] The government showed a disposition to go back on this decision, but was vigorously reproved by the board and overruled by the directors.[4]

Officially the *mirasi* system is dead, but traces of it survive in Chingleput, where the ordinary assessment is in some cases reduced to allow of the payment to old *mirasi* families of sums in lieu of former claims upon the cultivators.

Ryotwari falls into three stages, early, middle and late, and the only description common to all is that it is a mode of settlement with small farmers, so small, indeed, that their average holding is, on recent figures, only about 6½ acres. Nowadays the tenure is regarded as possessing the following properties: the registered occupier is, so far as concerns government, free to alienate, encumber and devise his land at discretion; subject to unimportant qualifications, he may at any time relinquish any portion of his holding; he can never be ousted unless he fails to pay regularly the assessment fixed on the land or any

[1] Proceedings, 5 January, 1818. The vigorous style of this paper, a masterly bit of work, shows the warm concern of the board in the result of the duel between village lease and ryotwari.

[2] Dispatch, 18 August, 1824.

[3] Dispatches, No. 8, 28 July, 1841, and No. 17, 3 July, 1844.

[4] Dispatch, 17 December, 1856.

other charge by law recoverable as land revenue,[1] in which case his land may be attached and sold to the extent necessary to discharge the debt;[2] no additional charge may be imposed on account of improvements effected at the ryot's cost, but a separate charge may be made for minerals extracted; the rate of assessment is liable to alteration on the expiry of the specified period for which it has been fixed and then only. But these peculiarities have been of gradual growth; not one of them can be said to have been universally applicable to early ryotwari which, introduced by Read, approved by the directors as an experiment, widely extended by Munro and others, was abruptly brought to an end in some districts by the zamindari settlement, in others by the village leases.

The re-introduction of ryotwari between 1813 and 1822 marks the beginning of middle ryotwari—a period of chaos. To begin with there was no proper basis of survey on which to construct it. Some surveying had been done in early ryotwari, and sometimes done well though unprofessionally, but large areas had not been surveyed at all and in others the survey had been mere pretence; there were no boundary marks, no maps and very few survey-records of any sort. In middle ryotwari nothing was done to cure these defects, and without a proper survey there could be no systematic assessment.

By old custom the ryot and the state shared the crop or its cash equivalent. In theory the ryot generally got about half, in practice often only a fifth or less.[3] Read assigned to the state one-third of the gross value of the crop on dry land and two-fifths on irrigated land; Munro was forced, in the Ceded districts, to give the state nearly half but regarded one-third as the proper figure. Under the Company the assessment was always fixed in terms of money, but the rates attached to different soils had no very close relation to output, even where efforts were made to establish such relation. Extraneous matters were taken into consideration, such as the ryot's caste, his means, even his health; and sometimes the starting-point was a lump sum for the district which was distributed among the villages and then individual demands had to be adjusted to make good the charge on the village. Also the classifier generally had an eye to the old revenue and in places there was little or no attempt to revise the current rates. On the whole the earliest assessments under the Company were too high. The imposition upon early ryotwari of the zamindari settlement here and the village leases there made matters worse, the identification of certain rates with certain fields dropping out of sight. In fact the innumerable rates of middle ryotwari, although supposed to represent 50 per cent. on wet and 33 per cent. on dry,[4] were usually only the traditional rates recorded in the village

[1] E.g. the tax on land leviable under the Local Boards Act.
[2] Act II of 1864, s. 44. [3] Revenue Board's Proceedings, 5 January, 1818.
[4] Cons. No. 951, 14 August, 1855 (*Selections, Madras*, New Series, vol. LIII).

registers which had been open to manipulation by dishonest village accountants; and these traditional rates were in general excessive, varied from village to village, and were not based on any apparent principle. Thus the vice of immoderate assessment infected both early and middle ryotwari and many years passed before there was any systematic attempt to cure the evil. Under Indian rule the demand upon the land had been generally met because village officers and ryots conspired to defraud the state by concealing cultivation and in other ways. Under the closer control of European officers, such practices became more difficult, and the effects of over-assessment were more felt. Even under these conditions agriculture might have made some progress, had it not been for the twenty-year spell of falling prices which began in 1830. The strain due to this cause combined with local customs to produce that multiplicity of methods which render middle ryotwari so complicated. The assessment might be determined by measurement or estimate of the crop on the ground; or might vary from year to year with the rise and fall of prices; or might be fixed for the whole holding which was practically an unchangeable unit by reason of checks upon the surrender of portions; or might be charged on the village, the ryots, village officers or collector determining the individual liabilities, with or without periodical redistribution of land or compulsory transfers of holdings on demand; or it might be settled with the individual in accordance, more or less, with modern principles. It was possible to find in vogue at the same time in one district half a dozen of these methods, all figuring as forms of ryotwari. But, if the growing poverty of the ryots conduced to the appearance of a variety of shifts for raising the revenue, it also forced on the authorities the abolition of objectionable taxes, various local reductions in rates of assessment and the discontinuance of mischievous practices which had come down to middle ryotwari from earlier times. From the outset the custom of holding one ryot responsible for the arrears of another was repudiated. Then the ancient but unauthorised practice of "inducing" ryots to take up more land than they wanted died out, and various checks on the free surrender of land were removed. Ryots' improvements used to be taxed by the levy of higher rates on the valuable crops raised under private wells; but one concession after another was granted, until assessment became wholly irrespective of profits due to well-sinking. The old custom of granting advances to paupers to enable them to carry on cultivation had done much more harm than good, and was abandoned. And, as these practices disappeared, there went with them much of the monstrous system of "remissions" which had grown up in consequence of them and which had converted the annual settlement into a debasing scramble for charity. The various changes which brought the theory of ryotwari to its present form left untouched, however, the main defect—an excessive, unequal and

unsystematic assessment. It was not until 1855 that the government faced the long-overdue reform, and proposed to carry out a professional field-survey of the presidency accompanied by a detailed classification of soils and valuation of them for assessment.[1] It was apparently anticipated that the work could be done once for all in twenty years, but the Survey and Settlement Departments have been busy ever since.

The principles of settlement as laid down on this occasion are on lines essentially modern, but discussion ensued as to whether the state share of the produce should be calculated on the gross crop or on the value of the crop after deducting cultivation expenses and as to the period for which the assessment should remain unchangeable, and it was not until 1864 that it was decided that the government share should be limited to half the net value of the crop. The period of each settlement was then fixed at thirty years, though later it was left to the discretion of the government. Previously there had been no "period of settlement", the ryot holding on indefinitely, for, so long as it was the "general and unhesitating belief" that the ryotwari rates then in force could never be enhanced, that is, up to 1855,[2] the need for fixing a period did not arise. Middle ryotwari ended in each district with the introduction of settlements under the scheme of 1855.[3]

This great reform involved the reconstitution of the Survey Department which, originating in 1800 for trigonometrical and topographical work, had since 1818 been employed on the latter only. The topographical business was taken over, in 1886, by the Government of India, and the department, being then solely concerned with revenue survey, came under the control of the Board of Revenue in 1903, when also, to avoid periodical resurveys, the Land Records Department was fully organised for the purpose of maintaining boundary marks and indicating changes of ownership on the field-sketches.

The ryotwari system of the west coast, as peculiar in some respects, demands a passing notice. Among the scattered farmers of the sequestered valleys of Malabar no village system could arise; in a country where the rajas took their dues in military service alone no room could be found for zamindars. So from the first ryotwari was applied. In 1805 it was proclaimed that the settlement would be with the principal landholders or *janmis*, but difficulties arose because many *janmis* had fled before the Mysore invasion, and the Mysore Government, in introducing a land-tax, had often settled with the principal occupants or *kanomdars*. As a consequence the latter were frequently

[1] Cons. No. 951, 14 August, 1855 (*Selections, Madras*, New Series, vol. LII). The government pointed out that in thirty-four years there had been hardly any extension of cultivation and that of the registered arable land less than a half was under the plough.

[2] Revenue Board's Proceedings, No. 6369, 8 September, 1868.

[3] For the general subject of the ryotwari system, cf. Nicholson, *District Manual of Coimbatore*, chap. v.

held responsible for the revenue until, in 1889, the High Court declared this practice to be illegal. That decision resulted in Act III of 1896 enabling the collector to determine in whom the ownership resided, and permitting in certain cases the joint registration of both landholder and occupant. But the position of the *kanomdars* is so peculiar that, in the theoretical distribution of the produce in Malabar, three persons are taken into account, instead of two only, namely, the state, the landholder and the occupant. The ryotwari of South Canara resembles in some respects that of Malabar.

Yet another form of tenure calls for notice, as it prevails in not far short of a tenth of the presidency. *Inams* are grants, complete or partial, of the state's interest in land; they may be made in perpetuity or for a period, and commonly take the form of an assignment of the land-revenue derivable from a given area. They were freely granted in support of public offices or charitable or religious institutions, for the maintenance of Brahmans, or for personal and private reasons. In the anarchy of the eighteenth century, this mode of intercepting the public revenue attained monstrous dimensions, many grants being made by persons who had no authority to bestow them, while village officers transferred large areas to themselves as *inam* by mere alteration of the accounts. On British acquisition many of the obviously unauthorised assignments were cancelled and arrangements were made by Regulation XXXI of 1802 for an investigation of titles which, however, the collectors were mostly too busy to carry out. Again, in Regulation V of 1831, efforts were made to check the alienation of *inams* held by village and other officers, and in 1845 an order was passed to stay devolution by adoption, and to limit private charitable grants to existing lives. This last order created a disturbance. Narasimha Reddi, a disappointed claimant of a poligar family pension, secured a following among the "*Kattubadi* peons" of the Ceded districts, who anticipated a resumption of their *inams* and raised a rebellion in 1847. Troops had to be called out and some months passed before Narasimha was caught in the hills and hanged. The incident taught the need for caution, but it was impossible to tolerate indefinitely the serious loss of revenue due to former fraud, and the labour of investigating the incessant disputes which arose over the innumerable assignments.[1] A special commissioner was therefore appointed in 1859 to deal with the whole question on liberal lines, and an enormous number of *inams* were enfranchised in the next ten years, the government surrendering its right to resume, claim service, or restrain alienation in return for a quit-rent. There remain, however, many *inams* which, for various reasons, it has not been deemed proper to enfranchise.

The leading principle of ryotwari, that assessment depends on the nature of the soil, not on that of the crop, though enunciated in a

[1] Cons. No. 951, 14 August, 1855 (*Selections, Madras*, New Series, vol. III).

draft regulation framed in 1817,[1] did not receive effect until late in the middle period when the special rates charged on "garden" lands began to disappear, and the principle must always be subsidiary to the primary division of cultivation into "dry" and "wet". There is clear justification for adopting the valuable rice-crop as the basis of the assessment on wet land, seeing that it owes its existence to water from public sources. Most of the irrigation is by "tanks" which vary in size from mere ponds to lakes covering over twenty square miles, and which number in the ryotwari area nearly 32,000 (exclusive of private reservoirs). Almost all the tanks antedate British acquisition but, with the exception of the Grand Anikat (dam) on the Kaveri, native works for the utilisation of river water are few and unimportant. The principal English irrigation works are the Upper and Lower Anikats on the Kaveri and Coleroon, the delta systems of the Godavari and Kistna, and the Periyar dam. The genius of Sir Arthur Cotton found its fullest scope on the Kaveri-Coleroon and Godavari. The Kaveri-Coleroon works were begun in 1836 and, with the remodelled Grand Anikat, they provide water for nearly a million acres. The Godavari dam, first suggested in 1798, was begun in 1846 and secures over half a million acres. Famine gave the impetus which started in 1850 the almost equally extensive Kistna system. The Periyar work is remarkable, not for the acreage served, but for difficulties overcome in carrying out its bold conception. The idea received the approval of "twelve intelligent men" deputed in 1798 by a raja of Ramnad, was condemned later, was revived in the 'sixties and transformed into action in 1884. The dam, 176 feet high, was not finished until 1895.

The origin of the Public Works Department which has done so much for Madras is to be found in the engineering branch of the Military Board established in 1786, but at first irrigation works were in the hands of collectors who were later assisted by superintendents. A *Maramat* (Repair) Department was instituted in 1819 under an Inspector-General of Civil Estimates for whom was substituted later the chief engineer in charge of the Military Board's engineering department. The Maramat Department was placed under the general control of the Board of Revenue in 1825, and was later organised into divisions under civil engineers. The position as determined in 1845 was this: irrigation works, canals, civil buildings and minor roads and bridges were under the Maramat Department; main roads were under a Superintendent of Roads; military roads and buildings and those in Madras town were under the Military Board. The executive officers of the Maramat Department were the collectors and their subordinates, over whom there was little professional supervision. The arrangements generally were strongly condemned by a committee sitting in 1852 and six years later there came into being

[1] *Revenue Selections*, 1820, vol. I.

the Public Works Department in its modern form, as an agency for execution as well as supervision. The Maramat Department then disappeared, but the new department was reorganised again and again, the changes being mainly due to the difficulty in securing effective management of the scattered smaller tanks. Finally, about 1882, there was a partial reversion to the old Maramat system, the revenue officers being made responsible for the ordinary repairs to minor tanks.

At the British acquisition, the poligars, within their dominions, controlled the police and collected not only the revenue charged on the land but also a variety of other taxes. In theory they may have been regarded as mere agents of the Muhammadan government, occupying for their *palayams* the same position as the renters held outside the *palayams* and being remunerated by a commission on their collections; in practice they were much more, collecting on their own behalf, and disgorging only under compulsion. When, however, the zamindari settlement came into operation, the government announced[1] its intention to assume direct control of the police and taxation, and the history of the taxes concerned may now be traced into more recent times.

The *mohatarfa* was a tax on trades and occupations. In any district it might be levied on more than a hundred classes of persons or things (for the implements of business were sometimes taxed), but its incidence and rate were matters of arbitrary distinction and often varied from village to village. "It is a poll-tax, a house-tax, a cattle-stall-tax and a caste-tax. The beggar is taxed because he is a beggar; the widow is taxed because she is destitute"—so it was said in 1842. Though many of these demands had been abandoned, enough remained to render *mohatarfa* a source of much oppression. The only thing to be said for it is that, if, in 1852, a million persons contributed, they did not contribute much. In some places the tax formed a rough income-tax on the profits of trade. This form, called *visabadi*, was brought under formal control by Regulation IV of 1818. The government fixed the total demand on a district so as not to exceed 10 per cent. of the estimated profits of the traders therein; the collector divided this among the *taluks* and the contributors settled the individual demands among themselves.

In Coimbatore one of the items of *mohatarfa* was tobacco. This was first abolished, and then revived, as a separate source of revenue, in 1807, when the sale of tobacco was made a government monopoly in Malabar and Canara. Soon afterwards all the cultivation of tobacco there and in Coimbatore was prohibited except under licence.[2] There were subsequent changes of system, but in every form the tax was accompanied by fraud and "frightful abuses", while in Malabar smuggling arose on so large and determined a scale that troops had

[1] Reg. XXV of 1802. [2] Regs. VII and VIII of 1811.

be employed to deal with it. The tobacco monopoly and its accompaniments were abolished in 1852.

Embarrassments due to the Mutiny led to a general Indian income-tax which was supplemented by a Licence Tax Act[1] abolishing the *mohatarfa* tax and substituting a system of licences for carrying on trades, industries and callings. This act disappeared in later legislative shufflings, but, to make good the outlay on famine, the licensing system was revived in Madras, and persons carrying on businesses were required, if their incomes exceeded Rs. 200, to pay for licences fixed sums varying roughly according to their receipts.[2] This licence tax was a descendant of the *mohatarfa*. As an item of general taxation it was displaced finally on the revival of the income-tax in 1886; but the *mohatarfa* survives to this day in municipal areas in the form of a graduated tax on arts, professions and callings.

The original *mohatarfa* was a bad enough tax, but the inland *sayer* was far worse. This was a duty levied on articles of all sorts in transit and had developed into a national calamity. The rates were variable and capricious, there was no control over the tax-gatherers who charged practically what they chose, and revenue renters and poligars took to establishing posts and duties at pleasure, so that it was common for goods to come under charge at least once in every ten miles. The injury to trade was mortal. This wicked impost was replaced in 1803 by frontier and town duties leviable *ad valorem* on specified goods crossing the frontier or passing into selected towns.[3] Madras town and the west coast came under separate rules which need not be detailed. The duties were for a time collected by official agency, but there was so much fraud that later the collection of the duties was farmed out.[4] Even in the form finally taken by this impost, it could not be otherwise than mischievous, and it was discontinued under India Act VI of 1844.

Little need be said about the duties on sea-borne trade. They were put on a basis of law in 1803;[5] passed from the control of the Board of Revenue to that of the Board of Trade in 1808;[6] and were replaced under the former authority in 1825. The duties on coastal trade were abandoned in 1844, and in 1859[7] a uniform tariff was substituted for the separate provincial rates theretofore levied.

In Muhammadan times the tax on salt took the form of a share of the output of the salt pans, of a rent for privilege of manufacture, or of a transit duty on leaving the factory. The Company established a monopoly.[8] Manufacture and sale were placed under the direction of a General Agent working under the Board of Revenue, but the immediate management was in the hands of collectors. The government fixed the price for sale to the public, while the agent settled the

[1] India Act XVIII of 1861. [2] Act III of 1878.
[3] Reg. XII. See also amending and repealing Regs. XV of 1808 and I of 1812.
[4] Reg. V of 1821. [5] Regs. IX and XI. [6] Reg. XV.
[7] India Act VII. [8] Reg. I of 1805.

sites of factories and the amount to be made each year. Actual manufacture was conducted by persons having a customary right to make salt, their interests in the output being converted into cash payments. The General Agent was soon got rid of, and the business went on under the board, collectors and their assistants being remunerated for their trouble by a commission which lasted until 1836. To relieve government of the position of sole vendor, and in the hope of improving the quality of salt, an Excise Act was passed (VI of 1871). On the extension of this act to any place, the monopoly system ceased to apply there, manufacture was permitted under licence, an excise-duty became payable on removal from the place of storage, and distribution and sale were left to private arrangement. The monopoly was, however, retained in places as affording a means of controlling the price. From the first there had been much competition with the government salt through the manufacture in places of coarse salt out of saline earths. There was long discussion over the prevention of this practice which at times led to affrays with the police, and it was made an offence in 1878.[1] In that year, too, collectors ceased to be immediately concerned with the salt revenue, a commissioner with a separate establishment taking over control.[2] Soon afterwards the Commissioner of Salt took charge of the Abkari Department also, and in 1887 he became a member of the Board of Revenue. In 1889 a new act replaced the old laws. This made no material change, for it continued both the monopoly and the excise system. There is also in vogue a third system under which licensees for general sale (as opposed to licensees for sale to government) can be required to deliver to government a specified quantity before proceeding to manufacture for sale to the public. Since 1882 the rate of duty on salt has been determined for the whole country by the Government of India.[3]

The *abkari* tax, or tax on intoxicating liquors and drugs, is derived mainly from arrack (distilled as a rule from palm-juice or crude sugar) and toddy (fermented palm-juice). In continuing this old impost, the English administrators asserted from the outset the principle that consumption should be checked. The somewhat uncertain pursuit of this ideal led through such a bewildering jungle of enactments, rules and local practices, that the path taken can be indicated only roughly here. Pursuant to old custom Regulation I of 1808 contemplated leasing the right to make and sell arrack, but it also provided for the licensing of single shops. The collector was responsible and received a commission for his trouble. Later the law was extended to toddy[4] and an alternative system of direct official management was authorised. In practice there was no effective limit to the number of retail shops. These might be separately licensed, usually with a primitive still

[1] Act II. Act VI of 1878.
[2] Act IV of 1889.
[3] India Act XII.
[4] Reg. I of 1820.

stached,[1] or they might be opened under private arrangement with the lessee of the rights of manufacture and sale over a large area. Minimum sale-prices were prescribed but, as they had no relation to strength, they had little effect in regulating consumption. The obvious lack of control led in 1869 to measures for suppressing outstills and concentrating manufacture in large distilleries. The contractor received the monopoly of manufacture and supply for a large area, paid stillhead duty, guaranteed a minimum revenue, agreed to observe certain price-limits and was responsible for keeping down illicit practices. The stillhead duty provided a means of controlling consumption, but the system did not answer expectations and "free supply" came in from 1884. Manufacture and supply were now separated from sale; anybody could get a licence for a distillery, arranging prices with the licensed vendors, and the government undertook prevention. Later came the "contract distillery system" under which the sole privilege of manufacture and supply in a given area is disposed of by tender, the successful tenderer having a monopoly of supply of his own liquor to retail vendors at rates fixed by government and paying stillhead duty on all issues; the right of retail vend is sold annually by separate shops. This is the prevailing system, but in some parts the right of manufacture and sale is still rented out, the number of stills being limited as much as possible, and the number and sites of shops being fixed beforehand. The right to sell arrack has long been separated from that to sell toddy. Fermented toddy is now taxed in the form of rents for retail shops and (in the greater part of the presidency) by means of the tree-tax system under which a fixed fee is charged for each tree which it is proposed to tap under licence.

Act I of 1886 authorised the government to place *abkari* administration under a commissioner, and the Commissioner of Salt was put in charge of it. Since 1887 the commissioner of the two departments has been a member of the Board of Revenue. Finally excise advisory committees, containing a non-official element, were instituted to advise as to the location of shops.

The withdrawal from the poligars of authority over the police was the most important abridgment of their powers effected by Regulation XXV of 1802, but the discharge of the *kavalgars* (watchers) and the resumption of many of their *inams* had unexpected results. Deprived of responsibility and emoluments, the *kavalgars*, who were largely recruited from criminal tribes, had no inducement to restrain the activities of their fellow-castemen. Though no longer recognised by the government, they continued to receive fees from the villagers and became intermediaries in a vast system of blackmail from which the southern districts have never been able to shake themselves free. The tribesmen steal (cattle as a rule), the owner approaches the

[1] In Tinnevelly district, in 1866, there were 3642 stills, and there had been more.

*kavalgar*, restoration is arranged on terms, and the ransom is shared between the *kavalgar* and the thieves.

The *kavalgars* had been at first succeeded by police *darogas* and *thanadars*, operating, as in Bengal, greatly to their own advantage, under the nominal supervision of the sedentary zillah judges. A reform, inspired mainly by Munro, was introduced by Regulations IX and XI of 1816. The general control was now vested in the collector as magistrate. The principal executive officers were the *tahsildars*, under the title "heads of police", and all the members of their revenue establishments, clerks and peons, were at their disposal for police work. The prime agents of detection were the village watchers acting under the village headmen and accountants. But time revealed defects in this plan also. The superior revenue officers became more immersed in their growing revenue duties; opportunities for mischief by underlings were doubled by their dual capacity. Crime, gang-robbery in particular, reached alarming proportions in some places. The report of the Torture Commission of 1855 rendered change imperative. The commission found torture to be a "time-honoured institution" and spoke of "that perfect but silent machinery which combines the forces of revenue demands and police authority"; witnesses did not hesitate to speak of the police as "the bane and pest of society". The force was now reconstituted on English and Irish lines.[1] Direct control by the district magistrate disappeared and the connection with the Revenue Department was sundered. The administration was vested in an inspector-general[2] assisted by deputies. The village watcher was retained. Each district was supplied with European officers as superintendents and assistants. This system has stood the test of time, which is not to say that the personnel does not admit of improvement.

In natural sequence we come to the jails. Such institutions had been unknown before British rule, and for a long time afterwards any strong building was deemed suitable for the purpose. In these the death-rate generally exceeded 100 per mille.[3] The rules of health were not understood; floggings for breach of discipline were too severe and frequent; still worse, perhaps, the system of paying daily subsistence allowances to prisoners meant that catering was left to jailors who made all they could out of it. These same officers had, in practice, the whole administration in their hands, for, although the zillah judge was charged with superintendence,[4] his occasional visits had little effect. It was not until 1855 that an Inspector-General of Prisons was appointed, and it was ten years later that the beneficial change of appointing the civil surgeons to be superintendents was

[1] India Act XXIV of 1859. The presidency town has been governed by a different series of enactments.

[2] Called, at first, commissioner.

[3] Macleane, *Manual of the Administration*, vol. I, chap. iii.

[4] Reg. VI of 1802. Cf. India Act VII of 1843.

carried out.[1] A committee, appointed at the instance of Lord Macaulay, had, in 1838, advised, among other things, the building of central jails, but nothing was done in this direction until about 1857. A second committee, reporting in 1864, laid stress on this matter and on ventilation, and thereafter there was much building. To the new central jails European officers were appointed as superintendents and the civil surgeons were placed in medical charge. Health was improved by the provision of fixed diet-scales in 1867; behaviour, shortly afterwards, by a system of remissions. The mortality in the triennium ending 1861–2 averaged 81·0 per mille, in the quinquennium ending 1884, 33·3, in the two years ending 1916–17, 11·5. These figures form a sufficient comment on the earlier administration.

The civil surgeons who have just been mentioned belonged to that beneficent body the Indian Medical Service, which was organised in 1786 as an establishment of surgeons and assistant surgeons under a Hospital Board. That board was replaced in 1857 by a director-general and other superintending officers, and in 1880 the Indian and Army Medical Departments (the latter concerned with the European soldiers) were put under a surgeon-general attached to the civil government. The commissioned officers of the Indian Medical Service who, when first associated with the civil administration, were styled zillah surgeons, became later the civil surgeons. The report of the royal commission of 1863 on the heavy mortality among English troops in India led to the creation in Madras of a Sanitary Commission which was soon replaced by a Sanitary Commissioner. That officer was then associated with the civil administration and took over the Vaccination Department which had been running independently since 1805. In 1883 the civil surgeons were supplied with assistants to enable them to tour and became the present district medical and sanitary officers who, besides being the chief physicians and surgeons of their districts, have administrative charge of the district jails and medical charge of the central jails, and are advisory and administrative officers to the municipal councils and local boards to which, since 1871, has appertained the general control of medical institutions, vaccination and sanitation.

[1] Act II of 1865.

CHAPTER IV

# DISTRICT ADMINISTRATION IN BOMBAY 1818–1857

UNTIL the commencement of the nineteenth century there was little or no increase in the territorial possessions of the Bombay Government, and consequently no alteration of the system of administration. Bankot was ceded by the Marathas in 1755 in exchange for Gheria (Vijayadrug), which had been taken from Angria by a naval force consisting of vessels of both the Royal Navy and the Bombay Marine. Broach, which was captured by assault in 1772, had to be relinquished in 1779, and was not regained until 1803. The island of Salsette, and Karanja, Elephanta, and Hog islands in Bombay harbour, which had been transferred by Raghunatha Rao, the pretender to the Peshwaship, were likewise relinquished in 1779, and were not restored till the signing of the Treaty of Salbai in 1782. These changes, though politically of importance, did not involve any revision of the administrative arrangements, which had been applied since early days to the Company's factories and settlements. In the case of Surat, however, and the district surrounding it, the year 1759 witnessed the introduction of certain changes which lasted until 1800, when they were superseded by administrative arrangements based on the model of the district administration in Bengal.

The presidency, in the year 1800, included the town and island of Bombay, the islands in Bombay harbour, the island of Salsette, the outlying station of Bankot (Fort Victoria) in the South Konkan, and the town and district of Surat. The local governor and council passed by the Regulating Act under the influence, and by the India Act under the control, of the governor-general and council of Fort William. Justice was administered by the Recorder's Court set up in 1798 to supersede the existing Mayor's Court and Court of Quarter Sessions. All British subjects resident within the territories subject to the Bombay Government, as also those resident in the territories of native princes in alliance with that government, were amenable to its jurisdiction. The Recorder's Court continued to function until 1823 when it was superseded by a Supreme Court, composed of a chief judge and two other judges, and modelled on the Supreme Court of Judicature at Fort William.

In 1799 another development occurred. Ever since 1759 Surat, though remaining under the nominal authority of the nawab, had been in fact administered by one of the Company's servants, at first styled "Chief for the Affairs of the British Nation and Governor of

the Moghul Castle and Fleet of Surat", and later called "lieutenant-governor", subordinate to the governor and council in Bombay. In 1799 the last nominally independent nawab died. The Bombay Government then arranged with his brother to assume the whole administration of the town and district, and by a proclamation of the governor of Bombay, 15 May, 1800, the district of Surat, as then existing, was placed in charge of a collector and a judge and magistrate, one of whom, generally the judge, was also in political charge of the titular nawab and the petty chiefs of the neighbourhood, as agent to the governor of Bombay.[1] The same period witnessed also the establishment at Surat of a sadr adalat, a court of circuit and appeal, which ultimately exercised jurisdiction over all the Company's territorial possessions in Gujarat. It is clear that the system of administration thus introduced into Surat at the opening of the nineteenth century was borrowed directly from the system initiated in Bengal by Hastings in 1772 and revised by Lord Cornwallis after 1786.

With the nineteenth century came a rapid territorial expansion. First came cessions by Sindhia, the Peshwa, and the Gaekwar. And then the final downfall of the Peshwa in 1818 gave the Company an enormous addition of territory, which included certain parts of Gujarat, the whole of the Deccan, except the small kingdom reserved for the raja of Satara and two *parganas* granted to the ruler of Kolhapur, the whole of Khandesh, the district of Dharwar including Belgaum, Ratnagiri, and Kolaba, with the exception of the Alibag *taluka*, which lapsed to the Company in 1840. The present Nasik district was divided between the collectorates of Khandesh and Ahmadnagar up to 1837, when the portion included in the latter district was formed into a sub-collectorate. It was finally constituted a separate district with an enlarged area in 1869. Between 1818 and 1858 the presidency was further extended by the lapse of certain native states, e.g. Mandvi in Surat, and Satara; and various territorial readjustments took place, such, for example, as the separation of the Ahmadabad and Kaira districts in 1833, and of Belgaum and Dharwar in 1836, and the conversion of Sholapur in 1838 into a collectorate, formed mainly of villages ceded by the Nizam in 1822. In 1848 the Bijapur district, which had formed part of the territory of the raja of Satara, lapsed to the Company, and in 1853 and 1861 occurred the lease and final transfer respectively by Sindhia of the Panch Mahals. More distant acquisitions by conquest were those of Aden in 1839 and of Sind in 1847. In 1861 North Kanara was transferred from the Madras Presidency to Bombay.

At first the judicial and revenue administration of the Gujarat districts acquired from the Gaekwar and the Peshwa between 1800 and 1803 was entrusted to the agent of the governor-general at

[1] *Imperial Gazetteer of India, Bombay Presidency*, 1, 331.

Baroda, who, like the resident at Poona in regard to the Deccan, supervised the affairs of North Gujarat, so far as they concerned the Company and its relations with the native powers. In 1805 the resident's responsibility ceased, and these ceded areas were placed in charge of a collector armed with powers similar to those possessed by the collectors in Bengal.

The great increase of territory which accrued from the conquest or annexation of the Peshwa's possessions in 1818 necessarily involved the establishment of a more extensive administrative system. The newly acquired territories were divided into districts, organised and managed on the lines adopted in Bengal. In two respects, however, the Bombay arrangements differed from the Bengal system: first, no Board of Revenue was created; and secondly, the districts were restricted in size, so as to allow of their being more easily administered than was the case with the large and unwieldy districts of Bengal. The task of introducing order into the conquered area was by no means easy. In Gujarat the intermingling of the Company's possessions with the territories of the Gaekwar, nawab of Cambay, and the unsettled tributary land-holders of Kathiawar and Mahi Kantha, the restlessness of the *Girasias* and Mewasis within the British sphere of jurisdiction, and the turbulent character of a considerable portion of the population, offered formidable obstacles, which were overcome mainly by caution and good temper on the part of the Company's officers. Conspicuous among the latter were Colonel Walker and his assistants, who had charge of the area which developed in 1818 into the two collectorates of Ahmadabad and Kaira.[1]

Judicial regulations were introduced early and gradually made their influence felt. For the purpose of revenue collection the Maratha practice of farming out the districts to the *desais*, and subsequently to the *patels* of the villages, was adopted for the first few years. Under this system the collector or his subordinate *mamlatdar* or *kamavisdar* had to make the best bargain he could with the *desai* for the annual revenue, and provided that the amount promised was duly realised, he did not concern himself with the methods of the *desais* and village officers, or with the manner in which the government dues were obtained from the peasantry. After 1816, however, the ryotwari system was gradually re-introduced, and the *talati* or village accountant, who was appointed directly by the Bombay Government, superseded the *desai* and the *patel*. At the outset the position of the *mamlatdar* or *kamavisdar* in Gujarat was not wholly satisfactory. Though he was the collector's principal subordinate and the chief native official of the district for revenue and police matters, he was poorly paid and was also subjected to much expense by an order requiring him, in his capacity of native police official, to attend the sessions. He

[1] Minute of governor of Bombay, 6 April, 1821 (Appendix to Report of Select Committee on Affairs of East India Company, 1832).

on this account frequently absent from the district at times when his revenue duties demanded his presence on the spot. These difficulties, however, were gradually obviated after the re-introduction of the ryotwari system, which brought the villages into direct contact with the officers of government, substituted for the former corrupt village accountants persons appointed direct by the government, and enabled the authorities in consequence to increase the revenue and distribute it more equally. There was better management and fuller assertion of the public rights, due largely to the comparatively small size of the districts, which admitted of adequate superintendence by the collector, and also to the actual manner in which the system was introduced, first by a commissioner, whose business was to enquire rather than to innovate, and secondly by collectors trained in his methods and acquainted with the actual state of everything which they were called on to improve.[1]

The settlement of the Deccan and Khandesh was entrusted to the capable hands of Mountstuart Elphinstone. So far as the revenue system was concerned, his main object was to preserve as far as possible unimpaired the practice of the Maratha Government, subject, however, to the abolition of the system of farming the revenue, to the levy of assessment according to the area actually cultivated, and to the imposition of no new taxes. Old taxes were for the time being retained, except where they were manifestly unjust or oppressive. The country, which in the days of the Peshwa had been divided up among many *mamlatdars* and *kamavisdars*, whose powers and territorial jurisdiction varied greatly in extent, was placed under five principal officers, namely the collectors of Khandesh, Poona, Ahmadnagar, and the Carnatic, and the political agent at Satara. Each of these officials resided within the limits of his charge and devoted his whole time to its affairs. The straggling revenue areas of Maratha days were formed into compact districts, each yielding from Rs. 50,000 to Rs. 70,000 annually; and each was placed in charge of a *mamlatdar* on a fixed monthly salary of Rs. 70 to Rs. 150, with limited powers, who was bound to reside within the limits of his charge and was in all matters subordinate to one of the principal English officers or collectors.

The duties of the *mamlatdar* consisted in supervising the collection of the revenue, managing the police establishment, and receiving civil and criminal complaints, of which the former were referred by him to *panchayats* and the latter to the collector. To assist him in these duties, he was furnished with a staff consisting of a *sheristadar* or record-keeper on Rs. 30 to Rs. 40 a month, an accountant and sub-

[1] Letter from M. Elphinstone, 16 August, 1832 (Minutes of Evidence before Select Committee on Affairs of East India Company, Rev. III, 1832); Minute, 6 April, 1821, by governor of Bombay on Ahmadabad and Kaira (Appendix, Report of Select Committee (Parliamentary), 1832).

ordinate clerks. At first the Bombay Government found some difficulty in securing *mamlatdars* of the right type. In Poona and Satara they were chiefly respectable servants of the former government; in Khandesh, which had been wasted and depopulated, men had to be introduced from the Nizam's dominions or from Hindustan; while a few men were borrowed from Madras to act as a check upon the Deccan officials. Below the *mamlatdar* was the *patel*, who was responsible, together with the *kulkarni*, for the revenue and police administration of the village. His powers were *pro tanto* reduced by the closer supervision exercised by the *mamlatdar* under the British system, while his emoluments were lessened by the reduction or abolition of the Maratha tax known as *sadar warid patti*.

The sheet-anchor of the district finances was the land-revenue, other sources of income being customs (*jakat*), excise (*abkari*), fines paid on succession to property (*nazar*), fees paid for pasturage by nomad shepherds, and fees paid for permits to cut wood in government forests. The foundation of the agricultural assessment was the amount paid by each village in times when the people considered themselves to have been well governed. From this amount deductions were made for diminution of cultivation or for special reasons, and the final amount payable was apportioned among the ryots or agricultural population by the village officers. The *chauth* and *babti* of Maratha days were abolished, as also were arbitrary imposts like the *jasti patti*. Speaking generally, the assessments were made lighter, more definite, and more uniform; more liberal advances were made to the cultivator for land improvement or to assist him in seasons of scarcity; the practice of bringing false charges against him as a pretext for extorting larger contributions was sternly and actively prohibited.

Owing to the difficulty of framing a tariff and to the collectors' absorption in revenue and magisterial duties, the customs were farmed for the first few years. The excise revenue, which yielded less than £1000 annually, was maintained at a low figure, as in the Peshwa's days, by express prohibition in Poona and the active discouragement of drinking elsewhere. Similarly, until the currency system was stabilised, the mint was farmed to a contractor. The salt-tax was unknown at the commencement of the nineteenth century, though the manufacture of salt was carried on in the collectorate of Bombay by both government and private persons, and in other districts by various methods, the revenue so derived being recovered in the shape of rent, customs-duty, or duty on sales. In 1837 an act was passed establishing a salt excise-duty, whereupon all salt-works outside the island of Bombay were placed in charge of a Collector of Continental Customs and Excise, and those in Bombay were supervised by the Collector of Land Revenue at the presidency. These two officials were responsible for the management and collection of the tax; but whereas the collector of Bombay had no separate staff for the pur-

poses of the salt revenue the Collector of Continental Customs was assisted by a deputy-collector and five assistant collectors. These arrangements continued until 1854, when the charge of all sea and land customs and of the salt excise of the whole presidency was transferred to a commissioner, assisted by a European staff of three deputy-commissioners and ten uncovenanted assistants, and by an Indian staff at each of the chief salt-works.

In regard to the administration of civil and criminal justice, the position in the year 1812–13 may be briefly described, before proceeding to later developments. At that date the possessions of the Bombay Government in Gujarat included the towns of Broach, Kaira and Surat. In each of those towns was an officer combining the functions of criminal judge and magistrate, with an assistant for magisterial duties. Above them was a sadr adalat, consisting of three judges, which served as a court of circuit and appeal, not only for the three above-mentioned places in Gujarat, but also for Salsette, adjoining Bombay Island, which was administered by a single judge. For the hearing and disposal of civil causes, a native official, styled *sadr amin*, was appointed to each of the three Gujarat towns and Salsette, and an appeal from the decisions of these functionaries also lay to the sadr adalat in Surat. In Bombay, as previously mentioned, the superior court at this date was that of the recorder, which exercised both civil and criminal jurisdiction, while the lower courts were, for civil suits, the Small Causes Court for the recovery of debts not exceeding Rs. 175, which was established in 1799, and, for criminal cases, the courts of the senior, second and third magistrates of police,[1] which were established by Rule, Ordinance and Regulation 1 of 1812, and the Court of Petty Sessions, which was opened in the same year.[2]

The development which took place in consequence of the acquisitions and annexations of 1818 and following years will be apparent from a survey of the provincial judicial arrangements of the year 1828–9. By that date the system of combining judicial and magisterial powers in one individual had been abolished, and magisterial jurisdiction, coupled with control of the police, had been vested in the collector of the district. As remarked by Sir John Malcolm, sound reasons existed for combining magisterial with revenue or territorial jurisdiction; for under the actual form of administration introduced after 1818, the collector alone was in the position to possess full information of the state of the district subject to his authority and of the character and condition of its inhabitants.[3] On the other hand the presidency was handicapped by two conflicting systems of judicature, represented by the existence in Bombay of the Supreme or King's Court, which superseded the Recorder's Court in 1823, and the

[1] The third magistrate was not actually appointed till 1830.

[2] S. M. Edwardes, *The Bombay City Police*, pp. 25 *sqq.*; *Bombay City Gazetteer*, II, 220 *sqq.*

[3] Minute by Sir J. Malcolm, 10 November, 1830 (Appendix, Report of Select Committee (Judicial), 1832).

Company's courts, known as the sadr diwani adalat and the sadr faujdari adalat, which had been transferred from Surat to the capital of the presidency in 1827, towards the close of the governorship of Mountstuart Elphinstone. The Supreme Court had authority by letters patent to exercise civil, criminal, equity, admiralty and ecclesiastical jurisdiction within the island of Bombay and the factories subordinate thereto, and was invested with jurisdiction similar to that of the King's Bench in England. The adalats, on the other hand, which were wholly independent of the Supreme Court, superintended the administration of justice in all places outside the limits of Bombay Island. The sadr diwani adalat, consisting of four judges, a "register" and an assistant register, had no original jurisdiction, but its decisions were final except in suits relating to property worth more than Rs. 10,000, when an appeal lay to the King in Council; while the sadr faujdari adalat, consisting of the junior member of council as chief judge and three puisne judges, superintended all criminal and police matters in the districts and had power to revise all trials held by lower courts outside the limits of Bombay Island. The jury-system was confined to the jurisdictional limits of the Supreme Court.

In Gujarat, under the jurisdiction of the sadr adalat, was a provincial court of appeal and circuit, stationed at Surat and composed of three judges. This court served as a civil court of appeal, while one of the judges attached to it held a sessions every six months at Surat and other centres. Sentences of death, transportation, or imprisonment for life passed by this court were subject to confirmation by the sadr faujdari adalat. The court was finally abolished in 1830. In each of the districts of Broach, Surat and Ahmadabad-Kaira[1] was stationed a judge for both civil and criminal work, aided by an assistant judge or register, who decided such cases as the judge made over to him. Subordinate to the judge for the purposes of civil justice, there were in each district several *munsiffs* and in each headquarters town one or more *sadr amins*, who were remunerated by fees. In 1828–9 the Bombay Presidency contained four *sadr amins* and seventy-nine *munsiffs* or native commissioners, from whose decisions an appeal lay successively to the district judge, to the court of appeal and circuit, and finally to the sadr diwani adalat. In criminal cases the district judge could award sentences of solitary imprisonment for six months, imprisonment with hard labour for seven years, flogging, public disgrace, fine and personal restraint, subject to the proviso that in all cases where a sentence of more than two years' imprisonment was imposed, a reference had to be made to the court of circuit. Magisterial powers were vested in the collectors of the four districts, Ahmadabad, Kaira, Broach and Surat, and extended to sentences of fine, simple imprisonment for not more than two months, flogging

[1] For judicial purposes this area was treated as a single district, but as two districts for revenue and magisterial work.

not in excess of thirty stripes, and personal restraint. The native district police officers and the village police officers, subordinate to the collectors, also possessed limited powers of punishment in trivial cases. The former could impose fines not exceeding Rs. 5, or sentence delinquents to confinement for not more than eight days or to a period of not more than twelve hours in the stocks; while the latter could punish petty cases of assault and abuse by confinement in the village *chauki* for not more than twenty-four hours.[1]

The Konkan, divided for administrative purposes into North and South, was judicially administered on the same lines as Gujarat, except that in both portions the criminal sessions were held by one of the judges of the sadr faujdari adalat, while in civil matters there was no intermediate court of appeal, as in Gujarat, between the district (zillah) judge and the sadr diwani adalat in Bombay. Both the judges of the North and South Konkan had assistants, to whom they delegated such cases as they thought fit.[2]

The Deccan at this date (1828–9) was composed of three collectorates—Poona including Sholapur, Ahmadnagar and Khandesh. The policy of Mountstuart Elphinstone, who was appointed commissioner for the settlement of the Deccan in 1817 and became governor of Bombay two years later, was to interfere as little as possible with the system which he found existing in the conquered territory, and at the outset, except for modifications of procedure, the Maratha arrangements for civil justice were maintained more or less unaltered. All complaints that could not be amicably settled were referred in the first instance to the collector, who usually directed the *mamlatdar* to enquire into the facts and grant a *panchayat*. Occasionally the collector or his assistant would hear and decide a case; but his function was generally limited to granting a new *panchayat* in cases where a decision appeared to be marked by injustice or to be due to corruption. In the course of his tours through his charge, the collector was bound to give audience to all classes for two hours daily, receive oral complaints, and revise the decisions of the *mamlatdar*, if this appeared necessary. In the large towns like Poona, civil justice was in the hands of *amins*, who were empowered to grant *panchayats* and try cases referred to them by the collector, whenever both parties consented to this mode of adjustment.

In the sphere of criminal justice Elphinstone abolished the *patel's* punitive powers, and the *mamlatdar's* powers were limited to sentences of fine not exceeding Rs. 2, and of confinement for twenty-four hours. All other criminal powers were vested in the collector, who corresponded in this respect to the *sarsubehdar* under the Maratha government. In practice a prisoner was formally and publicly brought to

[1] Minute of John Bax on Judicial and Revenue system of Bombay, 16 June, 1829 (General Appendix, Report of Select Committee (Parliamentary), 1832).
[2] *Idem*, pp. 123 *sqq*.

trial before the collector. If found guilty, a *sastri* was called upon to declare the penalty according to Hindu law, which, if considered excessive according to European standards, was modified, and if light, was accepted by the collector. In Khandesh a kind of jury was assembled, which questioned witnesses and pronounced on the guilt of the accused; while in Satara the political agent summoned respectable residents to serve as assessors at the trial. In all cases native exponents of the Hindu law were present in court, and where capital sentences or heavy punishment were involved, the collector had to report his decision for confirmation to the commissioner.[1]

This system was shortly afterwards superseded by arrangements resembling, though not absolutely identical with, those followed in Gujarat. Thus in 1828–9 the Deccan districts were administered for judicial purposes by two district judges, one for Poona and Sholapur, and the other for Ahmadnagar and Khandesh. Each judge had an assistant, one being stationed in Sholapur and the other in Dhulia, who were vested with limited penal powers and were bound to refer all matters of importance to their superiors. Subject to the general authority of the sadr faujdari adalat in Bombay, the two judges held regular criminal sessions at Poona and Ahmadnagar, while their decisions in civil suits were subject to appeal to the sadr diwani adalat. The magisterial powers of the collector and his subordinates were the same as in Gujarat, the assistant collector being empowered to try such cases as the collector delegated to him, subject to the overriding powers of the latter in appeal.[2]

The Carnatic or Southern Maratha country, consisting of Dharwar and Belgaum, was administered on rather different lines, as the Bombay Regulations, which were published in 1827 and applied to the rest of the presidency, were not formally applied to this area till 1830. The collector for the time being, aided by assistants and a registrar, exercised all the civil and criminal functions which elsewhere were performed by the separate departments of district judge, criminal judge and magistrate. Even after the application of the regulations in 1830, the offices of political agent, collector, judge and sessions judge were still united in one individual, while the assistant judge at Dharwar was vested with the powers of an assistant at detached stations (e.g. Dhulia) in other parts of the presidency. The civil and criminal work of the district was, however, placed under the general supervision of the sadr adalat, the criminal side of which served, as in the case of the Konkan, as a court of circuit. This difference of treatment probably was due to the fact that the management of the Southern Maratha country after 1813 was conducted mainly by officers of the Madras Presidency, notwithstanding that the area concerned was nominally under the authority of Bombay. The district of

[1] M. Elphinstone, *Report on the Territories conquered from the Peshwa*, Calcutta, 1821.
[2] Report, Select Committee on Affairs of East India Company, 1832.

Dharwar, including Belgaum, was permanently assigned to Bombay in 1830, when the Bombay regulations were formally applied to it.

The judicial system in 1828–9, outlined above, had certain prominent defects, which may be summarised as absence of superintendence and supervision in the Deccan, and lack of homogeneity in the arrangements followed in the four main divisions of the presidency, viz. Gujarat, the Deccan, the Konkan and the Carnatic. A revision of the system, however, occurred in 1830, which resulted in the wider employment of Indians in the administration of civil law and in the duties of the English civil servant being limited to a greater extent than previously to the control and supervision of the inferior agents of government. By the end of that year almost all original civil suits had been made over for trial to natives of India, and special judicial commissioners were appointed for Gujarat and the Deccan, who toured throughout those areas and heard all complaints in regard to the administration of justice. Simultaneously the magisterial powers of the collector, assistant collector, and *mamlatdar* were extended, and the collector, as chief revenue official of the district, was also empowered to take civil cognisance of suits relating to land and to decide claims and disputes regarding ownership, etc., subject to an appeal to the district judge.

For the purposes of the ordinary revenue and judicial administration of the districts outside the town and island of Bombay, the civil service cadre in 1828–9 was composed of six district judges, ten assistant district judges, ten collectors with magisterial powers, one sub-collector and magistrate, ten assistant collectors, seventy-nine "*koomashdars*" (i.e. *kamavisdars* or *mamlatdars*), four *sadr amins*, and seventy-nine *munsiffs*. At headquarters in Bombay were the chief judge and three puisne judges of the sadr adalat, a registrar, two secretaries and one deputy-secretary to government, an accountant-general, a sub-treasurer, a mint master and civil auditor, and a post-master-general. The Bombay Government consisted of the governor and three members of council, of whom one was usually the commander-in-chief of the Bombay army and the other two were civil servants of more than ten years' standing.[1]

By an act of 1807 the governor and council had been given the same power of making regulations, subject to approval by the Supreme and the Recorder's Courts, as had previously been vested in the Bengal Government, and the same power of appointing justices of the peace. By 1833 Bombay possessed a large code of regulations, commencing with Mountstuart Elphinstone's revised code of 1827, which embodied the results of twenty-eight years' previous legislation. This code had force and validity throughout the whole presidency, beyond the jurisdiction of the Supreme Court.

As regards other departments of the Bombay administration at this

[1] Report, Select Committee on Affairs of East India Company, 1832.

date (1830) mention has already been made of the salt-revenue arrangements. The sea-customs administration was in charge of the Collector of Land Revenue in Bombay and of a custom-master and his deputy in Gujarat. A custom-master stationed in Salsette supervised the customs of the two divisions of the Konkan, and in order to save the expense of establishments both the Gujarat and the Konkan customs were farmed out at this date. The post-office was still in its infancy and was little used by the Indian public. The mail was carried by runners; and government dispatches, which were conveyed free, were said in 1832 to exceed in bulk all private communications sent by post.[1] This is hardly surprising, when one remembers that it cost a rupee to send a letter from Bombay to Calcutta. It was not until the governor-generalship of Lord Dalhousie that the old inefficient postal arrangements were swept away and a uniform half-anna postal rate was introduced.

The educational administration of the Bombay Government at the opening of the nineteenth century was restricted to the grant of financial and moral support to the Bombay Education Society. In 1822 this society decided to confine its activities to the education of European and Eurasian children, and thus indirectly gave birth to the Bombay Native Education Society, which became merged in 1840 in a Board of Education. From that year till 1855 this society shared with various English and American missionary bodies the whole burden of the educational administration. It opened primary schools in the Konkan, Deccan, and Gujarat and trained masters to staff them. The experiment of placing these schools under the control of the collectors of the districts was tried in 1832, but proved unsatisfactory; and as it appeared likely that the management of the schools would suffer in the absence of a special supervising agency, a Board of Education was established in 1840, composed of a president and three European members nominated by the Bombay Government and three Indian members appointed by the Native Education Society. From 1840 to 1855 this board directed the educational administration of the presidency, which was divided for this purpose into three divisions, each under a European inspector and an Indian assistant. In 1852 the Bombay Government increased its subsidy to the board from 1½ to 2½ lakhs of rupees, whereupon the latter undertook to open a school in any village of the presidency, provided that the inhabitants were prepared to pay half the salary of the master and to provide a school-room and books. The opening and maintenance of girls' schools was still left to private enterprise; but with that exception the system founded by the board anticipated in many respects the principles laid down in the famous dispatch of the court of directors in 1854. It had prepared the way for a university by establishing institutions for the teaching of literature, law, medicine, and engineering, and had

[1] Appendix to Report, Select Committee on Affairs of East India Company, 1832.

introduced a system of primary schools, administered by the government, but mainly supported by the people themselves. These schools, indeed, formed the germ of the later Local Fund school system.[1] Finally, in 1855, after receipt of orders from the governor-general in council on the directors' dispatch of 1854, the department of Public Instruction was formed with a full staff of educational and deputy educational inspectors. The further progress of the educational administration belongs to the period following the Mutiny and the assumption by the crown of full responsibility for the government of India.

Before dealing with the administrative changes which marked the second half of the nineteenth century, the police system of the presidency prior to 1858 deserves brief notice. As regards the town and island of Bombay, where the police arrangements differed *ab initio* from those prevailing in the rest of the presidency, it has already been stated that the earliest force for watch-and-ward was a militia, recruited about 1673 as a supplement to the regular garrison and composed chiefly of Bhandaris and other Hindus of lower caste. This force was commanded by native officers (*subehdars*), who were posted at the more important points in the island. In 1771 this militia was relieved of military duties and formed into night patrols; but it proved so ineffective in preventing crime that it was reorganised in 1779 and placed under the control of a European officer, styled first "lieutenant", then "Deputy of Police", and finally, in 1793, "Superintendent of Police". The force at this date was composed of twenty-eight European constables and 130 native *peons*. The continuance of serious crime and the gross inefficiency of this force led to the publication in 1812 of a regulation, vesting the control of police matters in three Magistrates of Police, assisted by a "Deputy of Police and Head Constable" as executive head of the force. This arrangement likewise produced little or no amelioration of conditions, despite a gradual increase in the numerical strength of the police force, which was controlled from 1835 to 1855 by a succession of junior officers chosen from the Company's military establishment. These officers, who were styled "Superintendents", possessed little or no aptitude for police work, were poorly paid for their services, and had no real encouragement to make their mark in civil employ. By 1855 the public outcry against police inefficiency and corruption had become so insistent, that Lord Elphinstone's government was obliged to hold an enquiry; and, after drastic punishment of the offenders, a new act (XIII of 1856) was passed for the future constitution and regulation of the urban force. A district police officer, of unusual capability, was appointed superintendent of the force; and he managed by 1865, when the title of the appointment was changed to that of Commissioner of Police, to bring crime under control and to lay the founda-

[1] *Gazetteer of Bombay City and Island*, III, 103 *sqq.*

tions of the efficient organisation now known as the Bombay City Police.[1]

The modern Bombay district police includes, as an essential part of its organisation, the ancient institution of the village watch, which consists of the *patel*, who is responsible for the police of his village, and the village watchman, whose duty it is to keep watch at night, find out arrivals and departures, watch all strangers, and report all suspicious persons to the *patel*. Under native rule the *patel* was in the position of a police magistrate, and the watchman, who worked under his orders, was bound to know the character of every man in the village. When a theft occurred within village bounds, it was the watchman's business to find the thief.

He was enabled to do this by his early habits of inquisitiveness and observation, as well as by the nature of his allowance, which, being partly a small share of the grain and similar property belonging to each house, required him to be always on the watch to ascertain his fees, and always in motion to gather them. On the occurrence of a theft or robbery, he would often track the thief by his footsteps, and if he did this to another village, so as to satisfy the watchman there, or if he otherwise traced the property to an adjoining village, his responsibility ended. It then became the duty of the watchman of the new village to take up the pursuit. The last village to which the thief had been clearly traced became answerable for the property stolen, which would otherwise have had to be accounted for by the village in which the robbery was committed. The watchman was expected to contribute as much as his means allowed to the value of the goods stolen, and the balance was levied on the whole village. Only in particular cases was restoration of the full value of the property insisted upon. A fine was usually levied; and neglect or connivance was punished by transferring the grant or *inam* of the *patel* or the watchman to his nearest relative, by fine, by imprisonment in irons, or by severe corporal punishment.[2]

This responsibility was necessary, as, after the decline of the Moghul power, the old police system fell into great disorder. Petty chiefs and zamindars, no longer fearing reprisals from above, took to ravaging and plundering their neighbours' lands, and their example was followed by the village police. Most of the latter became thieves themselves, and many of the *patels* harboured criminals and connived at crime. Under the rule of the first six Peshwas, the village police were under the control of the *mamlatdar* or *kamavisdar* of the division or district; but after the accession of the last Peshwa, Baji Rao II, a new class of police inspector, styled *tapasnavis*, was created for the purpose of criminal investigation. These officials, who were independent of the *mamlatdar*, proved for the most part inefficient and almost invariably corrupt.

When the East India Company first addressed itself to the task of administering the presidency, it retained the old village police system, but reformed it to the extent of transferring all police authority to the collector and magistrate and dividing each district into small police-circles, each of which was in charge of a *daroga* or head constable. The

[1] S. M. Edwardes, *The Bombay City Police*, pp. 1–53.
[2] *Imperial Gazetteer of India, Provincial Series, Bombay Presidency*, 1, 119.

*daroga* was in command of about thirty armed men and also exercised authority over the village police. This system, which disregarded the *patel* and converted the watchman from a village servant into an ill-paid and disreputable subordinate of the *daroga*, proved an expensive failure and was abolished in 1814 on the representations of Mountstuart Elphinstone and Munro. When, therefore, he commenced the task of settling the Deccan in 1818, Elphinstone insisted upon keeping the police powers of the *mamlatdar* and the *patel* as far as possible unimpaired, though all superior powers and authority were vested in the collector. The *mamlatdar*, whose duty it was to see that the villages acted in concert and with activity, was permitted, as previously, the use of *silahdars* (auxiliary horse) and *sihbandis* (militia), with the double object of strengthening his position in keeping the peace and of providing employment for the idle and needy. The practice of levying the value of property stolen was also retained for a time in a modified form calculated to obviate undue hardship. But the power of the *mamlatdar* and the *patel* to confine suspects for an unlimited period was abolished; and, in general, the whole district and village system was improved by the closer and more constant supervision exercised by the European collector.[1]

The indigenous village agency controlled by the collector and magistrate, which lasted until 1848, was soon found inadequate for the miscellaneous duties imposed upon the district police agency, such, for example, as guard duty and escort duty. Moreover, it was incapable of dealing effectively with popular outbreaks and disturbances. Consequently the Bombay Government was obliged to augment the force in charge of the collector by additional corps commanded by military officers; and it was from these corps, raised from time to time in emergencies, that the semi-military district police of modern times originated. Among the most noteworthy of these auxiliary police-forces were the Khandesh Bhil corps, raised and trained by Outram between 1825 and 1830; the Ahmadnagar police corps, established by Sir John Malcolm's order in 1828, which did good service in the Ramosi rising of 1826–32; the Ratnagiri Rangers, formed in 1830 to oppose raids of Ramosis; the Thana Rangers and Ghat light infantry, established in 1833; the Surat Sihbandis, formed in 1834 on the model of the Thana corps; and the Gujarat Cooly (Koti) corps, which was raised by Lieutenant Leckie in 1838. Down to the year 1852, these corps took no part in ordinary police work, being confined in times of peace to the supply of escorts and treasury-guards, and in times of disturbance to the restoration and maintenance of peace by force of arms.

In 1848 the governor of Bombay, Sir G. Clerk, paid a visit to the recently conquered province of Sind, and there found that Sir Charles Napier had organised, on the model of the Irish constabulary, a new

[1] *Imperial Gazetteer* (1907), vol. IV; Mountstuart Elphinstone, *Report on the Territories conquered from the Peshwa*; J. S. Cotton, *Mountstuart Elphinstone*.

police system, the salient features of which were its separation from the revenue administration, the severance of police and magisterial functions, and a considerable standard of discipline. It appeared to the governor decidedly superior in its working to the system prevailing in the rest of the presidency, which was frequently denounced between 1825 and 1832, and in later years, as productive of corruption and inefficiency. Accordingly, in 1852 the arrangements prevailing in Sind were extended to the rest of the presidency; the commandants of the various police corps were appointed "district superintendents of police"; and, subject to the general control of the collector as district magistrate, they took over all executive police work from the revenue authorities. This was followed in 1855 by the appointment of a commissioner of police for the whole presidency; but in response to representations from the collectors, this post was permitted to lapse on the retirement of the incumbent in 1860, and the general superintendence of the district police was then entrusted to the two revenue commissioners of the presidency. In the same year a commission was appointed to enquire into police administration and recommended the establishment of a well-organised and purely civil constabulary, supervised by European officers and charged with all civil police duties, including the supply of guards and escorts. The village police were to be retained on the existing footing and brought into direct relationship with the civil constabulary. These recommendations were eventually embodied in the District Police Act of 1867, which remained in force until 1890, when it was superseded by a new act. The latter act was extended to Sind in 1902. It only remains to remark that the experiment of placing the general superintendence of the police administration in the hands of the revenue commissioners proved unsuccessful, as these officials, even when their number was increased to three after 1860, were far too busy to supervise effectively the work of the police; and ultimately in the year 1885 the administrative control of the district police of the presidency, excluding Sind, was vested in a single official styled "the Inspector-General of Police".

In the year 1855–6, just prior to the Mutiny, the Bombay Presidency was divided for judicial purposes into eight districts (zillahs), and for revenue purposes into thirteen collectorates, exclusive of the island of Bombay. The total number of judicial officers was: three judges of the sadr adalat, exercising both civil (diwani) and criminal (faujdari) jurisdiction; eight district and sessions judges; three senior assistant judges at detached stations, who were usually invested with the same powers in routine matters as a district and sessions judge; six assistant district and sessions judges; seven principal *sadr amins*, whose jurisdiction was limited to civil suits of Rs. 10,000; thirteen *sadr amins*, who could try original suits involving sums of Rs. 5000 or less; and seventy-three *munsiffs*. A reform of the official establishments of these native judges was carried out during the year mentioned above, and as a result the subordinates of the native courts, who previously had

been mere dependents of the native judges, paid by them and liable to dismissal at their pleasure, became servants of the state, paid by the Bombay Government and looking to the latter for employment and promotion. Magisterial work was performed by the collector and his assistants, in their respective capacities of district and assistant magistrates, both being empowered to award sentences of imprisonment, with hard labour, not exceeding one year. All sentences, however, of more than three months' imprisonment by an assistant magistrate required the confirmation of the district authority.

The administrative arrangements established in Sind, in 1847, differed in several respects from those of the rest of the Bombay Presidency. The head of the local executive administration in all its branches was the Commissioner in Sind, and the province was divided into three collectorates—Karachi, Hyderabad and Shikarpur, and two small independent revenue charges—the North-Western Frontier and the Nagar Parkar district. Like the collectors in other parts of the presidency, the collectors in Sind possessed magisterial powers; but they differed from the former in presiding also over the administration of justice in the civil and criminal courts. They were assisted by deputy-collectors in charge of the subdivisions of the several collectorates, while the North-Western Frontier districts were under a Political Superintendent, who was also military commandant, aided by an assistant superintendent, whose powers and duties corresponded to those of the deputy-collector in the other districts. The Thar and Parkar district was managed until 1856 by the assistant political agent in Cutch, and afterwards by an officer corresponding to the collector. For a few years after the conquest the revenue in Sind was collected in grain by actual division of the crop, the grain being then sold by the government at auction for artificially high prices. The natural tone of the market was seriously upset by this practice and was further disorganised by the habit of drawing grain for the troops at nominal prices from the government grain stores. By 1855–6, however, this objectionable system had been superseded in several districts by cash assessments, which were gradually adopted throughout the whole of Sind. The rules under which the revenues of that province were at this date collected were not defined by law, as in other parts of the presidency, and were determined by the commissioner in Sind with the approval and sanction of the Bombay Government.[1]

The jail system of the presidency had formed the subject of a special enquiry as early as 1834, when regulations were issued for the improvement of prison discipline. The early Indian jail system was justly described as insanitary, demoralising, and non-deterrent, and was responsible for the appointment in 1838 of a commission which recommended radical reforms. Financial stringency, however, prevented these being carried out, and no appreciable change for the better took place until the appointment in 1855 of an Inspector-

[1] Report on the Administration of Public Affairs in the Bombay Presidency for 1855–6.

General of Prisons in each presidency and the passing of Act VIII of 1856, which relieved the judges of the sadr faujdari adalat from the charge of jails. These measures led directly to improvements in jail buildings and in the discipline and health of prisoners. Subsequent progress in this department belongs to the period succeeding the appointment of a second Prisons Commission in 1864.

The history of the pre-Mutiny period of the administration involves a brief reference to the Public Works, and the Ecclesiastical and Medical Departments. For several years the administration of the former was carried on under great disadvantages, owing to the want of experienced civil engineers. The court of directors endeavoured to relieve the difficulty by occasionally sending to Bombay a batch of men "with more or less experience in civil engineering", and at times, e.g. in 1855, the Bombay Government was able to secure in the country the services of a few professionally educated civil engineers. But the whole agency at their disposal was "lamentably small", and the department was not organised on a satisfactory basis until after the assumption of direct authority by the crown.[1] The Ecclesiastical Department owed its origin to the determination of the directors in early factory days to provide for the spiritual needs of their servants in India; and as the number of these and of the European troops increased, the ecclesiastical establishment likewise expanded, until in 1855–6 the number of clergy appointed for the Bombay diocese amounted to thirty-two. Subject to the general control of the government, the chaplains were directly subordinate to the bishop of the see, the first bishop of Bombay, Dr Carr, having been installed in 1838.[2] The medical administration was likewise evolved from the system adopted in early days by the East India Company of sending "chirurgeons" from England for the care of their servants and troops in the "factories" and on the vessels trading with the East. The surgeons serving on the Company's Indiamen were often utilised in emergencies in India, as for example during the Maratha War of 1780, and to fill vacancies among their professional brethren attached to the factories and out-stations. The formation of these scattered medical officers in India into a single body, the Indian Medical Service, dates roughly from 1764, the service being divided two years later (1766) into two branches, military and civil. Those in the latter branch were regarded as primarily army medical officers, lent temporarily for civil duties—an arrangement which was confirmed in 1788 during the governor-generalship of Lord Cornwallis. The most important administrative change prior to the Mutiny consisted in throwing open the service to Indians in 1853 through the medium of competitive examinations, of which the first was held in 1855.

[1] Report on the Administration of Public Affairs in the Bombay Presidency for 1855–6.
[2] *Gazetteer of Bombay City and Island*, III, 245.

CHAPTER V

# DISTRICT ADMINISTRATION IN THE UNITED PROVINCES, CENTRAL PROVINCES, AND PANJAB 1818–1857

A VERY brief chronological résumé of the successive territorial acquisitions which in less than a century extended the political responsibilities of the East India Company from the boundaries of Bengal to Peshawar is a necessary introduction to a study of administrative development in the three areas, each approximately 100,000 square miles, which are now officially known as the United Provinces, the Central Provinces, and the Panjab; and which will hereafter be collectively referred to as "the three provinces". (1) The districts around Benares were ceded in 1775 by the ruler of Oudh, and (2) the "Ceded territories", comprising most of the present United Provinces exclusive of Oudh, by his successor in 1801.[1] (3) In 1803 Sindhia, the defeated Maratha chief, yielded the "Conquered territories", lying to the north of the last-mentioned tract and extending west of the Jumna; and in the same year a portion of Bundelkhand was obtained from the Peshwa.[2] (4) The successful Gurkha War of 1816 added the northern hill districts of the United Provinces, and (5) in 1818, after the third Maratha War, the Bhonsla raja of Nagpur surrendered the Sagar and Narbada territories, except a small area in the north already ceded by the Peshwa in 1817.[3] They are now included in the Central Provinces. (6) In 1809 the Sikh states to the east of the Satlej placed themselves under British protection. This arrangement was in practice coupled with a claim to escheat in favour of the suzerain on failure of heirs, and it led to gradual minor annexations up to 1846, the year which saw the conclusion of the first Sikh War. The remaining states, mostly very petty in status and area, were subsequently absorbed, except six of importance, which still survive as feudatories.[4] (7) The same year saw the acquisition of the Jalandhar Doab, the plain country between the rivers Satlej and Beas, together with an adjacent hilly tract. (8) The second Sikh War resulted in 1849 in the annexation of the Panjab up to the present

[1] Baden Powell, *Land Systems of British India*, I, 63; Field, *Regulations of the Bengal Code*, 1875, pp. 9, 10; *Administration Report of North-West Provinces*, 1882–3, pp. 29, 30; *Adm. Rep. of United Provinces*, 1911–12, p. 14.

[2] Baden Powell, *op. cit.* I, 64; Field, *op. cit.* p. 15; *Adm. Rep. N.-W. Provs.* pp. 30, 31.

[3] Baden Powell, *op. cit.* I, 68, 69; *Imperial Gazetteer*, X, 17; *Adm. Rep. Central Provinces*, 1882–3, p. 11; *Adm. Rep. N.-W. Provs.* p. 32; *House of Commons Papers*, XVIII, 533.

[4] Baden Powell, *op. cit.* I, 43; *Adm. Rep. N.-W. Provs.* 1882–3, pp. 31–3; *Adm. Rep. Panjab*, 1882–3, pp. 16–17; *Panjab Settlement Manual*, pp. 5, 6; Ibbetson, *Settlement Report of Karnal*, p. 35.

north-western frontier.[1] (9) In 1853 the Nagpur and Jhansi states lapsed to the British Government,[2] while (10) Berar was assigned to it by the Nizam of Hyderabad and has been in its possession ever since.[3] (11) The process of expansion was completed in 1856 by the annexation of Oudh.[4]

In 1836 the tracts (1) to (4) in the above résumé were formed into the North-Western Provinces with an administration under a lieutenant-governor separate from that of Bengal, and to it tract (5) was attached until 1861, when it was included in the present Central Provinces, then newly formed under a chief commissioner.[5] The cis-Satlej states and the Jalandhar Doab, nos. (6) and (7), were after 1846 each placed under a commissioner directly subordinate to the Government of India, and subsequently to the Resident at Lahore; but in 1849 they were absorbed in the new province of the Panjab.[6] The lapsed state of Nagpur was included in the Central Provinces in 1861, while Jhansi passed to the North-Western Provinces. Berar was administered by a commissioner until 1903, when it was attached to the Central Provinces.[7] In 1858 the districts west of the Jumna, ceded in 1803 and known as the Delhi territory, were transferred from the North-Western Provinces to the Panjab,[8] and from the latter in 1901 the present North-West-Frontier Province was separated. Oudh on annexation was placed under a chief commissioner, the charge being amalgamated with the lieutenant-governorship of the North-Western Provinces in 1877.[9] The combined areas are now officially known as the United Provinces (of Agra and Oudh).

The distinction between regulation and non-regulation areas, once of importance, has long since been practically obsolete. In 1793[10] Lord Cornwallis, in pursuance of statutory legislative powers then existing, issued a revised code of forty-eight regulations for the presidency of Bengal, and it is this body of legislation which, with subsequent additions, was specifically known as the Bengal Regulations. In 1795 they were extended, together with the permanent settlement, to the Benares districts.[11] To subsequent acquisitions, if formally included in the Bengal Presidency, the regulations applied auto-

[1] Baden Powell, *op. cit.* I, 70, 71; *Adm. Rep. Panjab*, 1882–3, pp. 28, 31.
[2] Baden Powell, *op. cit.* I, 65–9; *Adm. Rep. Cent. Provs.* 1882–3, p. 11.
[3] Baden Powell, *op. cit.* I, 49 and III, 345; *Adm. Rep. Cent. Provs.* 1911–12, p. 17; Lord Dalhousie's Minute of 28 February, 1856, para. 18.
[4] *H. of C. Papers*, 1856, vol. XLV; Field, *op. cit.* p. 10; *Adm. Rep. N.-W. Provs.* p. 34.
[5] Field, *op. cit.* p. 15; Baden Powell, *op. cit.* I, 36; Government of India Resolution of 2 November, 1861; *Adm. Rep. Cent. Provs.* 1911–12, p. 11.
[6] *Adm. Rep. Panjab*, 1911–12, pp. 17–18.
[7] Baden Powell, *op. cit.* III, 346; *Adm. Rep. Cent. Provs.* 1911–12, p. 18.
[8] Baden Powell, *op. cit.* I, 45; *Adm. Rep. N.-W. Provs.* p. 34; *Adm. Rep. Panjab*, 1911–12, p. 20.
[9] Baden Powell, *op. cit.* I, 42; *Adm. Rep. N.-W. Provs.* p. 34.
[10] Baden Powell, *op. cit.* I, 81; Field, *op. cit.* pp. vi, 42; Fifth Report of Select Committee of House of Commons, 1812; *Moral and Material Progress Report*, 1882–3, p. 34; Campbell, *Modern India*, 1852, p. 34.
[11] *Adm. Rep. Unit. Provs.* 1911–12, p. 15; Baden Powell, *op. cit.* II, 63; Fifth Report, 1812.

nistically in the absence of any special prescription to the contrary. For others there was, up to 1833, no legislative machinery, and all rules and ordinances needed for purposes of administration were issued by the governor-general purely in his executive capacity.[1] Moreover, he was unfettered in the selection and recruitment of necessary staff, whereas in the presidency territories all offices had under statute to be filled by covenanted civil servants of the Company.[2] The distinction favoured elasticity, rendering it possible to adapt the form of administration in new territories to diverse local conditions and to avoid undue complexity in backward tracts. Of the successive acquisitions enumerated above, (1), (2), (3) and (4) only were attached to the Bengal Presidency, and to these, except (4) and the Delhi territory,[3] the regulations as a whole were applied, though with needful local modifications. The legislative changes made in 1833 have been noticed elsewhere. It was not until 1861 that regular legislation was possible for territories acquired after 1833.[4] For such, up to the later year, rules and ordinances were issued by the governor-general and by provincial authorities in their executive capacity.

The type of administrative machinery which Lord Cornwallis's apprehension of the abuse of executive power led him to create in Bengal has already been described.[5] The chief official in a district was the judge and magistrate. He disposed of civil litigation and of minor criminal cases, committing the more serious to the provincial courts of appeal and circuit, which were in turn subject to the control of the chief civil and criminal courts at Calcutta. The collector of the district was an almost purely fiscal officer, his sole function being the collection of revenue with prompt enforcement of penalties in case of default; while most of his proceedings were open to challenge in the courts of his own district.[6]

This system, together with the regulations, was extended to the "Ceded territories" in 1803, and in 1805 to the "Conquered territories" and to the Bundelkhand districts of Banda and Hamirpur;[7] the whole of these areas being placed under the direct control of the governor-general and subjected to the jurisdiction of the Calcutta courts. They were known as the Upper Provinces. This organisation was retained with little alteration until the period 1829–35, when drastic changes, similar in Bengal and in the Upper Provinces, were made by Lord William Bentinck. A new class of officers, designated

[1] Baden Powell, *op. cit.* I, 82.
[2] *Imperial Gazette*, IV, 42; 33 Geo. III, c. 52; *Moral and Mat. Prog. Rep.* 1882–3, p. 36.
[3] Ibbetson, *op. cit.* p. 38.
[4] Baden Powell, *op. cit.* I, 89.
[5] Cf. vol. V, pp. 453 *sqq.*, *supra*.
[6] Bengal Reg. II of 1793; *Adm. Rep. Bengal*, 1911–12, p. 41; Field, *op. cit.* p. 172; Kaye, *History of the Administration of the East India Company*, 1853, pp. 387 *sqq.*; Campbell, *op. cit.* p. 180; Fifth Report, 1812.
[7] Field, *op. cit.* pp. 147–8.

commissioners of divisions, was created, a division being an area of four or five districts and thus not too large for efficient supervision. The commissioners exercised full powers of control in all branches of fiscal, executive, and police work, being subject as regards the first to a board of revenue at Calcutta; while in order to relieve the provincial courts of appeal and circuit, which were congested with arrears, their criminal jurisdiction as courts of circuit was transferred to the new officers.[1] In the next place, the unworkable extension which the limits of the jurisdiction of the principal courts at Calcutta had undergone, as a result of the expansion of territory, necessitated the creation in 1831 of similar separate courts at Agra for the Upper Provinces.[2] To these new courts was transferred the remaining civil jurisdiction of the provincial courts, which thus came to an end in 1833. Finally, owing to the excessive burden which criminal jurisdiction on circuit was soon found to be imposing on the commissioners, it was transferred to the district judges, who thus became in addition circuit, or sessions judges, while their magisterial powers, being incompatible with their new functions, were passed on to the collectors. The collector was thus invested with combined judicial and executive powers under the designation of magistrate and collector.[3] The union has been retained up to the present day, except for a temporary return to separation in Bengal during the period 1837–59.[4] A subordinate Indian judiciary, with a more or less defined jurisdiction, had been growing up since the early period of British rule from among persons who were regularly employed as a semi-official paid agency for arbitration in civil suits.[5] In 1831 Lord William Bentinck increased its strength, raised its status, and enhanced its powers, so that it was soon dealing in courts of first instance with the greater part of the whole volume of civil litigation. It was in fact the forerunner of the modern provincial services. The criminal branch of the judiciary was also strengthened by the appointment, under an act of 1843, of persons, both European and Indian, other than covenanted civil servants of the Company to the post of deputy-magistrate.[6]

Lawlessness prevailed in the Upper Provinces for a long period after their annexation, and several years passed before insurgents ceased to disturb the Doab, the tract lying between the rivers Ganges and Jumna. The Pindaris were troublesome; the crime of thagi, described elsewhere, was rife; and pirates preyed on the river trade-routes. As late as 1817 the fortress of Hathras in the Doab had to be reduced

[1] Reg. I of 1829; Baden Powell, *op. cit.* I, 666; Field, *op. cit.* pp. 132, 154; *H. of C. Papers*, 1831–2, vol. XII; Kaye, *op. cit.* p. 347; Campbell, *op. cit.* p. 257.
[2] Bengal Reg. VI of 1831; Field, *op. cit.* p. 149; Kaye, *op. cit.* p. 349.
[3] Field, *op. cit.* p. 154; Kaye, *op. cit.* p. 348; *Adm. Rep. Bengal*, 1911–12, p. 45.
[4] Field, *op. cit.* p. 155; Campbell, *op. cit.* pp. 239 *sqq.*; *Adm. Rep. Bengal*, 1911–12, p. 46.
[5] Bengal Reg. XL of 1793; Field, *op. cit.* pp. 144, 156–9; Kaye, *op. cit.* p. 350; *Adm. Rep. Bengal*, 1911–12, pp. 42, 45.
[6] Field, *op. cit.* p. 159; Kaye, *op. cit.* p. 351; *Adm. Rep. Bengal*, 1911–12, p. 46.

by siege, and gang robbery was very prevalent about Saharanpur, while marauders from Central India infested the south-western frontier. By 1830, however, some degree of permanent peace was established.[1] During this period, and indeed for many years later, the district police system was merely a modified survival from the days of indigenous rule, when the maintenance of order in rural tracts was the duty of influential local land-holders and village communities; while in large towns the responsibility lay on the *kotwal*, a government official who was in receipt of a substantial salary with many perquisites, and who also provided his own staff.[2] In 1793 Lord Cornwallis abolished the police duties of the zamindars of Bengal and appointed Indian police officers, termed *darogas*, each of whom, with a small force of armed men under the control of the district magistrate, was placed in charge of an area some twenty miles square.[3] This system was extended in due course to the Upper Provinces, though there the local responsibility of land-holders was maintained. For the preservation of law and order the district magistrate thus had under him a loosely organised body of purely local police and an agency of village watchmen, who were the dependents of land-holders and of village communities.[4] The *darogas* were paid partly by fixed salaries and partly by fees for each dacoit (gang-robber) arrested, with a percentage on the value of stolen property recovered, provided that the thief was convicted.[5] The system, though some improvement on its predecessor, was inefficient, while the magistrate, amid his judicial duties, was unable to supervise it properly. An attempt to improve it was made in 1829 by giving the new commissioners powers of control and superintendence. The wide prevalence of thagi and dacoity, for the suppression of which special agency had to be employed, clearly indicated the inadequacy of the existing system of district police. Such as it was, it continued without much change until 1861.

The general criminal law enforced in the Upper Provinces until the enactment of the present Indian Penal Code in 1860 was, as in Bengal, Muhammadan law, very extensively altered as time went on by British regulations and judicial decisions.[6] Some punishments had to be modified so as to render them deterrent rather than vindictive; others, too lenient for serious offences, had to be made more severe. For many crimes, with which the Islamic system did not deal, additional provision had to be made; while fantastic rules of procedure

[1] *Adm. Rep. Unit. Provs.* 1911–12, p. 11.

[2] *Imp. Gaz.* II, 382–6; *Moral and Mat. Prog. Rep.* 1882–3, p. 78; Campbell, *op. cit.* p. 79; *Report of Indian Police Commission*, 1903, chap. i, pp. 4 *sqq.*

[3] Bengal Reg. I of 1793, VIII (4), and XXVII of 1795, V (4); *Imp. Gaz.* and *Moral and Mat. Prog. Rep. loc. cit.*

[4] Bengal Reg. XX of 1817; Campbell, *op. cit.* pp. 442 *sqq.*; *H. of C. Papers*, 1857–8, XLIII, 75.

[5] *Report of Indian Police Commission*, 1903, p. 6.

[6] Field, *op. cit.* p. 175; *H. of C. Papers*, 1856, vol. XXV; Whitley Stokes, *The Anglo-Indian Codes*, I, 2.

and evidence were abolished. Under such conditions the criminal law gradually became unmanageable in its bulk and complexity. In civil litigation questions of inheritance, marriage, caste, and other semi-religious matters were decided by Quranic law for Muhammadans and by the prescriptions of the *sastras* for Hindus. In cases of succession to landed estates, established custom, if such there were, was followed; while in matters other than the above the courts were enjoined to act in accordance with equity.[1]

Fiscal necessity quickly and naturally focussed the attention of a new government on the assessment and collection of revenue, especially revenue from land. The requirements of this earliest branch of administrative activity went far to mould the framework of the whole administrative organisation and to determine its shape and character.

The origin and nature of Indian land-revenue, and the Permanent Settlement of Bengal, have been described in another part of this work. Up to a time shortly before 1818 the views of British administrators on land-revenue questions were dominated by the principles of that settlement. Its extension to the "Ceded" and "Conquered territories" was contemplated after their annexation, and indeed promised in 1807[2] subject to the sanction of the home authorities. But the directors, now grown doubtful about the propriety of the Bengal system and to some extent conscious of the prevailing ignorance of the real nature of Indian conditions, hesitated to give their approval; and in 1811, after local investigation by a Board of Commissioners appointed in 1807, they definitely prohibited a permanent settlement, while directing the continuance of the system of provisional short-term settlements which had been made periodically since the annexations.[3] These, based on no very definite principles, except that the state was entitled to the entire net assets of land, less a small allowance for the cost of collection, were far from being satisfactory, since the revenue to be paid was determined without actual enquiry into resources and income and mainly with reference to the excessive exactions of the displaced Indian rulers.[4]

Assessment was often no more than the mere acceptance of the highest bid of a revenue farmer without regard to the rights of actual cultivators or of other persons, about which indeed little, if any, satisfactory enquiry was made. Harsh methods of revenue collection, adopted from the Bengal system and involving immediate sale of an estate on default in payment, aggravated the mischief, and often caused an inequitable loss of rights and interests in land, which

[1] Field, *op. cit.* pp. 170 *sqq.*; *Imp. Gaz.* II, 127; *H. of C. Papers*, 1856, vol. XXV.
[2] Baden Powell, *op. cit.* II, 15–17; Field, *op. cit.* p. 111; *Adm. Rep. Unit. Provs.* 1911–12, p. 16.
[3] Baden Powell, *op. cit.* p. 19; Kaye, *op. cit.* pp. 237–40; Field, *op. cit.* p. 113; *H. of C. Papers*, 1831–2, vol. II.
[4] *Adm. Rep. Unit. Provs.* 1911–12, p. 16; *Adm. Rep. N.-W. Provs.* 1882–3, pp. 42, 43; *Moral and Mat. Prog. Rep.* 1882–3, p. 128; Moreland, *The Revenue Administration of the United Provinces*, 1911, pp. 31–3.

under the improved system adopted later might have been preserved.[1]

This state of things persisted in the Upper Provinces up to the period 1822–8. In the interval the Board of Commissioners continued its investigations with a view to the introduction of a better fiscal system. Ultimately in 1819 its recommendations were presented by its secretary, Holt Mackenzie, in a famous minute, the first document to exhibit any adequate comprehension of land-tenures in Upper India and of the requirements of efficient land-revenue administration. The recommendations were embodied in Regulation VII of 1822, of which the main prescriptions were: (1) a cadastral survey of the land; (2) a full record, after necessary adjudication, of all landed rights and interests; (3) a moderate assessment of land-revenue after adequate local enquiry; (4) recognition and protection of tenant-right.[2] In one form or another these principles subsequently governed land-revenue administration in all parts of Upper India; and in following their practical application—an operation technically termed a regular, as distinguished from a summary, or provisional settlement—it is important to recognise that indigenous Indian rights in land were without any precise legal definition; little more in fact than comparatively vague claims, supported by local custom and usually respected by rulers who aspired to be tolerably just. Frequently they were of kinds strangely different from those familiar to the early British administrators in their own country.[3] The primary aim of the investigation of rights was to determine the persons, whether individuals or quasi-corporate bodies, who were entitled to the profits of land-holding, and who would therefore naturally be responsible for the payment of the land-revenue, or with whom, in technical terms, a settlement could be made. It was true that under the exactions of the former rulers such profits had gradually vanished, but under a moderated state demand they would obviously revive and become the object of a legal proprietary right, limited, it might be, by the coexistent rights of other persons. The vague nature of the existing rights and the obliteration which they had suffered in the recent political chaos as well as from the mischievous methods of revenue administration, inherited from Bengal, which characterised the first twenty years of British rule in the Upper Provinces, rendered the adjudication a task of unusual difficulty.

In the regulation of 1822[4] five-sixths of the net rental was prescribed as the standard land-revenue, a good deal less than that in force under native rulers but much higher than that adopted in later years.

[1] Kaye, *op. cit.* pp. 240–7; Baden Powell, *op. cit.* II, 118; *H. of C. Papers*, 1831–2, XI, 156; *Panjab Sett. Manual*, pp. 8–10.

[2] Field, *op. cit.* p. 115; Bengal Reg. VII of 1822; H. Mackenzie's Minute of 1819; Baden Powell, *op. cit.* II, 20–4; *Moral and Mat. Prog. Rep.* 1882–3, p. 128; *Panjab Sett. Manual*, pp. 11–12; *Adm. Rep. N.-W. Provs.* 1882–3, p. 42.

[3] Field, *op. cit.* p. 29.

[4] Bengal Reg. VII of 1822.

progress in carrying out the regular settlement was very slow. Besides the decision of questions involving vague rights and customs, it included the very difficult task of assessing land-revenue on a rental basis, while rents, even when they existed, were dubious in nature and amount. Rents paid in money were rare, so that rental calculations depended largely on estimates of the value of grain produce and of the cost of cultivation, a process which it was attempted to carry out holding by holding. In a few years it became clear that success on such lines was impossible. In 1833, under the auspices of Lord William Bentinck, a simplified system was inaugurated, though the principles of 1822 were retained.[1] It was elaborated during the next twenty years under the direction of two noted officers, R. M. Bird and James Thomason. The standard demand was reduced to two-thirds of the net rental, and a less theoretical method of assessment—known as "aggregate to detail"—was devised. The land-revenue was fixed with reference to general considerations affecting the tract under settlement, such as agricultural and economic resources, past fiscal history, and the level of money rents paid by tenants, or those estimated to be fairly payable, wherever such rents had come into common use. The gross assessment thus determined was distributed over individual villages with reference to their comparative capacities as ascertained by local enquiry. Theoretical estimates of rental based on assumed data were discouraged. The cadastral survey was carried out for every village on the basis of a prior scientific topographical survey executed by professional officers.[2]

The regular settlement served to elucidate that much discussed, much belauded, and much misunderstood institution, the Indian village community. Its significant feature is the ownership of estates not by single individuals, but by groups of persons more or less closely connected. Completely joint or collective ownership and enjoyment of the entire village area is by no means an invariable incident. Some degree of communal control over it is commonly found, mainly in the type of village technically known as "zamindari", but severalty in the beneficial occupation of a part, at least, of the area is usual, the sizes of the several holdings corresponding to shares regulated by various definite and for the most part traditional methods.[3] In Southern and Central India a somewhat different type of village community exists, technically known as "ryotwari", in which separation of individual interests within the group is practically complete. In the North-Western Provinces the settlement was generally made with village communities of the zamindari type, the members being jointly as well as severally responsible. But in very many cases the

[1] Field, *op. cit.* p. 117; Bengal Reg. IX of 1833; *Adm. Rep. N.-W. Provs.* p. 43; *Adm. Rep. Unit. Provs.* 1911–12, p. 17; *Panjab Sett. Manual*, pp. 12–13; Baden Powell, *op. cit.* II, 25–7; *Moral and Mat. Prog. Rep.* 1882–3, p. 128.

[2] Baden Powell, *op. cit.* pp. 23, 38, 41 *sqq.*

[3] Baden Powell, *The Indian Village Community*, London, 1896.

body consisted of only a few persons, often indeed of a single individual, who, or whose predecessor, had been a revenue farmer of the village in the early years following annexation. A holder of a seignorial status over a community was generally compensated by a fixed annual sum payable by it.[1]

The subordinate rights of tenants, not members of the community, were also recorded and gradually protected. Only the barest reference is here possible to the subject of tenant-right, a highly controversial problem of Indian administration. The majority of indigenous Indian tenancies comparatively seldom originated in any definite contract between landlord and tenant: they were more frequently the relics of previous more complete tenures which under various influences had sunk to the status of a precarious occupancy, dependent for its continuance on the vague right, traditionally recognised, of the first clearer of waste land and his heirs; or on the fact that, when waste land was plentiful and cultivators comparatively few, there was little of that inducement to eject which came later under the altered conditions of British rule. An adequate treatment of tenant-right clearly required a classification of tenancies according to origin and an ascription to each class of the rights equitably appropriate to it. In the permanent settlement of Bengal no such treatment was attempted, and the security of tenants, though promised as an essential part of the settlement,[2] was left to the operation of agreements which it was vainly expected would be made between them and the landlords, while a regulation of 1799 gave to the latter a harsh power of distraint, which produced much mischief. Warned by the errors of Bengal, British administrators in the North-Western Provinces tried to define and protect the interests of tenants, but a definite classification was very difficult, and in practice a broad rule, apparently first suggested by Lord William Bentinck in 1832, was followed, under which a tenant on proving twelve years' continuous occupation of his holding was admitted to a permanent and heritable tenure at a judicially fixed rent.[3] A rule so wide probably covered more cases than really deserved protection, but it was ultimately embodied in Act X of 1859, the earliest Indian legislation which defined and protected tenant-right, both in Bengal and in the North-Western Provinces.

The first regular settlement of those provinces, excluding the Benares districts, which had already been permanently settled, was carried out district by district during the period 1833–42,[4] the revenue being assessed for a term which was generally thirty years. It avoided

[1] Moreland, *op. cit.* pp. 35–9; Baden Powell, *Land Systems of British India*, II, 82, 83; *Adm. Rep. N.-W. Provs.* 1882–3, pp. 38, 39.

[2] Bengal Reg. I of 1793, § 8 (1); Field, *op. cit.* p. 35; Baden Powell, *op. cit.* I, 403–5.

[3] *Panjab Sett. Manual*, pp. 97–9; Selections from Revenue Records of N.-W. Provs. 1822–33; Moreland, *op. cit.* pp. 55, 56.

[4] *Moral and Mat. Prog. Rep.* 1882–3, p. 128; *Adm. Rep. N.-W. Provs.* 1882–3, p. 43; Field, *op. cit.* p. 118; Baden Powell, *op. cit.* II, 27.

the radical defects of the permanent settlement of Bengal—haphazard assessment based on inadequate data, the absence of any record of rights or of any form of survey, and the insecurity of tenants. In the Benares districts they were gradually remedied, as far as possible, many years later, by the execution of cadastral surveys, undertaken in 1877,[1] and by the preparation of a record of rights.

The importance of canal irrigation for the agriculture of the Upper Provinces soon attracted the attention of British officers. Their first efforts were directed to the restoration of canals made by previous rulers rather than to the construction of entirely new projects. After a preliminary survey in 1809–10, work began in 1815 on an old channel which had been originally made in the middle of the fourteenth century by Firoz Shah, the Tughlaq king of Delhi, for the irrigation of the arid tracts of Hissar and Sirsa, and which after various vicissitudes had ceased to flow during the period of Moghul decay. It was in reality a series of natural drainages connected by excavation rather than a true canal.[2] No special irrigation department was created, but the services of military officers were utilised and the strictest economy in expenditure was enforced. The restoration, carried out on lines far from scientific, was completed in 1827. The work, now known as the Western Jumna Canal, had a total length of 425 miles, including distributaries, and, besides providing Delhi with water, irrigated a considerable area in the Hissar district, which in 1807 had been an almost uninhabited waste. In 1822 work was undertaken on a similar but smaller channel from the left bank of the Jumna, constructed early in the eighteenth century by a Moghul ruler. This project, now the Eastern Jumna Canal, with a total length of 155 miles, was completed in 1830, but it took several years longer to remedy defects which soon showed themselves.[3] Meanwhile the directors of the Company, unimpressed with the importance of irrigation for their new territories, were loath to embark on costly schemes. Whatever expenditure was allowed had to be met from current revenue; the days of loan funds raised for productive works were yet far distant. It was not until 1854 that the first great original project, the Upper Ganges Canal, was completed, though it had been suggested as early as 1836. Famine served to emphasise its necessity.

The Upper Provinces were in a part of India peculiarly liable to that scourge, the tract about Delhi having suffered thirteen visitations in the previous five centuries. The development of British famine policy has been sketched elsewhere in this volume. Its two fundamental features, the existence of means for the rapid transport of food and a system of public works on which the mass of agricultural labour

[1] Baden Powell, *op. cit.* II, 40; *Adm. Rep. N.-W. Provs.* 1882–3, p. 50.
[2] *Triennial Review of Irrigation in India*, Calcutta, 1922, p. 24; Kaye, *op. cit.* pp. 278 *sqq.*; *Imp. Gaz.* III, 327 *sqq.*
[3] *Triennial Review*, p. 25; Kaye, *op. cit.* pp. 283 *sqq.*

suddenly thrown out of employment can earn a subsistence wage, did not exist, and indeed could not have existed under native rulers. Their famine measures were generally limited to a prohibition of grain export, penalties for private hoarding, and the distribution of a modicum of relief.[1] There was thus no famine organisation, however crude, which the new rulers could inherit and utilise. Their own experience soon began. In 1803 the monsoon failed and famine visited the Upper Provinces. One-third of a million sterling of land-revenue was remitted and land-holders were assisted with advances, while bounties were given on import of grain. In 1812 famine again appeared in the country lying west of the Jumna. In 1837–8 it prevailed in a severe form in a tract which held a population of twenty-eight millions, including twenty-one millions in the then newly formed North-Western Provinces. On this occasion the first definite efforts at famine organisation were made at a cost of nearly a quarter of a million sterling; the government definitely recognising its responsibility for the relief of the able-bodied, while leaving that of invalids and orphans to public charity.[2] Liberal suspensions and remissions of revenue, to the extent of nearly one million sterling, were given, though loans and advances to land-holders were discouraged. The two canals which had been recently reopened fully proved their value in the famine, which served to impress on the authorities the vast importance of irrigation, and in particular to secure attention for the famous project which subsequently became the Upper Ganges Canal, now irrigating large areas in the Doab. Originated by Colonel Colvin, it was elaborated by Sir P. Cautley of the Bengal Artillery, who ultimately constructed the canal. Work began in 1842 but it was interrupted by lack of funds and by other causes during the Afghan and Sikh wars. Irrigation actually commenced in 1854, but operations were hampered by the Mutiny, and it was not until the famine of 1860–1 that the full supply of water could be utilised. Though it was one of the earliest of the British canals,[3] and though defects in design had gradually to be rectified, portions of it are even yet unique in size and conception. Its total length, including branches and distributaries, is over 3800 miles. It is still the largest single irrigation work in India and in 1919–20 it irrigated over one and a third million acres.

Comparatively few public works, other than canals, some main lines of communications, and some necessary public buildings, were constructed during the early years of British administration. There was no Public Works Department; projects being executed through the agency of a Military Board, an inefficient arrangement which existed until 1854.[4]

[1] *Imp. Gaz.* III, 477 *sqq.*

[2] *Imp. Gaz.* III, 484, 501; *Report of Famine Commission*, 1880, p. 31; *Adm. Rep. Unit. Provs.* 1911–12, p. 22.

[3] *Triennial Review*, p. 30; Kaye, *op. cit.* pp. 287 *sqq.*

[4] *Imp. Gaz.* IV, 307.

The indigenous system of liquor excise, termed *abkari*, was one of farm pure and simple, the unrestricted and exclusive right to manufacture and sell spirituous liquor within a more or less defined area being usually leased to the local Moghul tax farmer, whether an official or a zamindar. Under the Company's government a similar system of leases of defined areas in favour of licensees was continued, but between 1790 and 1800 restrictions on the number and locality of shops and stills were introduced.[1] This modified system was extended to the Upper Provinces, but as early as 1813, in order to secure greater control, central distilleries were established at convenient places, generally the headquarters of districts, or of their subdivisions, termed *tahsils*. Within these buildings the licensed distillers were required to carry on their operations, the right to sell at specified shops being separately licensed; though in order to cope with illicit distillation, an ever-besetting difficulty in Indian excise administration, single stills were permitted in distant outlying areas, their licences covering both manufacture and sale. To such single detached stills the term "outstill", so common in Indian excise discussions, is properly applicable. In the Upper Provinces as well as in Bengal the new system was found unable to cope with illicit traffic, and after 1824 there was a general return to the system of farms or leases of specified shops in defined areas, with outstills where necessary. This arrangement, with minor modifications, continued in force in the Upper Provinces until after 1858. The attainment of the ideal, then only dimly perceived, of controlled consumption combined with high or even adequate taxation was incompatible with a volume of illicit traffic with which the administration of the time was quite unable to contend.

As in the case of spirituous liquor, the excise of opium, regarded by the Moghuls as a subject for state monopoly, took the form of a farm of the exclusive right to manufacture and sell. The manifold defects of this system, which the East India Company took over in 1773, caused its abandonment in 1797, the government then assuming the monopoly of manufacture through its own agencies; an organisation which was extended to the Upper Provinces and has been described elsewhere.[2]

Municipal self-government did not exist at the introduction of British rule.[3] A pure exotic, it was planted very gradually and tentatively by the new-comers. Their first efforts were confined to the presidency towns, and it was not until 1850 that legislative provision was made for the constitution of municipal bodies in provincial towns. These consisted of the district magistrate, in whom all executive

[1] Papers relating to Excise Administration in India printed in *Government of India Gazette* of 1 March, 1890; *Moral and Mat. Prog. Rep.* 1882–3, p. 170; *Imp. Gaz.* IV, 254; *H. of C. Papers*, 1831–2, vol. XI.

[2] *Imp. Gaz.* IV, 242; *H. of C. Papers*, 1890–1, LIX, 384.

[3] *Imp. Gaz.* IV, 281, 284 *sqq.*; *Moral and Mat. Prog. Rep.* 1882–3, p. 48.

authority was vested, and a body of nominated councillors, whose function was to assess rates in accordance with certain prescribed principles, and to assist the district magistrate with advice. Taxation might be a personal assessment on householders, or by rates on houses, and the proceeds were expended in the entertainment of town watchmen, simple sanitation, lighting and other local objects. The act of 1850 was fairly widely applied, and apparently with a considerable degree of success, in the North-Western Provinces.[1]

Passing now from the regulation districts of that region, the remainder of this chapter will be concerned with non-regulation areas. To the explanation of the origin and general significance of that distinction as already given, it may be added that the type of administration adopted in non-regulation areas was characterised by simple and more direct modes of procedure and by the greater accessibility of officials to the people; but chiefly by the union of all powers, executive, magisterial, and judicial, in the hands of the district officer, here termed deputy-commissioner in place of magistrate and collector, subject however to the appellate and supervisional jurisdiction of the commissioner of the division in all branches of work.[2] The system was paternal rather than formally legal, though legal principles were by no means set aside; and it largely depended for its success on the personal character, initiative, vigour and discretion of the local officers. Passing over the non-regulation Sagar and Narbada territories, of which the early administration was not conspicuously successful,[3] though law and order and a judicial system were established, we may proceed at once to an account of administrative development in the Panjab, the whole of which was always non-regulation.

That province, as it exists at present, including the recently separated Delhi enclave, comprises cis-Satlej and trans-Satlej portions. The first consists of the Delhi territory, annexed in 1803, and of a tract, lying between it and the Satlej, which was gradually absorbed as a result of the protectorate assumed in 1809 and of the first Sikh War. The second comprises the annexations of 1846 and 1849, the Jalandhar Doab and the Panjab proper. In accordance with the policy approved on the retirement of the Marquis of Wellesley, the Delhi territory after its formal annexation was for long outside the sphere of direct British control, which it was sought to restrict to the eastern side of the Jumna, leaving the territory, which, as the result of recent war, was largely a deserted waste, in the hands of a ring of semi-independent chiefs, with whose administration the Resident at Delhi interfered as little as possible while endeavouring to maintain peace. The aggressions attempted by Ranjit Singh on the country east of the Satlej, foiled in 1809 by the Treaty of Amritsar, resulted

[1] *Moral and Mat. Prog. Rep.* 1882–3, p. 54.

[2] Campbell, *op. cit.* p. 250; Kaye, *op. cit.* pp. 447 *sqq.*; Sir C. Aitchison, *Lawrence*, Oxford, 1892, pp. 59 *sqq.*; *Imp. Gaz.* IV, 54.

[3] *Adm. Rep. Cent. Provs.* 1882–3, p. 16.

in the protectorate already mentioned, but even then administrative control over the Delhi territory was very slowly asserted.[1] It was only in 1819–20 that the tract was divided into four districts under locally resident officers, a fifth being added in 1824. In 1832 they were definitely included in the North-Western Provinces for purposes of administration, which it was directed should be carried on in the spirit of the Bengal Regulations, though these were never, it appears, formally extended to them. The early revenue administration up to 1828 was of the same highly unsatisfactory character as in other parts of the North-Western Provinces, but the tract was greatly benefited by the restoration of the Western Jumna Canal, especially during the famine of 1837–8, of which it felt the full force. Up to its union with the Panjab in 1858 its administration proceeded on the lines already described, a regular settlement being made between 1837 and 1842.[2]

The growth of the supremacy of Maharaja Ranjit Singh over the trans-Satlej Panjab has been described elsewhere. Here we deal only with his administrative system.[3] Immersed in war and diplomacy, he had no leisure for the creation of a stable polity. Beyond military organisation and conquest, the collection of revenue was his chief interest. To this all other branches of his administration were subordinated, and to it the attention of all his officials was unremittingly directed. He appears to have utilised all known sources of taxation: imposts direct and indirect, on land, on houses, on persons, on manufactures, on commerce, on imports and exports; all had a place in his fiscal system. The revenue of remote provinces was farmed to men of wealth and influence, or of vigour and capacity, and they were invested with powers of government in the exercise of which they experienced little interference, provided that revenue was regularly remitted. Military chiefs, who enjoyed the revenue of jagirs, or assigned tracts of land, on condition of furnishing armed contingents, also exercised practically unlimited authority in their jurisdictions. These farmers and jagirdars had under them local agents, or kardars, who exercised such administrative functions as were recognised, and of these the only one of importance was the collection of revenue. In tracts, neither farmed nor held in jagir, and known as *khalsa*, the kardars were under the nazim, or local governor of a group of districts, who was directly responsible to the maharaja and his informal council, or cabinet; but their positions depended largely on the influence which they could command at court, and on their success in collecting revenue. In Ranjit Singh's later years central control was much relaxed and the system of farming became more prevalent. Land-revenue was collected as a rule direct from the cultivator in the shape of a fixed share of the produce,[4] except in the case of crops, such

[1] *Adm. Rep. Panjab*, 1882–3, p. 23; Ibbetson, *op. cit.* pp. 34, 35; *Adm. Rep. Panjab*, 1911–12, pp. 16–17. [2] Ibbetson, *op. cit.* chaps. iv and v; *Panjab Sett. Manual*, p. 17.
[3] *Adm. Rep. Panjab*, 1849–51, sect. I, pt II; 1882–3, p. 25; *H. of C. Papers*, 1849, vol. XLI.
[4] *Panjab Sett. Manual*, chap. iv.

sugar-cane and cotton, which could not readily be divided. In lieu of the actual share of the crop its estimated money value was sometimes taken, common shares being one-third and two-fifths, with one-half on the more fertile lands. Numerous additional dues in cash or kind were also collected, and cultivators of all grades were treated on the same footing without reference to any distinctions of superior or inferior rights on land, though occasionally the leaders of the village community received a measure of indulgence. Joint responsibility of its members for the payment of land-revenue was not enforced, except rarely when a few of its leaders were allowed to engage for a lump sum, and then they tended to assume the privileges of landlords towards the rest of the cultivators, who fell back into the position of tenants.

There were no definite and regular courts of justice, though there was a judicial officer, termed the *adalati*, in Lahore. Private property in land of a kind was recognised and in principle upheld, and the general corporate existence and obligations of village communities were maintained, while disputes were settled to a minor extent by the local authorities, but mainly by private arbitration, resort to which by means of a comparatively organised system of committees, or *panchayats*, was widely practised. There were local police officers, but their functions were more often political and military than civil, their duty being to check local disturbances and to arrange for the movements of troops. There was no excise system, the production and sale of liquor being quite uncontrolled. All officials enjoyed much licence, but cultivators were not as a rule needlessly oppressed if they paid their revenue. The criminal law was unwritten and contained mainly two penalties, fine and mutilation. The first usually secured immunity from further punishment for almost any crime; the second when inflicted being reserved for offences such as adultery, seduction and robbery. Imprisonment was unknown and capital punishment rare. Ranjit Singh allowed his favourites great power, at first no doubt as a counterpoise to the influence of the leaders of the old Sikh confederacies, but later from the compulsion of physical weakness. Excessive oppression, however, was restrained, and from the Satlej to the Indus general peace prevailed. His comparatively mild rule, though a military despotism, was not unsuited to the martial genius of his people, and not unpopular, except with tribes whose aristocratic traditions invited levelling repression from the Sikhs. But based on the goodwill of his army, it contained no element of permanence, and after his death in 1839 chaos rapidly ensued.

The results of the Sikh wars—the temporary arrangements made in 1846 for the administration of the trans-Satlej Panjab, followed by its complete annexation in 1849—have been narrated elsewhere. Here we are only concerned with administrative development.[1] The

[1] *Adm. Rep. Panjab*, 1849–51, pp. 12–13; *H. of C. Papers*, 1849, vol. XLI.