



tribal societies we cannot of course trace any early idea of kingship which are specifically Hindu, it is, I think, in the hills and comparatively inaccessible tracts left aside by successive streams of invasion, or passed or touched without being overwhelmed by its rising or subsequently receding flood, that we are most likely to find trustworthy and enduring testimony as to the character of society and politics in the remote past of India or amongst the tribes and castes of which Indian populations are composed. This is another reason, in addition to that afforded by the unsparing demolitions of Muhammadan supremacy, for ransacking out of the way parts of the country in the search for kingship or sovereignty in its early forms.

Where the Himalayan system of mountains sweeps round the north-west corner of India it breaks up into rugged masses of successive chains of hills, the first of them, with only one wide break, fronting our dominions from Pesháwar to Karáchi, and the others, with the intervening plains and valleys, constituting Afghánistan and Beluchistan. From Sukkur to Sibi there is a wide open plain, much of it a desert of the Indian type, and much of it, when peace is secured, available for cultivation. To the north of this region, between the territories which are held in the grip of the Amir of Afghánistan and the British districts, the hills and valleys are inhabited by a multitude of Pathán tribes, which, though Kábul may sometimes claim from some of them a very shadowy allegiance, and most of them have direct relations with ourselves, are really independent and free from all interference in their internal concerns. The Pathán country also extends far east of the Sulaiman Range, and includes our districts of Pesháwar, and Kohát, the Bannu Valley, and a part of the Dera Ismail Khan district. Below Dera Ismail Khan lies the Baluch country, which stretches away to Khelát. Many of the Baluch tribes acknowledge the supremacy of the Khán of Khelát; but he is dependent on the British Government, and the Baluchis generally are controlled either by the authorities of the Dera Gházi Khán district and their superiors in the Punjab or by the Governor-General's Agent for Baluchistan and his subordinates.

The contrast between the democratic constitution of the northern or Pathán tribes and the remarkable supremacy in Baluch tribes of their hereditary *tumandárs* or chieftains, has been the subject of comment in many official documents. A Baluch is more unlike a Pathán than a Frenchman is un-





like an Englishman; but, notwithstanding great and striking differences, it may be said that all or most of these tribes, Baluch and Pathán alike, possess certain features in common. In all, the tribal organisation of clans and sections united by the fact or fiction of common descent is well preserved; all have a tribal territory, where the tribesmen claim the chief rights in the soil; in all, revenge for injuries is a sacred duty, and the vendetta is maintained from generation to generation. There is the fiercest jealousy of female honour; but elopements are one of the most frequent causes of lasting blood feuds. Where the controlling hand of the British Government has not interposed to allay tribal disputes, warfare between tribe and tribe is common or incessant. Many tribes may be said to be predatory—that is, to look to the plunder of strangers as a principal means of subsistence. Internal tribal affairs are dealt with by tribal councils, and feuds are sometimes composed by the exchange of betrothals or by money compensation for loss of lives or cattle. All these are well-known marks of primitive societies in the tribal stage.

The predatory instincts of the Baluch tribes have been repressed in the pacification of Baluchistan and the Dera Gházi Khán border, which has been effected during the past twenty years, chiefly by the abilities and force of will of the late Sir Robert Sandeman. Over the clans and sections of clans of these tribes are headmen, whose office is hereditary like that of the *tumandár* or chief in the tribe at large; and he consults with these headmen in matters of importance. By means of the subordination of the headmen, obedience and responsibility run through the whole tribe. In the old days the chief was entitled to one-fifth of the tribal plunder. When the Baluchis came down from the hills and settled on the plains, they parcelled out, according to their tribal sections, the lands which they acquired; and it is said that the *tumandár* retained a considerable private estate for himself and his family; and it is probable that where he was a strong man he had the right to provide for the cultivation of waste lands and of lands deserted by their occupants.

An almost identical constitution has been attributed to Pathán tribes; and the tribal chief, where there is one, is, as with the Baluchis, the leader in war. But the stubbornly independent character of clans, sections, and individuals, leaves the Pathán chief, if any there be, little real authority. The habit of implicit obedience which distinguishes the





Baluchis is altogether wanting; and the Patháns generally do each what is meet in his own eyes. In some few Pathán tribes there is a system very like civilised party government: the leading men of one faction direct affairs for a time, and are then turned out, generally without fighting, to make room for the leading men of the other faction. For centuries no strangers have been safe in the Pathán hills; and even the men of one clan cannot ordinarily pass safely through the lands of their neighbours. In the Baluch country the strength of the chief results in something like government within the tribe. If you can command the *tumandár*, you can control the tribe. But with Patháns the case differs. Family feuds and clan jealousies are continually rife, except when they are momentarily forgotten, if all sections unite for the time to repel a common enemy. There is good reason to believe that in the normal constitution of a Pathán tribe there is no tribal chieftainship, the common affairs and such rough substitute for government as may be supposed to exist being conducted by *jirgas* or councils of the elders of the numerous clans and sections which, in combination, form the whole tribe. I have, however, obtained from the Pesháwar division information which clearly shows that in some few tribes there is a rudimentary or atrophied chiefship and a *khán khel*—one particular section or extended family in which the chiefship is supposed to reside, and from which the chief, if any, would be taken. In the Hasanzai clan of the Yusafzai tribe there is a *khán khel* in which is vested the nominal chiefship of three clans prominent in the recent history of Black Mountain expeditions—the Hasanzai, Akazai, and Madakhel. The Khán or chief is elected by these three clans. He has some but not much authority; and the Khanship, the election notwithstanding, probably descends by primogeniture except when a brother succeeds in preference to a minor son. In the Madakhel clan there is a *khán khel* section to which some of the leading elders belong, but this clan has no special hereditary chiefship with rights attached to it. I have counted thirteen other tribes or clans possessing a *khán khel*; and the fact that a *khán khel* is found in tribes like the Duránis or Ghilzais, which have furnished dynasties, or in tribes like the Mohmands and Khataks, which have come in contact with the Moghal and Persian empires, and have had chiefs appointed or recognised by some distant suzerain, suggests that the true Pathán institution is the *maliki*, the headship of elders of sections, who meet, on tribal



affairs, in democratic tribal councils. The Khanship of the Mohmands beyond British territory, which is recognised by the Amir of Afghanistan and by ourselves, is something more than a rudimentary chiefship. For an instance of an apparently atrophied chiefship I may quote the Orakzais. The present representative of the *khán khel* of this tribe lives in the Peshawar district and enjoys a grant of land revenue made by the British Government. But the influence of the leading family in the tribe generally is faint.

It is curious to note some of the results of the contact of our formal and legal system with these fluid, primitive, tribal institutions. The late Nawáb Sir Khwája Muhammad Khan of Teri, in the Kohát district, was the chief of the Western Khataks. The Teri country is a British *tahsil*, or sub-division; and we gave the chief a lease of it on a small quit-rent and made him a magistrate and sub-collector under British laws. The Tanáolis of the Hazára border, south of the scene of the late Black Mountain expeditions, are not Patháns; but they are a frontier tribe of a Pathán type, separated only by the Indus from the Pathán country. The possessions of their chief even reach across the Indus. That chief, the Nawáb of Amb, holds a curiously complicated status, illustrative of the subtle variations of Indian sovereignty. Across the Indus, in his tiny territory of Amb, he is subject to the British Government only in the same way that any raja or nawáb of the Indian system is subject to the paramount power. On the near or east side of the Indus he governs, in purely patriarchal style, his domain of Feudal Tanáwal, which is nevertheless British territory and theoretically, though not practically, subject to all the laws which are in force in the Hazára district. South of this tract lies the Nawáb's *jágír*: certain villages, that is, of which he holds the land revenue assigned to him by the British Government, but in respect of which he is in exactly the same position as the numerous other *jágírdárs* or assignees of land revenue in other parts of the Punjab. He thus holds the triple status of a feudatory chief, a governor of part of a British non-regulation district, and a grantee of certain British revenues. In such ways have we sometimes availed ourselves of the services of these frontier chieftains, and, with due allowance for the special requirements of a very primitive part of the empire, permitted the exercise of powers on their part in some cases absolutely identical with those of our ordinary paid officials.



It is now necessary to refer to some elementary matters which would require no explanation to officers of Indian experience, but which, nevertheless, deserve to be mentioned here, because, without a clear comprehension of them, what follows could not be understood. In the formation of states and empires predatory violence may pass by degrees into legitimate taxation and the levy of tribute. The existence of legitimate taxation—that is, of an acknowledged right on the part of some recognised authority to receive a portion of the income of the community—is, I take it, one of the marks which distinguishes societies possessing settled government from merely predatory societies. Without taxes the king can neither arrange for the civil administration nor pay the military force which preserves the state from external attack and internal commotion. When the right to take the tax has not been admitted, the chief who claims it, except as regards his own clan, is merely in the position of a successful plunderer. Now, I think the most fundamental idea connected with the position of the typical Hindu raja is that he is the rightful recipient of a share of the produce of the soil, which in an agricultural country is of course the great source of income. Just as the barter of commodities precedes purchase and sale by means of a currency, so payment of the king's dues in kind precedes their payment by a money commutation, either estimated with regard to the outturn of the harvest or fixed for a term of years. The king is not the only sharer; the husbandman must have his subsistence, and in proportion as he is able to retain more or less surplus over his bare subsistence he has a more or less valuable proprietary right. There are other classes, also, who have claims upon the crop. Perhaps one of the safest things that can be said about Indian affairs is that all generalisations upon them, if stated without limitations and exceptions having reference to local peculiarities, must be wrong. But if there is any safe generalisation possible, I think it is that the theory of a permanent right of occupation on the part of the cultivator conditioned on payment of the king's share of the produce is, or has been, practically universal throughout the land. Even here, however, it is necessary to add that there were parts of the country where this original theory had been so obliterated by the weakness of the cultivator and the rapacity and violence of his masters, that we found ourselves unable to act upon it when we took over the business of a ruling power.



Now, if we look at Indian societies from the point of view of the rulers rather than of the subjects, we find that under a great variety of denominations there are in the main two sorts of grants which are made by the king—a word I use here to cover the cases of *pādshāhs*, *nawābs*, *maharajas*, *rajas*, *rānis*, and the like,—all who have exercised sovereignty. In the first place, the king grants waste or deserted lands for purposes of cultivation, on the condition of the payment of his share of the produce, often with a remission or reduction in the case of lands actually waste, not merely deserted by recent occupants. In this case the grantee acquires that conditional right of occupancy which I have just described. Secondly, the king grants the right to take the whole or a part of his own share of the produce of lands already occupied—that is, the *hākimi hissa*, the *hissa* or share belonging to the *hākīm* or ruler. In this case the grantee may be regarded as merely taking the place of the king; and under native governments and often under our own the grantee collects the tax through his own agents. By usurpation, or even by direct additional grant, the grantee may also take various extra cesses, which may or may not be of his own imposing; he may also take firewood and other things in kind, service without payment, and so forth. Sometimes these grants were assignments for the support of troops; as, for instance, when a king in want of cash practically told his commanders that they must find subsistence for themselves and their troops by saving him the trouble of collecting his dues in certain localities, an arrangement which, having originated in impecuniosity and plunder, might be regularised by custom after a time. Sometimes grants of this kind were assignments for the support of religious or charitable institutions, for temples or shrines or travellers' rest-houses. In this case they were commonly perpetual. Again, the grants might be rewards for service, provision for junior members of the ruling family, the means of subsistence for rajas who had been conquered and deposed, or salaries connected with high Muhammadan titles or offices in the empire. In these cases the grants might be perpetual or purely personal; but resumptions were frequent and often arbitrary, and if succession was allowed, a heavy fine or bribe was often taken. The king's share was usually represented by a money payment; and a very frequent name for the grant of it is a *jāgīr*—(I have already mentioned the Nawab of Amb as a *jāgīrdār*, or holder of a *jāgīr*)—a word



which is said to be derived from the Persian *jâ*, a place, and *giriftan*, to take, the *jâgirdâr* taking the place of the ruler.

Keeping to the plan of going to out-of-the-way parts of the country for the best evidence as to original arrangements, I insert here, as another elementary preliminary, a description taken from the frontier district of Dera Ghâzi Khan of the division of the produce, say, of some twenty or thirty acres. First of all, a varying share of the grain, usually one-fourth, is set aside as *mahsûl*, that is, as the *hâkimi hissa* or government share of the produce. Whoever takes this is responsible for the payment of the revenue, unless he is himself the ruler or it has been remitted in his favour. Of the remainder, a small portion, usually a sixteenth or a seventeenth, is a proprietary due; for proprietary rights were in this district of old standing. The proprietor may or may not be the actual cultivator. Various small shares are then set apart for the *tumandâr*, or tribal chief (who also takes the *mahsûl*), for the remuneration of village servants, the weighman, potter, carpenter, blacksmith, winnower, shoemaker, and watchman; or for charity, as for some local shrine or holy beggar or village priest. What then remains goes to the cultivator, who, in the particular case I have before me, got about seven-twelfths of the whole.

If we bear in mind this sort of division of the produce, and remember that the *mahsûl* or *hâkimi hissa*, the king's share, may be variously assigned, in kind or cash, may be divided, part going to one person and part to another, may be farmed out for a stated sum or for a percentage on the collections, or may even be sold by auction to the highest bidder; and if we further recollect that the proprietary rights of the cultivating classes are strong or weak according as more or less is left to them after the king's share is taken, we shall have the clue which will enable us to understand many of the most important complications of sovereignty in India. With this explanation I pass on to the typical Hindu *râj* or principality of the Punjab Hills.

The principalities of these hills are of very great antiquity; they were little affected by Moghal dominion and not so much affected by Sikh dominion as to obscure their original character; and they have been fully, and, if I may be allowed to say so, most admirably described, in the Kangra Settlement Report of Sir James Lyall, lately Lieutenant-Governor of the Punjab.





Below the south-eastern provinces of Kashmír and a good many miles above the line of rail from Saháranpur to Amritsur is a mountainous region comprising parts of the Western and Central Himalayan ranges and the comparatively low Sewálíks abutting on the plains. Some of the remoter mountains rise to 15,000 or 18,000, or even 20,000 feet above sea level, and much of the country consists of forests and grazing grounds or impracticable precipice and crag. But in valleys and on hill-sides at the lower elevations there is much cultivated land; and terraced fields surrounding picturesque and scattered homesteads are often the foreground to vast woods of pine and cedar crowned in the far distance by perpetual snows. This country, traversed by the Sutlej, is the source or gathering ground of many rivers; from it the Chenáb, the Rávi, and the Biás, make their way westwards to the Punjab plains; and at or not far from its south-east corner the Jumna and the Ganges debouch on the flat country of Northern Hindustan. It includes Kángra Proper, Kulu, Lahoul, and Spiti, the Simla district, and the Simla Hill states. But with Lahoul and Spiti we are not here concerned, as they are Thibetan, not Indian districts.

This land of mountains has immemorially been divided into numerous petty states. The tradition, for instance, is that between the Sutlej and the Chenáb there were twenty-two principalities, eleven on either side of the Rávi. Of the eleven principalities south of the Rávi—viz. Chamba, Mandi, Suket, Kangra, Síba, Goler, Jaswán, Núrpur, Kulu, Datárpur and Bangáhal—only the first three are still feudatory states of the empire. In some, but not all, of the other cases the representative of the ancient family holds a part, generally a very small part, of the old principality in *jágir*, and is usually an honorary magistrate. None of these political *jágirdárs*, as they are called, retain any vestige of sovereignty. The set of eleven rajáships to the south of the Rávi is described as the Jullundur Circle; and at the head of it was the Katoch Raja of Kángra. The circle on the other side of the river is called the Dogra Circle, and the headship was vested in the chief for the time being of Jammu, which is now incorporated in Kashmír.

The Katoch Raja of Kángra was the head of a very ancient and famous Rájput dynasty, which before the Muhammadan invasions of India held in sovereignty all Kángra and the Jullundur Doáb, and which may be compared with the most illustrious families of Rájputána. The



Datwál Rájputís of Datárpur, the Golerias of Goler, the Jaswáls of Jaswán, and the Síviyas of Síba were offshoots of the same stock. In ancient Hindu times the chiefs of the smaller Rájput states of these hills seem to have held the same position under the Katoch kings that the more important *thákurs* or barons hold under the rajas of Rájputána; but in Muhammadan times they became independent of the Katoch raja and were recognised by the emperors as rajas and *zamindárs* of their states. The emperors do not appear to have subjugated these hill rajas till the time of Akbar the Great (1556 A.D.). When strong they took tribute from them and sometimes annexed part of their states as imperial domains, but out of respect for the strong root they had in the country never entirely ousted them. The custom of primogeniture prevailed in all these families. The eldest son became chief and lord of the whole territory; the younger branches got only small maintenance grants of land or money and merged in the clan. Sometime about 1788 A.D. the great Katoch chief, Sansár Chand, successfully endeavoured to revive the ancient sovereignty of his family over all the Rájput states between the Sutlej and the Rávi, no doubt intending to continue the chiefs in part possession under himself as *jágirdárs* or feudatories. The Raja of Biláspur called in the Gurkhas against him, and Raja Sansár Chand, when in desperate circumstances, sought the fatal aid of Maharaja Ranjít Singh. It was afforded; but this was the prelude to the complete conquest of the lower hills carried out by the Sikhs between 1813 and 1828.

On the conclusion of the first Sikh war, when the Jullundur Doáb was ceded to the British Government, the question of the treatment of the Hill rajas who had been dispossessed by the Sikhs came under consideration. In many cases rajas deprived of their territories by the Sikhs had accepted from them *jágirs* for their support. When we succeeded the Sikhs in this part of the country after the first Sikh war we did not treat the Hill rajas with liberality. The principle we observed was to restore nothing that the Sikhs had taken. Small principalities were in great disfavour in those days, because many of the Cis-Sutlej states had been previously mismanaged, and had either aided or sympathised with our enemies in the war just brought to a close. Discontent led to rebellion in some cases during the second Sikh war, followed in necessary course by confiscations. These Hill rajas have thus





been unfortunate in comparison with their brother Rájput chiefs holding the twenty petty states of the hills surrounding Simla. The Simla states are for the most part very small; thirteen of them have less than 100 square miles of territory; and of these four have less than ten square miles. Here we succeeded the Gurkhas in 1815; and, as we have annexed or acquired very few tracts in this part of the Hills, the status of the rajas has not been investigated in the same detail as in Kulu and Kángra. But there is good reason to believe that in the Simla Hills the tenures of land, as between the rajas and the people, closely resemble those which have been fully described for the adjoining territory.

I will now transcribe a most valuable passage from Sir James Lyall's Kángra report.

‘Under the rajas,’ he writes, ‘the theory of property in land was that each raja was the landlord of the whole of his *rāj* or principality, not merely in the degree in which everywhere in India the state is, in one sense, the landlord, but in a clearer and stronger degree. The Moghal emperors, in communications addressed to the Hill rajas, gave them the title of *zamindár*—i.e. landholder. Documents are preserved in some of the rajas’ families in which this address is used. The raja was not, like a feudal king, lord paramount over inferior lords of manors, but rather, as it were, manorial lord of his whole country. Each principality was a single estate, divided for management into a certain number of circuits. These circuits were not themselves estates like the *mauzas* (villages) of the plains; they were mere groupings of holdings under one collector of rents. The waste lands, great or small, were the raja’s waste; the arable lands were made up of the separate holdings of his tenants. The rent due from the holder of each field was payable direct to the raja, unless he remitted it, as an act of favour to the holder, or assigned it in *jágir* to a third party, in lieu of pay, or as a subsistence allowance. So also the grazing fees due from the owner of each herd or flock were payable to the raja, and these were rarely or never assigned to any *jágirdár*. The agents who collected these dues and rents, from the *wazir* down to the village headman, were the raja’s servants, appointed and paid directly by himself. Every several interest in land, whether the right to cultivate certain fields, to graze exclusively certain plots of waste, work a water-mill, set a net to catch game or hawks on a mountain, or put a fish-weir



in a stream, was held direct of the raja as a separate holding or tenancy. The incumbent, or tenant at the most, called his interest a *wárisi* or inheritance, not a *málikí* or lordship.

‘The artisan and other non-agriculturists resident in villages held their *láhrí bási*, or garden plots, of the raja, not of their village employers and customers, and paid their cesses, and were bound to service to him only. They were not the only class bound to service; the regular landholders were all liable to be pressed into service of some kind, military or menial. The rajas kept a tight hold upon the wastes; certain portions of forest were kept as *rakh*, or shooting preserves, and trees, whether in forest or open waste, could not be felled except with the raja’s permission. No new field could be formed out of the waste without a *pattah*, or grant from the raja. No *wazír* or other revenue agent, and no *jágírdár*, could give permission to reclaim waste. Such a power was jealously withheld, as it might have led to the growth of intermediate lordships. I have heard it said that, from a feeling of this kind, *wazírs* or *kárdárs* were never chosen from the royal clan, and *jágírs* were generally given in scattered pieces. Certain rights of common in the waste round and about their houses were enjoyed, not only by the regular landholders, but by all the rural inhabitants; but these rights were subject to the raja’s right to reclaim, to which there was no definite limit. All rights were supposed to come from the raja; several rights, such as holdings of land, &c., from his grant, and rights of common from his sufferance.’

Although the raja was not a lord paramount over inferior lords within his own country, he might, as will have been seen from what I have said as to the history of the country, be a lord paramount over other rajas holding states similar to his own. In another part of his report Sir James Lyall writes that the hilly portion of the Katoch kingdom was ‘portioned out among subordinate chiefs or princes, of whom some of the strongest became independent when the Katoch kings lost their prestige and were driven into the hills by the Muhamadans. Probably the eleven principalities of the Jullundur Circle first took definite form about this time.’ There is a tradition that the time of the rajas in Kulu was preceded by a *thákuráin* or period of government by *thákurís*, petty chiefs here of a few villages. But Sir James Lyall thinks that without a lord paramount, and with no bond of confederacy, such diminutive states could never have existed side by side





in lawless days for any length of time ; and he surmises that, with intervals of perfect independence in periods of confusion, they must have been more or less subject and tributary to some stronger power, probably that of the Suket raja. I mention these practical qualifications of the assertion that the raja was not a lord paramount, lest it should be thought that the evidence from the Punjab Hills is against the belief in a tendency of Indian rajas to range themselves, whether by compulsion or otherwise, under the hegemony of some paramount power ; whereas the real effect of the evidence is either to confirm such a belief or to suggest it.

Though I know nothing that throws more light on one form of the primitive Hindu *rāj* or principality than the description I have quoted from Sir James Lyall, it must be remembered that the account he gives is strictly limited to the hill country and is not intended to apply to the plains. No doubt the Hillraja was much more of a landlord than any Indian government ever was in the Punjab outside the Hills. Various reasons are suggested by Sir James Lyall to explain the difference. The formation of petty principalities, the sole lordship of the chief, the custom of primogeniture in his family, and the contempt of the plough and the business of farming which here exists amongst Rājputs and Brāhmans, may be partly due to the invasion of the hills by these races as conquerors and the military order which the invaders would have to maintain to keep down a subject race. Probably also the physical difference between a mountainous and an open country has contributed to the difference of tenures. The proprietors of old villages in the plains of the Punjab would truthfully or merely boastfully assert that their ancestors found the land waste or acquired it by purchase or conquest ; they would rarely attribute their first title to the grant of any superior authority. But the hill peasant's strongest idea of hereditary right is that of a right derived from the written grant of the raja. Free tribes occupying an empty land or driving out the indigenous inhabitants would readily settle, in a flat defenceless country, in large villages of considerable strength. But in the hills the houses had to be scattered to be near the cultivated fields, and 'no single hamlet was strong enough to stand by itself, so all had to put themselves for protection under some territorial chief and to unite under his leadership to defend themselves against outsiders.' On the other hand, it is noteworthy that the existence in great tracts of country of strong village



communities facilitated mutations of political power. Perhaps one reason why these Hill Rájput principalities managed to last so long was that the absence of the village commune gave great strength to the raja's hold upon the soil. The villages of the northern plains were capable of managing their own internal affairs and resented interference in them. They had to pay the king's share of the crop when the king for the time being was strong enough to exact payment. Hence, so long as they could avoid giving up more than the customary share, it mattered little to them whether they paid to one ruler or another. Conquest and annexation meant in the old days little more than a demand for revenue from a greater number of villages, and the ejection of some predecessor who made a like demand before. But the readiness with which political conquest might incorporate these tiny republics in ever-varying circles of political jurisdiction did not prevent the growth of sentiments of loyalty and devotion to successful chiefs who won the position of rajas, especially when there was between them and the people they headed or subjugated any tribal or religious tie.

The Hill raja was not only, in a special and restricted sense, the landlord of his territory; he was also the fountain of honour. Instances have been quoted in which a raja promoted men of castes (not much, indeed, below Rájputs) to be Rájputs, the consideration being service done or money paid. Bráhmans were divided into classes of different degrees of purity; and the classification was effected by the rajas, and held binding on the brotherhood. So late as 1872 the power of admitting back into caste persons placed under ban for defilement was a source of income to those ancient rajas, who, under our rule, lost territorial status and became assignees of British revenues with magisterial powers. What is a Rájput, is a complicated question that I will not pause to discuss; but undoubtedly in the hills persons of other than Rájput descent have become recognised as Rájputs in the course of a generation or two. Anyway, the descendants of the twenty-two royal houses of the Jullundur and Dogra Circles, though one or two of these houses are known to be of Bráhman origin, are emphatically and essentially Rájput. They are distinguished by the title of *Mian*, and are entitled to the peculiar salutation of *Jai dia*—(the expression means 'Vive le Roi!' or 'Hail the King!')—offered to no other caste. The raja, however, could extend this honour to high-born Rájputs not strictly belonging to a royal clan.



During the Muhammadan ascendancy these rajas built forts, made war upon each other, and wielded the functions of petty sovereigns. On succession fees were paid to the Delhi emperors, and dresses of honour sent from Agra or Delhi. The rajas were sometimes employed by the emperors or others in important trusts. In 1646 the Raja of Núrpur was sent at the head of 14,000 of his Rájputés against the Uzbeks of Balkh and Badakshan. Another raja was twice deputed by Aurungzib to the charge of Bamian and Ghorband, on the western frontier of the empire, eight days' journey beyond Kábul. So also in 1758 the Kángra raja was appointed by Ahmad Shah Duráni to be governor of the Jullundur Doáb and the Hill country between the Sutlej and Rávi. In our own times rajas have been called to the Legislative Council of the Governor-General. The late Maharaja Sindhia had an honorary commission as general in the British army; rajas have commanded their own troops as our auxiliaries; and under the recent war service arrangements they may, in time of need, command their own troops as our auxiliaries again. It is true that we do not allow the building of forts or warfare between states, but the general position of the Hill rajas under the Delhi empire, so far as it goes, suggests that the framework of our present Indian political system was, as I have said, an inheritance from the Moghals.

The theory or tradition that the headship of the Jullundur and Dogra Circles was vested in paramount rajas shows, too, that in this part of India ideas of suzerainty preceded Muhammadan conquest. I am about to describe from the Settlement Report of Mr. Benett the status of the rajas in the Gonda district of Oudh; and it is noticeable that the same feature—the tendency of the smaller rajas to unite under the hegemony of the most powerful state—is discernible also in that quarter. The rajas, says Mr. Benett, on doing this, 'did not in any way sacrifice their independence within their own territories, though they rendered themselves liable to the payment of tribute, and to a call to service against a common foe. When the Chinese pilgrim saw eighteen subject rajas draw the barge of the King of Kanauj, we may be sure that for political purposes the lord paramount dealt with each of the subject states as a separate unit through its raja, without himself interfering in its internal government. The tendency is a very old one, and is reflected in the title of Rájadhiráj, and in the institution





of Tilakdári rajas, whose investiture was sought by all the chiefs within the confederation.'

The Gonda district lies on the edge of the main sweep of the Delhi empire in Northern India. It is situated to the north of Oudh and on the border of Nepal. What Oudh is to the rest of India, that Gonda is to the rest of Oudh—pre-eminently a Hindu country. This district was formerly parcelled out into small territorial divisions, each forming a political unit in itself, each, in fact, being a *rāj* or principality of much the same type as those of the Punjab Hills. A certain portion of the produce was reserved everywhere as the right of the state or raja, whose rights further extended to a number of miscellaneous manorial dues and ordinary taxes. The Gonda *rāj*, like the *rāj* of the Punjab Hills, rested on a territorial basis; and the raja was always theoretically or actually a Chhatti or Rájput, except in one instance, that of Utraula, where a Muhammadan freebooter founded a dynasty and took the title of raja. Here we have as a known fact, what is a conjecture in the Punjab Hills, the immigration of a set of conquering Rájputs into a country then mainly inhabited by people who may be described as autocthones—sons of the soil—some of those humble castes or tribes which in the absence of any trace of an earlier population we are in the habit of calling aboriginals. This Rájput immigration appears to have occurred about the beginning of the fourteenth century, so that the dynasties cannot compare, in point of antiquity, with those of the Punjab Hill states. In type, however, they are hardly less archaic. As in the Hills, so here, the population is scattered in hamlets, not congregated in strong, almost fortified, village homesteads. In other parts of the province of Oudh the people were driven to seek safety by holding together in that way; but the wars of the few great rajas who held Gonda were not very frequent or destructive, and the raja was usually strong enough to keep in check the turbulent spirits who took to gang robbery as a profession. Thus the people were able to make their homes near their fields, where they could better defend their crops from the ravages of wild animals; and this practice was strengthened by the habit of taking up small assignments of forest by single families.

Every *rāj* was confined to a definite tract of country enclosed by recognised boundaries; the raja could, and did, in time of need call out his people as a militia; civil disputes





were mostly settled by *pancháyats*, or caste councils, whose orders were enforced by caste penalties; but in many cases the raja was the judge, as in contests between neighbouring villages about boundaries or grazing rights. The rajas of Gonda and Utraula, Mr. Benett tells us, when dispossessed of the direct collection of the revenue in nearly every one of their villages, used still to spend hours daily in court as judges in the peasants' disputes. Waste lands were absolutely at the disposal of the raja; and he was the sole owner of forest produce, subject to certain rights in grazing and fuel which were reserved to the cultivators. He could assign his rights, and the assignees were known as *birtias*, the cession itself being termed a *birt*. There were also grants of a part of the raja's rights to Bráhmans or ascetics, grants of his rights in wood, water, and roads, and of a fourth of his share in the grain-heap on division of crops; and grants, limited for a stated period for the purpose of bringing waste land under cultivation. The *rāj* was indivisible, and the rule of primogeniture necessarily obtained, though exceptions may sometimes have been made on the ground of the fitness or unfitness of particular candidates, the chieftainship being kept in one family. The basis of the whole society was the grain-heap, in which the several members had their customary and definite interest. I need not detail the division of shares. It will suffice to say that the raja's share was known as the *hissa sirkári*—the government share; the deductions from the whole as *bhatta*; and the husbandman's share as *hissa rayati*, the share of the *ryot* or cultivator. Provision was made for shares for the ploughmen employed by Bráhmans and Rájputés, whose caste forbade them to drive the plough; for the cutters and threshers, for the village servants and village priest, and for a headman, appointed by the raja, whose services were often dispensed with where there was a *birtia* to intercept a part of the raja's share of the crop.

Anyone who will now turn to the admirable account of the Rájput states of Rájputána given by Sir Alfred Lyall in his 'Asiatic Studies' (pp. 181--227) will, I think, at once perceive that, in the history of early institutions, the peculiar form of sovereignty there described stands midway between tribal chiefship and territorial chiefship. It is later in type than the tribal chiefship of the Punjab frontier; it is earlier in type than the territorial chiefship of Gonda and the Punjab Hills. Indeed, an attentive examination of Sir Alfred



Lyall's clear and telling analysis will show us the transition from the earlier to the later form in actual process.

'A Rājput state,' Sir A. Lyall tells us, 'where its peculiar structure has been least modified'—that is, in Western Rājputāna—'means the territory over which a particular clan, or division of a clan, claims dominion for its chief and political predominance for itself by right of occupation and conquest. A Rājput chief is the hereditary head of a clan whose members have for centuries been lords of the soil, or of the greater part of it, within the state's limits.' There is a connection here with the soil; but the raja is a tribal chief, and is supposed to be the eldest male of the oldest line, the nearest legitimate descendant in the direct male line from the founder of the state. There is a wide and obvious difference between this idea and the idea of a raja in the Punjab Hill states and Gonda, where he is a lord of the manor, including the wastes, and society is held together, not by the cement of blood or kinship as in præfeudal Rājputāna, but by customary rights to share in the produce of the land. In the western states of Rājputāna 'the whole territory is understood (for there are exceptions to every rule in Asia) to be divided off and inherited among the branch families of the dominant clan and their offshoots. The chief himself possesses the largest portion, though not always a larger portion than the aggregate holdings of other families, and apports very large grants to his nearest agnatic kinsfolk, providing of course for his wives and his predecessors' widows, and sometimes for their relatives.' The hereditary heads of the branch septs hold large tracts, and in the west exercise almost complete jurisdiction within their own domain, though not over all the domains of their family. But in some of the eastern states they are little more than grantees of land or of rents assigned to them, paying some sort of fee to their suzerain, having a right to maintenance, as the chief's kinsmen, but without political power. 'In the Eastern Rājput states, which were most exposed to the disintegrating ravages of the Moghal and Marhatta, the tribal organisation has been much effaced politically, and the chief has centralised his power and acquired almost complete jurisdiction over the whole of his territory.' 'It is manifest that these eastern states have long been rapidly sliding into the normal type of ordinary Oriental government, irresponsible personal despotism.' In other words, if we contrast Eastern and Western Rājputāna, we see that there is a transi-





tion in progress in the east, and it takes the form of a change from a tribal chieftain to a territorial despot.

In the Jullundur Circle of the Punjab Hills the same goal was reached by a different route. Instead of the king ousting the jurisdiction of his barons, the barons established jurisdictions independent of the king. The Datwáls, the Golerias, the Jaswáls, the Siviyaś, offshoots of the original royal stock, succeeded in setting up separate principalities for themselves. Perhaps this was partly due to the nature of the Hill country, the lofty slopes, extensive forests, impracticable rivers, and secluded glens of a bewildering mass of mountains facilitating the severance of political jurisdictions, and loosening the ties of fraternity in the immigrant conquering tribe. In Gonda, and in some cases in the Punjab Hills, I think the severance of jurisdiction was caused by the independent immigration and conquests of tribes of different stocks. At any rate, I do not think it will be seriously questioned that 'a group of tribal suzerainties rapidly passing into the feudal stage,' such as we see in Rájputána, is, on any working hypothesis as to the probable course of political development, an earlier formation than the manorial principalities of Gonda and the Kángra Hills.

It remains to show that the Rájput organisation described by Sir Alfred Lyall is a later political growth than the organisation of the tribes of the Punjab frontier. The *thákurs* or barons of Rájputána, rendering military service to the chief and such general obedience as he can enforce, but regarding themselves as his brethren, holding by as good a right as he, and ready if their privileges are too far infringed to take the quasi-constitutional course of rebellion or outlawry, form, in cases of dubious succession, a sort of irregular diet for the election of the chief. Perhaps it is not altogether fanciful to see in these occasional convocations of heads of sections a survival of tribal councils like those which habitually advise the Baluch chieftains and practically conduct whatever may be the rather remote approximation to government in Pathán tribes. At all events, when the Karauli heads of branch families met and elected a man of full age descended from an ancestor of the late chief, they did just such a thing as might be done by the *jirgas* or tribal councils of the Hasanzai, Akazai, and Madakhel. And both the Pathán councils and the Rájputána college of electors would be restricted in their choice very much in the same manner. Though no rule is absolute in primitive society, it



is understood in Rājputāna that the chief must belong to certain families of the founder's kin. The Hasan-zai and others would have to choose from the leading section, the *khān khel*. But whereas the *khān khel* amongst Pathāns is a rare institution, the rule in Rājputāna that the successor must be chosen from among the branches of the founder's original stock seems well and widely established. I cannot but think that well-established chieftainship is later in growth than rude tribal democracy, and it is manifest that one of the marks of increasing civilisation is the approximation to a settled rule of succession to political power.

Again, it is broadly true that a Pathān tribal country is inhabited by Pathāns, though Hindu traders and various menial classes are to be found, and cultivators who are not Pathāns seek Pathān protection. But the Rājputs of a Rājput state such as is described by Sir A. Lyall are an aristocracy of birth and conquest. It will probably be admitted that a simple swarm of human beings, actually or believing themselves to be related by common descent, is a less complex, and therefore also probably an earlier, organism than a society where historical causes, invasion, conquest, and the maintenance of the dominion of the conquering race, have produced discrimination between a noble class and others. And the Pathāns are, moreover, entirely without that elaborate *jus connubii* which distinguishes Rājputs, and is obviously useful to a dominant race preserving its political power even more by its prestige than by the sword, because it maintains that purity of blood which is the title of the dominant race to social reverence. Pathāns intermarry very closely, avoiding only the prohibited degrees of Islām. Rājputs must marry Rājputs, but their brides must not be taken from the same clan. I do not think that it would be correct to say that Pathāns are either endogamous or exogamous. They have not reached the stage where rules of exogamy or endogamy have importance. Rājputs have reached the stage where these rules are not only most elaborate, but are insisted upon as a vital point of honour. Nor is it difficult to see that these complicated marriage customs must be a fairly late development—if, at least, we suppose that tribes are in the first instance indifferent where their wives come from, but usually take them within the clan till pressure in the wife-market compels them to steal them from outside; that as they advance a little the healthy rule grows up prohibiting the marriage of very near rela-





tions ; and that, as families within which this rule is observed spread out into septs and clans, the original prohibition in an extended form is handed down from generation to generation. The reasons for it, if ever consciously perceived, would be forgotten ; but the customs founded on it might have great and lasting effect if they happened to be of use to a dominant tribe ruling over subjects of a different origin.

Sir Alfred Lyall insists, with much justice and truth, on the profound error of the popular notion that an Indian state under a distinct political designation denotes a territory occupied by a people of one nation under a king or ruler of their own nationality, as in nearly all European countries at the present day. I mention this because it seems worth while to point out that, in suggesting the probability of progress from tribal chiefship to territorial chiefship or sovereignty, I by no means overlook the obvious fact that territorial sovereignty is one thing and territorial sovereignty, which is also national sovereignty, quite another. By territorial sovereignty I mean sovereignty which is associated with a definite portion of the earth's surface, and I mean nothing more. In the general conclusion which Sir Alfred Lyall's argument from the absence of nationalities is meant to substantiate I entirely agree. It is that the British Government has been pre-eminently the preserver of the old native states, which but for it were in imminent danger of destruction. I may add that this is also broadly true—notwithstanding Lord Dalhousie's annexations—of a good many of the modern states. We rescued the old Simla Hill states from the Gurkhas ; some few only of the old Punjab Hill states from the Sikhs ; and the old Rájput states of Rájputána from the Marhattas and Pindáris. We rescued the principal Sikh states—all of recent origin—from Ranjit Singh ; and though it would not be true to say that we rescued any of the newly formed Marhatta states, seeing that we fought with the Marhattas for the supremacy of India, yet, had it not been for us, the Marhatta states would probably have fallen under the dominion of the French, or have been torn in pieces by Pindáris or their own soldiery.

If the Rájputána *thákurs* had broken away from their chiefs and set up separate principalities, we might have had in Rajasthán a repetition of the Kángra hegemony of the Katoch raja and the Jullundur Circle. It is clear that the germ was there, which might have ripened into the relationship of suzerain and feudatory if the political connection





had outlasted the tie of common descent. Considering these cases, we may see that if the political system which we have established in India generally does not precisely agree with principles that have been operative in these purely Hindu societies, it at all events proceeds on a principle so nearly analogous to them that it cannot fail to be easily understood. As for our inheritance in this quarter from the Moghals, I quote Sir Alfred Lyall again. 'Whereas,' he writes, 'up to the reign of Akbar the Rájput clans had maintained a warlike independence, from the beginning of the seventeenth century we may regard their chiefs as having become feudatories of the empire, which was their natural and honourable relation to the paramount power whose territory encircled them, and with whose military power they had no pretence to compete.' This is said of the Delhi empire, and it appears to me to accurately describe the position of these chiefs in relation to the British empire at the present day.

If the evidence collected in this chapter suggests the gradual transformation of the tribal chieftain into the territorial despot, European history suggests a third phase in the progress of sovereignty—the change from the absolute monarch to the constitutional king. Of that phase I see no symptom in India. We may, indeed, persuade ourselves that in the public durbárs or levées of chiefs there is an undeveloped germ of a king's council, and perhaps in the very earliest and the very latest political growths there are some traces of an assembly. There are traditions of old tribal assemblies on the Malabar coast and in the Carnatic. There are the tribal councils of Baluches and Patháns. And in Mysore, a state of our creation fitted out with the latest improvements, there is a curious annual assembly of nominated members summoned to discuss, but not to vote upon, the state programme of the year, and probably possessing no more real power than those democratic assemblies of rural parishes in France which De Tocqueville characterises as empty semblances of freedom. Putting aside such peculiar and transitional forms as those of the Rájput states, so skillfully described by Sir Alfred Lyall, it may be said that most Indian states are in the middle phase. Many Rájput states outside Rájputána, and I think all states of Sikh, Muhammadan, or Marhatta origin, may be rightly termed territorial, but not national, chiefships or despotisms.





## CHAPTER VIII

## SOVEREIGNTY IN THE INDIAN PENINSULA

THAT our present conception of an empire comprising districts under direct administration and dependent states held by subordinate or tributary chieftains is really indigenous, appears to me to be confirmed by the history of the Deccan and Southern India. That history also exemplifies the preservation of important parts of the old rural economy of the country, notwithstanding frequent changes of masters; the continued employment of Hindus by Muhammadan kings; the formation of sovereignties in India by the rebellion or usurpation of officials; and the tendency of states to split up into numerous petty principalities when a central power is broken or removed. This tendency may be the precursor of suzerainties, because in troublous times petty chiefs may find it hard to stand alone, and may seek protection by submission.

Of suzerainty itself we may detect traces, sometimes pretty clearly defined, in the old Vijayanagar empire, in the conquests of some of the chiefs of the Central Provinces, and in the relations of the Gond rajas, the Nizam, and the Marhattas to the Delhi emperors. By examining the old tenures of the east and west coast of the Madras Presidency we may see that the idea of the raja as a lord of the land, the owner of the waste and the recipient of a fixed share of the produce of the cultivated land in money or kind, is by no means limited to the Punjab Hills and the Gonda district. And a glance at the organisation of the Marhatta empire and the rise of the great Marhatta states will illustrate again the intimate connection in India between sovereignty and a share of the rental of land, and the manner in which plundering commanders making predatory claims may tend to become territorial chieftains.

About the time when our Edward I. was consolidating the kingdom of England, Ala-ud-Din, who afterwards suc-



ceeded by many atrocities to the kingdom or empire of Delhi, led to the sack of Daulatabad (identified by Wilks with the Tagara of Ptolemy) the first Musalmán force that ever crossed the mountains south of the Tapti. This was in 1294 A.D.; and other gigantic raids followed, Malik Káfur, a general of Ala-ud-Din, persuading Raja Rámdeo of Daulatabad to accompany him to Delhi in 1306, and subverting the Ballál dynasty at Dwára Samudra, some 100 miles north west of Seringapatam, in 1310-1311—i.e. a year or two previous to the date of the battle of Bannockburn. The Ballál rajas were, or pretended to be, Rájpúts; and the Ballál territories at their greatest extent included the whole country where Kanarese is spoken (that is, Mysore and some surrounding districts), as well as the Tamil country and parts of Malabar and Telingána. Telingána is the old name for the northern and eastern districts of the Madras Presidency where the spoken language is Telugu. From 1325 to 1351 A.D. the throne of Delhi was occupied by Muhammad Tughlak, described by Elphinstone as 'one of the most accomplished princes and most furious tyrants that ever adorned or disgraced human nature;' and in the early part of his reign the Muhammadan empire east of the Indus was at its greatest extent. His tyranny, perhaps also his madness—for some of his cruelties and follies alike suggest that he was not quite sane—drove almost every part of his empire into rebellion; and the history of his reign is a history of attempts, both successful and unsuccessful, to put down rebellions. Amongst the successful rebels was one Hasan Gángu, by descent an Afghan of low rank and a native of Delhi. He had been the tenant or slave of a Bráhman astrologer named Gángu, from whom was derived his second name and the name of the dynasty which he founded, that of the Bahmani kings of the Deccan.

After two unsuccessful expeditions, the Delhi Patháns in 1323 had at last captured Warangal, the capital of the rajas of Telingána; and two fugitive officers of the treasury of the dethroned king established a new government on the ruins of the Ballál power in the Kanarese country. The capital of the power so founded, Vijayanagar, gave its name to the most famous empire of the south. The confusions of the time of Muhammad Tughlak led to a combination of the newly-formed power of Vijayanagar with some branches of the royal house of Telingána, who seized the opportunity to recover Warangal and to revolt against their Muhammadan



masters. Indeed, the Raja of Warangal sent a body of 15,000 horse to assist the Muhammadan Hasan Gángu in his efforts to shake himself free from the yoke of his co-religionists.

This union of Hindus and Muhammadans of the south against the Delhi empire only endured till its object—independence of the imperial authority—had been secured. The natural antagonism of the opposing creeds and the predatory militarism of Oriental despots led forthwith to incessant wars fought on both sides with varying success. In 1421 A.D. Warangal fell again before the Muhammadans, the conqueror this time being one of the Bahmani kings. Vijayanagar lasted for more than another century, and may be said to have extended either direct dominion or paramount authority over the whole of India south of the Tumbadra and Kistna rivers. It has been stated that at the end of the fifteenth century its direct dominion reached to the southern border of the Mysore plateau; and what remained of the Pándyan kingdom, roughly corresponding to the Madura and Tinnevely districts and the Chola kingdom, which may once have had limits coinciding with those of the Tamil language, acknowledged its supremacy and paid tribute.

It is not easy to obtain any clear idea of the interior system of the Vijayanagar empire, but there is no doubt that it included the direct administration of some territories and the suzerainty over more or less dependent chiefs or tributaries. As is frequently the case with Oriental monarchies, its strength and power of cohesion appears to have become relaxed just about the time of its greatest nominal extent. 'A provincial viceroy,' says Wilks, 'at Seringapatam rather compromised for periodical presents than exacted a fixed revenue from the *wadeyars*, or governors of thirty-three townships, who now seem to have begun to assume the name of *poligárs*, a title which properly belonged to the chiefs of Telinga colonies planted in the neighbouring provinces, for the purpose of overaweing the aborigines; to which official designation they added, when they dared, the title of raja.' Rather later than the middle of the sixteenth century four of the Musalmán kingdoms which had been formed to the north of the Kistna on the break-up of the Bahmani kingdom of Hasan Gángu, coalesced against the Vijayanagar power and completely overthrew it at the battle of Talikota, fought on the plains between the Kistna and the Tumbadra. The



structure, which had already been tottering to its fall, was thus shattered in 1565 into innumerable fragments. Petty principalities asserted independence on every side; and we may date from this period the rise of the southern *poligárs* who appear so frequently in the pages of Madras history. Doubtless the existence of many minute jurisdictions was no novelty, but fresh leases of independence were assumed about this time. Some of these *poligárs*, as in the case of the Beydars in the north of Mysore, were heads of clans. The Pándyan kings of Madura, who were themselves tributary to Vijayanagar, had under them many petty chiefs. The son of a usurping governor of Madura was recognised by the Vijayanagar raja as king of that part of the country; and, extending his authority over the Tinnevely district, he distributed the depopulated portions of it amongst his northern followers of the Tottiya caste, who became the progenitors of many of the *poligárs*. Hard fighting was the condition of the lives of all of these petty potentates. They fought with the Deccan Musulmán, with the Marhattas, with the Sultans of Mysore, with the officers of the Delhi empire, or rather of the independent kingdom founded by one of those officers, the great Nizam, and, lastly, with the British Government. In the southern Tamil country we found thirty-three *poligárs*; and in 1803 only thirteen of them were still in possession; the lands of fourteen were under the charge of a European collector; those of six had been forfeited, given away, or sold. In the districts ceded by the Nizam in 1800 there were eighty *poligárs*. Seven years later only half of them were still managing their own estates; the rest had been pensioned, or expelled, or thrown into confinement, or otherwise deprived of authority. Such was the varying fate of men whose ancestors had been descendants of Hindu royal houses, or the usurping officers of Hindu governments or heads of clans owing a dubious allegiance to Hindu powers that had resisted Musalmán aggression.

I have quoted Wilks's definition of *poligárs* in the Kanarese country, and I will now cite that of Grant Duff in Maharáshtra, or the country where Marhatti is spoken. *Poligár*, he says, in the 'Marhatta country means one who has become independent, who refuses to pay revenue, and levies contributions from all those from whom he can enforce them.' The Deccan appears to have been no exception to the general rule in India that the country before Muham-





madan conquest was divided into many small states. When Hasan Gángu in 1347 founded the Bahmani dynasty, which lasted for about 150 years, it is probable that most of the *poligárs* whose territories lay in accessible parts were induced either to join him or to submit to his government. The Bahmani kingdom, however, affords another illustration of internal weakness coinciding with increase of territory. When Hasan Gángu died his kingdom comprised nearly the whole of the Maharáshtra, a small part of Telingána, together with the Raichur Doáb or space between the Kistna and Tumbadra rivers. His successor divided the kingdom into four *tarafs* or governments, to each of which was appointed a governor or *tarafdár*. In the course of 130 years the territory was greatly increased by conquests from the neighbouring rajas of Vijayanagar and Telingána, the Concan *poligárs*, the Raja of Orissa, and others; but the four *tarafs* were still maintained. In 1478 Khwájah Jehan Gáwan, a minister of one of the kings, split each *taraf* in two, making eight governments in place of four; but he was shortly sacrificed to the malice of his enemies, and the principal governors from the time of his death paid no respect to the authority of the Bahmani king and gradually assumed independence. In this way five independent states arose from the dismembered monarchy; and, as we have seen, four of them combined for the overthrow of Vijayanagar. Of these five kingdoms, Berar was annexed to Ahmadnagar, and the greater part of Bídár was absorbed in Bījapur. Thus eventually there were three great states which practically divided the Deccan between them—Bījapur, north of Mysore, and Ahmadnagar, north of Bījapur, held the west; and the whole of the east was gradually brought under the dominion of Golconda.

Sultan Kuli Kutb Shah, the founder of the Kutb Sháhi or Golconda dynasty, was a Túrkmán of Hamadan, in Persia. He came to India as a soldier of fortune, and was employed, when the Bahmani monarchy broke up, by the king or his minister as governor of Telingána. His conquests were chiefly from the remaining dominions of the Warangal family and from other chiefs of Telingána and the Raja of Orissa; a part of the territory about Rajamandri, which was originally conquered from Orissa, continued to be governed by the Orissa rajas as a dependency of Golconda.

Thus these Muhammadan kings of the Deccan were usurping governors who partitioned a kingdom acquired by



rebellion against the Delhi empire. Under their rule the country was divided into *sirkdars* or districts, which were subdivided into tracts designated by various synonyms, of which the best known is *pargana*. The revenues seem generally to have been farmed, sometimes by single villages; when they were not farmed, Hindu agents were usually employed. The great revenue settlement made by the celebrated Malik Ambar, a regent of the Ahmadnagar state, in the first quarter of the seventeenth century, abolished farming in some parts and committed the management to Bráhmaṇ agents under Muhammadan supervision. In Bijapur the body of the officers of revenue and finance were generally Hindu, and the fourth king directed the public accounts to be kept in the Marhatta language instead of in Persian. The Marhattas were freely employed. They garrisoned hill forts and served as cavalry, sometimes in the immediate pay of the Government, sometimes under a *jágirdár* or district official. The Delhi emperors used to confer on their new nobility—*Amirán Jadida*, the *omrah* of M. Bernier's travels—rank of which the various degrees were expressed as the command of so many horse. The supply of the horse was under the Delhi emperors always more or less a fiction; but this sort of rank, termed *mansab*, was conferred on Marhattas by the Deccani kings; they were really expected to find troops, and assignments of revenue were made to them for the purpose of maintaining the troops. To the great gratification of the Marhatta chiefs, the Deccani kings also conferred old Hindu titles upon them, such as *raja* and *ráo*. Thus these mushroom monarchs, sons of roving blades and successful officials, became fountains of honour like the ancient rajas of the land, whose royal pedigrees reach through immemorial times to mythical heroes.

The farmed revenues in these Deccan kingdoms were collected by *ámils* or government agents, who also regulated the police and decided money suits. Suits relating to hereditary office or landed property were determined by *pancháyats* or juries, sometimes consisting of fifteen persons. The Bijapur state had officers over the *ámils*, who were termed *mokassadárs*; and sometimes the *mokassadárs* were under the authority of a *subah*. The office of *mokassadár* was not hereditary, though there is an instance in which it remained in the same family from father to son for three generations.

Speaking of the Vijayanagar empire and the Deccan at the time of the battle of Talikota, Wilks remarks that no





change in the form or principle of government was the consequence either of foreign conquest or successful rebellion; and he then proceeds to inquire into the causes of the immemorial despotism of the East, rejecting the exclusive influence of climate. He contends that 'the broad and prominent distinction between the characters of Eastern and Western polity, between despotism and regular government, seems to consist in the union or separation of the divine and human code;' the union of these codes stereotyping society by making change and therefore progress impious. He admits that the separation of these codes is not of itself sufficient to give rise to civil liberty. Patton, in his interesting treatise on 'Asiatic Monarchies,' deals at length with the same problem. His theory is that in Asia, the property in the land being vested in the prince and the land rent forming his principal revenue, great landed proprietors could not come into existence so as to abridge the power of the crown. Perhaps there is little risk in the supposition that the persistency of despotism in India, like the growth of civil liberty in Europe, is a fact to be accounted for by the concurrent operation of a good many causes of considerable complexity. The reasons why some states have been progressive and others are stationary are a very fascinating subject of inquiry; but it clearly will not suffice to assign the union of divine and human laws as a principal reason for the difference, because it is now pretty generally admitted that this union is of itself characteristic of a certain stage of social growth. If we assume that all or most advanced societies have somehow passed through that stage, we are precluded from accepting the mere existence of that stage as the reason why others remained in it. No doubt if sacred books, like the Institutes of Manu and the Koran, came to be compiled and to get currency as scriptures at a time when the monarchical form of government was the only form known, the support given to despotism by its acknowledgment in such works might improve its chances of durability. To this extent, perhaps, we may subscribe to Colonel Wilks's view. Patton, though fully aware of what he terms a possessory right on the part of the cultivator, seems led by his general theory to exaggerate the share of proprietary rights actually enjoyed by rulers in India; and he does not meet the obvious argument that rebellious governors, powerful assignees of government revenues, successful freebooters at the head of veritable armies of plunderers, hill bandits with strong forts, tribal chieftains, and the innumerable ruffians and



adventurers of an extraordinarily diverse assortment of creeds and races, who at one time or another have won in India, by violence or usurpation or both, territorial power, might, if they had ever combined, have formed as formidable a check on the power of the rajas as ever the barons at Runnymede were on the power of King John. The rarity of combinations amongst people of conflicting creeds and great diversity of origin is perhaps one of the reasons for the stability of despotism in India, considered, of course, as an institution, not as the possession of any particular individual or dynasty. Where combination has existed or may exist, its strength is apparent, as in the case of the Rájputána *thádkurs* and of the alliances which established the Bahmani kingdom in the Deccan or overthrew the Vijayanagar empire. It is curious that India, the home of despotism, is the home also of such democratic institutions as the *pancháyat* and the fully organised village community retaining at least some common lands and administering a common village fund. And, though still more curious, it may perhaps be true that the existence of these institutions has had much to do not only with the frequency with which masters have been changed, but also with the disposition to leave the masters alone, so long as they do not insist upon unendurable exactions, prevent other chiefs from ravaging the village lands, and allow plain men to settle their own civil cases amongst themselves by their own committees.

There are several ways, however, in which the commonest sort of tenures of land may have contributed to the maintenance of despotism. Where the soil has been occupied by clans and septs and heads of families of cultivating tribes settling down in village communities, succession to hereditary rights of possession is usually regulated by the principle of equal partition amongst sons or, failing sons, according to ancestral shares claimed by different branches of the family or families which founded the village. It is obvious that such a system tends to prevent, just as primogeniture tends to favour, the accumulation of landed property in the hands of individuals; and the theory that new grants of the soil itself for cultivating possession or grants of the dues and powers of the king over occupied or unoccupied land, must alike emanate from the sovereign, would form an additional safeguard against the danger to the authority of the monarch which might spring from the acquisition of extensive estates by individuals who would not be restrained by official or family influence from attempts at rebellion and





independence. As often as the monarch was weak, these influences, where they existed, were commonly insufficient to prevent rebellion; all the more, therefore, might a law of primogeniture have raised obstacles to the power of the king. The chief item of the king's income being, moreover, his share of the crop (commuted or not for a money payment), it was necessary to parcel the country out into circles under revenue agents or collectors; and what in modern phrase we might term the quasi-bureaucratic hierarchy so formed would contribute alike to the durability and efficiency of despotism, partly by the distribution over the land of officials interested so long, but only so long, as the king was able to support them in maintaining the existing order as the source of their emolument, and partly by the strength in information and action which the central government would derive from the presence of its more or less obedient agents and reporters in every quarter. Finally, the claims of the king upon the land, and the readiness with which the harder sort squeezed the functionaries who had been allowed or enjoined to substitute their demands or oppressions for those of the government, made the king the richest man in his dominions; and hoards of grain or, better still, ready cash have always been a most powerful prop to an Indian throne, for in troublous times when an ambitious son is tired of waiting for the succession, or some petty subordinate chieftain or powerful *jāgirdār* is discontented on account of some encroachment on his rights or question of punctilio, or some neighbouring raja is in arms to enforce a dormant boundary claim or broken betrothal, victory has a knack of declaring in favour of the largest battalions; and, as a man cannot keep troops together for long without either paying them or securing their subsistence by plunder, the actual means of paying them is the best lure to his standard that he can hold out. Thus a good hoard is the best insurance against the multiform risks of royalty; and the position of the king as claimant of a share of every crop supplies him with the means of making this prudent investment.

In considering those ideas of sovereignty which are based upon the land we may look downwards from the chief to the cultivator, or upwards from the cultivator to the chief; the nexus is the same from whichever point of view we regard it; and, whether we analyse the status of the prince or of the peasant, we find that a great part of the matter under analysis is the tenure of land. In this way I am led





to some remarks on the ancient tenures of the west and east coast of the Madras Presidency. At first sight the tenures of the west coast of Southern India, where there is perhaps the strongest form of private property in land that has yet been discovered in our Indian dominions, seem to present a marked contrast to the tenures of the Punjab Hills, where the raja is in a peculiar sense the proprietor or over-lord of the lands of his state. But on further inspection it is not difficult to recognise the usual principles in operation. Both the west coast and the Tamil country are good fields for inquiry, because they are remote from the thoroughly subjugated provinces of the Delhi empire, and were little affected by the sweeping tide of Muhammadan supremacy. Nor did the conquests of the Muhammadan sultans of Mysore obliterate those features of society which it is necessary for us to note.

The particularly strong form of private property in land which is found on the west coast, and in some adjoining tracts, is known as *janm*, or more usually *jenm*, a word which means birthright. The facts to which I have to refer are taken from a paper by Sir James Lyall, written when he was Resident in Mysore and Chief Commissioner of Coorg, and had therefore excellent opportunities of applying to the tenures of Coorg and the surrounding countries the insight and skill with which many years before he had analysed the tenures of Kangra.

‘The theory,’ he says, ‘of land tenure which prevails in Malabar, including Wynaad, is that in the beginning all land, whether cultivated, waste, or forest, belonged in full private property or *jenmi* right to some individual or family. All present holders are either *jenmi* landlords or hold of a *jenmi*; the British Government owns only lands or rights in lands which have escheated to it from some *jenmi*, and is *jenmi* landlord as regards them. The land revenue now taken by the British Government in continuation of that which was imposed by the Mysore sultans Haidar and Tippoo when they conquered Malabar, and which appears to have been taken by the Perumal emperor or viceroy in very ancient times, is by this theory a simple imperial land tax, not in any sense a rent. When the Imperial Government disappeared, as it did for long periods in ancient times, the tax disappeared and was merged in the *jenmi*’s rent, and there was no land revenue.’

It will at once be asked, how can this description be



reconciled with the theory that *raja* and *ryot*, prince and peasant, are joint proprietors of the soil? Here we have to all appearance the direct antithesis to such joint property, all the land belonging in full private right to families or individuals. The answer, I think, is, that the *jenmis*, in the first instance, shared the sovereignty amongst them; they were in the place of the *raja*; the sovereignty was in a sort of joint tribal commission, and thus a tax imposed upon them was more of a tribute than a land revenue.

Kanara and Malabar were anciently one country with similar tenures and organisation of society; and Sir James Lyall believes that this country must have included more or less distinctly the Wynaad, Coorg, and the Mulnad of Mysore, which compose the strip of country along the top of the Ghauts above Malabar and Kanara. In all this country the unit of property was the holding of rice fields to which was attached waste or forest land for the supply of wood, grass, and vegetable manure. This auxiliary land was known as *bane*, and was not taken into account in the levy of rent or revenue. There was no communal ownership of waste in villages. Waste, if not attached as auxiliary land to some holding, was the property of some superior lord or *raja*.

In Malabar it appears that many centuries ago 'two sections of the population confronted each other as equal powers—one the warrior clans of Nairs, who formed the military caste of the country and wielded the power of the sword, the other a clan or clans of sacerdotal Bráhmans whose superiority in intellect and learning enabled them to impose their priestly authority upon all other classes, including the Nairs. They entered into very close social and ceremonial relations with the Nairs (which still exist), and agreed to divide the land and its lordship with them. Accordingly the land was divided, certain subdivisions going to the Bráhmans as their property, and others to the Nairs. The Bráhmans, as was natural from their instincts and ideas, held their shares in democratic style, all members of the clan having equal rights in the lordship or property of the soil.

'The Nairs, on the contrary, had, as was equally natural, the instincts and ideas of feudal subordination to chiefs, to which they owed their military success, and which are to be seen in the Rájput clans and other military races of India. In their case, therefore, it was the chiefs of the separate clans or confederations of Nairs who were recognised as the lords of the soil, the other Nairs being content to receive



allotments to be held of them on feudal or military service tenure. In this way the lordship of the soil, or what is now known as the ancient *jenmi* right, came to be held by the chieftain families of the Nairs and by the sacerdotal Brahman families. It was something more than a mere property in the soil, being as it were a share in the kingdom of the country, and in the lordship over inferior races; certain rank and powers were, therefore, also connected with it. The Nair chieftains, if their territories were large, seem to have sometimes granted away their rights and powers over certain tracts to subordinate chiefs or captains of the Nair militia, to be held by the latter in military subordination. The main body of the Nairs were content to get household or family allotments in lease from the chiefs or captains to whom they chose to attach themselves; they gave the chief a fee or *nazrána* called "*kanom*" or "*kanike*" in token of allegiance on receiving the allotment, but paid no rent and were only bound to military service. They did not till the ground themselves, but cultivated through slaves or serfs.'

The bulk of the occupied land held by the Nair chieftains was granted away on this *kanom*, or, as it was called, *kanakka* tenure; the rest was the private demesne of the chief, which he cultivated through low-caste serfs or slaves, or leased to ordinary rent-paying tenants of the non-military classes. When an imperial authority was superimposed either (as tradition says) on the application of the *jenmi* lords or in some other way, a share of the rent or produce was assigned as its due, and was paid by all lands, including those under *kanakka* tenure. When the imperial authority disappeared this tax, or a part, was probably taken from lands under *kanakka* tenure by the *jenmi* lords as rent whenever they felt strong enough to demand it. The power of the imperial authority, when there was one, seems to have been very limited; and the assent of certain territorial assemblies (mentioned in old deeds as the council of the six hundred) seems to have been required to acts affecting the land. Sir James Lyall supposes that these assemblies were composed of the *jenmi* lords and the feudal militia of the circles.

It is easy to see that such a society as Sir James Lyall describes might readily break up into petty principalities; and that where these principalities were not formed or fell to pieces, all sovereignty might be lost, and the *jenmi* holdings might become mere private property. Both of these results



are actually traceable. A class of *jenmis* of small holdings gradually grew into existence, men to whom the original *jenmi* lords conveyed by sale or gift certain plots in full property free of all rent or service. The number of *jenmis* at the present day is large, and includes many classes of people. On the other hand, the Wynaad, a tract 1,239 square miles in area, lying above the Ghauts south of Coorg and Mysore, and west of the Neilgherries, seems at one time to have belonged in *jenmi* tenure to the family of the Paik rajas. The estate of this family was confiscated for rebellion, and the government is consequently the *jenmi* proprietor of all land in the Wynaad, of which the *jenmi* right had not been previously alienated by the Paik family. When the Portuguese appeared on the Malabar coast at the end of the fifteenth century they found the country held by numerous petty chiefs, of which the best known was the Zamorin of Calicut; and this had probably long been the case from the early part of the ninth century, or earlier. Coorg, however, presents the best illustration of the sort of movement which may have gradually changed much of the land of the *jenmi* tenure into a collection of small rajaships.

One of the kingdoms which arose on the dissolution of the empire of Vijayanagar after the battle of Talikota in 1565 was that of Bednur. The raja was a *poligâr* or military feudatory of Vijayanagar, and he extended his rule over Kanara, which had previously been under the sway of the rajas of Vijayanagar. About this period Coorg, where the original state of property was like that of the Wynaad, appears for a long time to have been divided into petty independent chiefdoms known as *kombus*. A Bednur prince came to Coorg and settled in a tract called the *Halêri Nâd*. Assuming at first the pious garb of a priest, he subsequently converted religious offerings into a regular tax, assembled a force and asserted himself as a ruler. The *Nâyaks*, as the rulers of the *kombus* were called, at first submitted, but were afterwards put to death or expelled. From this Bednur prince were descended the Coorg rajas, from whom we annexed the country in 1834. The *Nâyaks* were the *jenmis* of their little chiefdoms and formed the military class; the ancestors of the present martial Coorgs held their family lands under the *Nâyaks* as the bulk of the Nairs did under the Nair chiefs in Malabar. In this way by supplanting and exterminating the *Nâyaks* who were *jenmis* before them, the Bednur rajas of Coorg became *jenmis* of



the whole country; and they proved most despotic rulers. There is perhaps in India no worse record of bloodthirsty executions than there is against the now extinct rajas of Coorg; and it seems that practically divine honours were paid to them by a people they held in thralldom by actual terror of death. Coorg some time before annexation got the name of a prison, from which no man was suffered to escape lest he should report to an angry and avenging government the misdeeds and murders of its tyrant kings.

As soon as a *rāj* or Hindu principality was thus established in Coorg by the destruction of a class which might have lived on as intermediaries between the rajas and the people, some of the usual features of such principalities clearly appear. I do not mean that those features were necessarily new; for the Coorg rajas took the places of the *Ndyaks* whom they destroyed. I mean that if the *Ndyaks* had survived in subordination to the raja, the powers of the raja would have differed from what they were; that we know at least what those powers were in regard to the land; and that they resemble in some important particulars the powers of the Punjab Hill rajas. Thus the full or normal cash assessment was supposed to be equal to a share, one-tenth or one-sixth, of the crop; the raja gave the principal class of cultivators written grants entitling them to hold their rice fields with attached waste for ever on payment of the revenue assessed; and all unoccupied land in Coorg was considered as the property of the sovereign. The greatest peculiarity of the tenures was that the true Coorgs of families deemed fit to render military service might hold at half-rates; they probably paid nothing in former times, consideration of their liability to such service; and they might on this tenure take up as many holdings of rice fields as they could themselves cultivate, though they were not allowed to sublet. Even this peculiarity has some parallel in the Punjab Hills in the remission of revenue granted to men who were similarly liable to be called into the field by the raja.

The whole of this description of the former state of the Malabar country and Coorg appears to me to confirm the opinions that tribal chiefship preceded territorial despotism, and that when chiefship had become territorial before our time the basis of it was the land. We may also perceive here, as in many other places, vague marks of imperfect suzerainty, some distant imperial authority laying an inter-





mittent claim to a tax upon the land. In the ancient organisation of the society, we see a tribal ownership of the soil, a tribal division of sovereignty. In a state growing up out of and upon that organisation, we see a territorial despotism of the usual description.

On the opposite side of the peninsula lies a country, now partly comprised in the districts of North and South Arcot and Chingleput, which was formerly known as Tondei-mandalam. The tradition is that this country (said to have been some 18,300 square miles in area) was originally inhabited by the Karambas, a pastoral and half savage tribe, whose chiefs resided in forts having districts of greater or less extent under their authority. There were twenty-four of these districts, known as *cottams*, a word which appears to mean a fort or stronghold; and the greater part of the land was a thick forest. One of the Chola rajas, whose empire at one time extended at least over the whole Carnatic and perhaps also over Kanara on the west coast, is said to have formed the design of dispossessing the Karambas and settling upon the land the superfluous population of other parts of his dominions. Accordingly a son of the raja is supposed to have come into the land with a host of Velláler tribesmen, an industrious cultivating Sudra set, and to have subdued, expelled, or exterminated the former shepherd occupants. The lands were parcelled out to these Vellálars; they settled down in village communities; and tanks and watercourses, on which cultivation is very greatly dependent in that quarter, were constructed.

All this, of course, is mere tradition, but there is no doubt about the nature of the tenures for which this tale is supposed to account. They were very thoroughly investigated at the end of the last century and the beginning of the present century, before the old condition of things had been obscured by the general introduction of the *ryotwári* settlement. Generally in the Tamil country (of which lower Tondei-mandalam below the Ghauts is merely a part) the lands were held in certain shares, perhaps corresponding with the number of families that first undertook the cultivation. The number of shares, according to the supposed original distribution, was never forgotten. The old shares were merely subdivided as families grew; and sometimes, if families died out or parted with their property, more shares than one might come to be held by one person. The proprietors entitled to these shares were known as *mirdsiddrs*, from the





word *mirās*, which means inheritance; and their hereditary right of possession conditioned on payment of the government share of the crop, or its equivalent in money when demandable, was known as *mirāsi* right. Frequently in Tanjore, and occasionally in other districts, the whole *mirāsi* right of a village became vested in a single individual. But usually a number of *mirāsīdārs* held the village jointly or in severalty. These *mirāsīdārs* may be described as peasant proprietors, sometimes cultivating the lands themselves, but more often conducting the cultivation by means of serfs or hired labourers, and arranging for the tillage of parts of the arable waste by tenants, the resident tenants having a permanent, and outsiders of other villages a temporary, right of cultivation. The properties were generally small, but varied greatly in size from five to ten acres to one or two thousand acres. Where the *mirāsīdārs* held jointly, the tenure was the most perfect form of communal ownership that I have traced in the course of some Indian researches. All the cultivated lands belonged to the whole body of *mirāsīdārs*, each, in proportion to the share or part of a share he held, being entitled to participate in the common property. The number of shares belonging to each *mirāsīdār* being known, the lands were either cultivated in common and the net produce, after payment of the government share and other charges upon it, divided according to the shares of the proprietors; or the land itself was thus divided, either annually, or every five or six or ten years, the fields to be held by each for that period being ascertained by lot. This exchange of lands is an almost decisive mark of a truly communal tenure and suggests alike the derivation of the communal village from the tribe and the comparatively recent tribal organisation of the society where it is perceptible. It is referred to in the old reports as a thing perfectly well known, and I have marked many passages where it is mentioned. In many villages, especially in Tanjore, Tinnevely, Madura, Dindigal, and the other Tamil provinces to the south of the Coleroon, the *mirāsīdārs*, instead of dividing the cultivated lands of the village periodically, according to the share or parts of a share held by each, appear on some occasion when they had divided them in that manner to have declared the division permanent, and thus to have converted the ancient collective tenure of the cultivated lands into one in severalty.

The communal tenure was especially frequent in Tondei-mandalam; and in that country the *mirāsīdārs* had two



special privileges: they held part of the cultivated lands free from any government demand, and they received certain dues in kind from the produce of all the cultivated lands in the village paying tax to government. In the villages where the cultivated lands generally were held in severalty, rights of common, and the like, including fisheries, possibly mines and quarries, certainly pasturage and firewood, the produce of these exempted lands and the dues in kind were still enjoyed by the *mirásidárs* jointly in accordance with their ancestral shares.

The Madras Board of Revenue in 1818, after giving the account of the Tamil tenures which I have just abstracted, goes on to explain that the Muhammadan occupation of the Carnatic had degraded the *mirásidárs* almost into the position of permanent tenants; and that 'the Musulmán Government, by absorbing the whole landlord's rent, became not only the sovereigns but the landlords of the country, enforcing in practice their favourite maxim, that the state is the exclusive proprietor of the soil.' The Board, however, admits that those privileges which were still held in common in villages where severalty had been established in the cultivated lands continued to be enjoyed, and sometimes to be sold, by the *mirásidárs*.

In Tondeimandalam, as on the west coast, there is a tradition of popular assemblies. It is said that the agricultural colonists subdivided the *cottams* of the shepherd chiefs into *nádu*s or districts, five or less to each *cottam*, and the office of *náttán* or head of the *nádu* was conferred on the principal Velláler. The *náttáns* of a *cottam* with the chief proprietors of their respective *nádu*s formed an assembly called the *mahánádu*, of which, in 1814, the tradition only remained. The principal object of the assembly seems to have been the consideration of agricultural improvements and the extension of irrigation. Whether it possessed any administrative powers it is impossible to say.

Sir Thomas Munro, who was probably the greatest authority we have ever had on land revenue matters in the Southern Presidency, seems to have been rather impatient of legends such as that of the colonisation of Tondeimandalam. He regarded knowledge of the ancient state of landed property in India as useful only in so far as it might throw light on its present state and aid us in finding a way for improving it. He was, on grounds chiefly of economic expediency, to a large extent the author and by a long way



the most powerful and successful advocate of the *ryotwari* system, which is a system of severalty in small holdings and of direct dealings between the government and the cultivator. He ridiculed the idea of a prince having planted a colony of three hundred thousand agriculturists in uncleared jungles where no such population could exist without tanks and watercourses for the cultivation of the land. He also repudiated, as based on unfounded assumption, the theory that private landed property was the ancient Hindu system until destroyed by Muhammadan invasion, pointing out that the assessment was as high in the territories of Hindu as of Muhammadan chiefs, and that this could not have been due to the progress of Muhammadan arms, because over many of the petty states the Muhammadans never established more than a nominal dominion. He suggested that the *mirasi* tenure was probably a gradual growth in a country long peopled and cultivated, and originated in local circumstances, perhaps more in the great number of tanks and watercourses constructed at the public expense than in any other. The government could be reimbursed for the expenditure upon these works only by the regular cultivation of the lands; and the privileges of a moderate rent and a hereditary right in the soil were obvious means of effecting this object. The interchange of lands might be due to the principle that the *mirasidars* should be enabled to pay their rent or revenue regularly by taking turns in the tillage of the fully watered lands.

It is worth considering whether the joint proprietorship of the raja and the cultivator may not have sometimes originated in the construction of irrigation works from state funds or by labour impressed by state authority; but the claim of the raja to a share in the crop is found in innumerable localities where there are no irrigation works, or where these works are wells or channels sunk or cut by private persons. The most developed form of the Tondeimandalam legend, if we make allowance for the natural tendency to ascribe to some ancient king or leader as a single act a course of policy which may have guided successive rulers, deprives Sir Thomas Munro's caustic objections of some of their sting. We are not to suppose that all the Vellalers came into the jungle country in a body. One tribe of them, according to the fullest and clearest version of the story, was already scattered over the country when the son or brother of the Chola raja appeared on the scene. Another tribe that accompanied the prince for the



most part went away again, disgusted by their difficulties. A third tribe, the Tuluva Vellalers from Kanara, who constituted by far the majority of the settlers, were induced to remain by the grant of the privileges peculiar to the Tondeimandalam *mirásidárs*—the right to hold certain lands free of payment, and the share in the crop of all taxable lands. Admitting that the tale is a legend, absolutely unhistorical, it is still useful for our purpose, as showing what, in the popular idea, is the relation of the raja to the mass of his subjects. To induce the cultivation of waste lands by liberal concessions is just what is to be expected of a wise raja, and the nature of the concessions is approximately, though not exactly, similar to some we have ourselves made in attracting cultivators to waste lands rendered culturable by government irrigation works in the Southern Punjab. From what we know of the constitution of villages and the distribution of the great landholding tribes in the Punjab generally, there seems to be nothing incredible in the tradition that Tondeimandalam may have been brought under cultivation in some such way as the legend relates—that is, by tribal settlements on the inducement of special privileges—if only we allow that the work must have been one of many generations. The subjugation or expulsion of the former occupants was probably also a very gradual process. The tradition of the old local assemblies appears to favour the view that the country was, in point of fact, peopled by tribal immigration.

In the Punjab Hills and in Rájputána conquering Rájputs have imposed their sway upon a cultivating population too numerous and too valuable to be disturbed. In Tondeimandalam, on the theory of the legend, we have the converse case—the incursion not of an aristocracy, but of a proletariat. Yet here—and notwithstanding the Muhammadan conquests which swept again and again over the Carnatic, some centuries of Muhammadan supremacy, and evidence of Muhammadan oppression, which is not disproved by other evidence showing that Hindus were oppressors too—we trace in the rural organisation of society before we altered it the usual characteristics of the Hindu *rāj*. It will have been noticed that as yet, beyond the mention of certain rights of common, I have said nothing as to the rights of the *mirásidárs* in waste lands. Whatever the *mirásidárs* might do with certain lands entered in the village registers as culturable waste, it seems certain that they could not claim to



break up the immemorial waste except with the consent of the ruler. Sir Thomas Munro asserts the government claim to the waste in a most uncompromising fashion. He says that the government, from ancient times, had everywhere—even in Arcot, as well as in other provinces—granted waste land free of every rent or claim, and appeared in all such grants to have considered the waste as being exclusively its own property. In all villages, he contended, whether held by *mirásidárs* or not, the inhabitants reserved to themselves the exclusive use of the waste. But this right was good only against strangers, not against the government, which possessed, in his opinion, by the usage of the country, the absolute right of disposing of the waste as it pleased. The raja's or Muhammadan ruler's lordship of the waste is thus, in this part of the country, well attested. The raja's share of the produce had its distinctive name, *melváram*, which may be translated 'head-rent,' *mel* being a particle used in composition signifying priority or superiority, and *váram* meaning a share of the crop. Lastly, whatever we may hold as to the amount of truth, if any, in the Tondeimandalam legend, there is no doubt that, in the popular idea, and, indeed, in actual practice, the sovereign was regarded as the authority from which the *mirási* right was derived.

The Central Provinces, to which we may now pass, form, as the name implies, a sort of middle country. They occupy the north of the Deccan and a small part of the tableland of Málwa, and are bounded on the west and north by the states of the Central India Agency, on the north-east by Lower Bengal, on the east by Orissa and a part of the Madras Presidency, on the south by the territories of the Nizam of Hyderabad and by Berar, while on the south-west they just touch Khandeish, acquired from the Peshwa. Generally, the Central Provinces comprise an important fragment of the Marhatta empire, and are interposed between old provinces of the Delhi empire and parts of India which were under Mahratta sway. As a separate administration, these provinces are only thirty years old. They were formed in November 1861, chiefly from the lapsed state of Nágpur, the Saugor and Nerbudda territories, and Sambalpur, previously part of the south-west frontier of the Lower Provinces, under the Lieutenant-Governor of Bengal. Before the Marhatta conquest the north and west of these provinces were under the rule of the Gond rajas of Mandla, Deoghar, and Chánda. These rajas were not of Aryan origin, but may be considered





to have been Hindus, though one of them—the Raja of Deoghar—is said to have embraced the Muhammadan faith in the time of Aurangzib. There is reason to believe that all yielded a certain allegiance to the Delhi empire. A great part of the north-eastern division of Chhattisgarh formed the principality of the Haihaibansi Rájput rajas of Ratanpur. To the east again and south-east lie the Sambalpur Gurjat chiefships and the native states of Bastar, Khaker, and Kharond. Bastar claims to be an offshoot of the old Telingána stock of the Eastern Deccan. The family is supposed to have been driven from Warangal by Muhammadan encroachments about the beginning of the fourteenth century. The Khaker chiefs appear to have been Gonds. They at first held under the Marhattas on the sole condition of furnishing five hundred men for service when called upon—a liability in later days commuted for a money tribute. Very little is known of the origin of the Kharond or Kalahandi chiefs, but it may be safely said that they claim Rájput descent. The principal Gurjat chiefships were Patna and Sambalpur. The Patna state, of course, is not to be confounded with the town of that name in the British province of Behar. The Patna raja is a Chauhan Rájput; and the tradition is that his forefathers emigrated more than thirty generations ago from the Gangetic Doáb, and, through the influence of the ruler of Orissa, established themselves as chiefs over eight small holdings or chiefships, known as *ghars* or houses, to the south of the Mahanadí. The first raja of Sambalpur is said to have been the brother of the twelfth raja of Patna. Both chiefs were heads of a group of chiefships, and at one time the supremacy appears to have been shared between them. In 1755 all fell under the dominion of the Marhattas as tributaries. The Sambalpur and Patna groups comprised eighteen chiefships, and were known as the *Athára Ghar*, or eighteen houses, just as the adjacent country to the west was called and is still known as, the *Chhattis Garh*, or thirty-six houses. The state of Sambalpur lapsed to the British Government in 1849.

When officiating as Chief Commissioner in 1863, Sir Richard Temple found the question of the tenure and status of the various dependent chiefs within the limits of the Central Provinces in very considerable confusion. The chiefs were known by a variety of names—*zamindárs*, *jágirdárs*, *thákurs*, Gurjat chiefs, and rajas. Their holdings or territories were sometimes called states, sometimes estates, and





their payments to government were promiscuously denominated rent, revenue, quit-rent, and tribute. In some cases this diversity of nomenclature really pointed to diversity of status, but in others it did not, and no classification had been effected.

The Patna and Sambalpur rajas had fought their own way to a local supremacy; but the Gond and Chhattisgarh rajas had been in the habit of either granting away waste or other lands to be held under them or recognising more or less the territorial position of nominal subjects whom they could not entirely subdue. One part of the country, for instance, at the time when it was incorporated in the Marhatta kingdom of Nagpur, was parcelled out among a number of petty Gond *zamindárs* of wild and irregular habits, constantly engaged in hostilities with each other, or in rebellion against their nominal chiefs, whether of Mandla, Deoghar, or Chánda. The Mahrattas expelled many of these Gonds from the plains to make way for a more settled administration. The grants of the Chhattisgarh rajas were very generally to Gonds of royal stock or to Rájputs in reward for military service or on condition of military service to be performed. The Marhattas changed the requirement of service into a tribute. They also themselves made numerous grants to Gonds and Rájputs, both confirming old grants and creating new ones, often of waste lands. These Marhatta grants were made as rewards for service or to engage help in maintaining tranquillity in a wild, unsettled country which could not easily be brought under authority. They were on various conditions, such as bringing the waste under cultivation, keeping down wild beasts, preventing thefts and apprehending criminals, guarding hill-passes, and the like. Two of them were grants to Byrágis, devotees or family priests. The old Gond grants were for similar purposes: some of them were reward grants for bravery in killing wild beasts, one grantee having accounted for 120 tigers. The *thákurs* of the Sautpura range (known as the Chhindwára *jágirdárs*) were preserved from the usual complete subjection to the Mahrattas by the unproductiveness of their hills and forests and the natural strength of their country. The Mahratta policy was to support one of the most powerful of them to keep the rest in check and be responsible for their conduct. But it had little success, for they lived almost entirely by plunder. They were mostly too poor to pay any tribute or revenue; but where it was excused, annual offer-





ings of bamboos or honey were exacted. Indeed, towards the end of the Marhatta times some of them were made stipendiaries to enable them to live, if possible, without depredation.

Sir Richard Temple massed together 115 of the holdings or territories just described in a report, which, as Indian reports go, is not a particularly long one. Diverse as these chiefships or *zamindāris* were, they had a good deal in common. Many, but not all, of them originated in the actual grant of the ruler of the day; a fact which shows that the raja was considered competent to dispose of waste lands. The chiefs or *zamindārs* were nearly all of them required to make some payment to the Marhattas or their predecessors, which usually fluctuated according to the strength or weakness of the over-lord. With few exceptions, no government, native or British, had ever maintained at its own cost any establishment whatever, police, fiscal, or other, within these chiefships. The chiefs or *zamindārs* had been expected to save the central government all trouble by managing their own affairs, civil, criminal, and revenue, as best they might. No doubt this was rather shocking to some of our energetic officers when we first began to intervene; and by the time Sir Richard Temple reported, the rough powers of justice, formerly freely exercised, had been greatly restricted; and even the rajas of Bastar had been required to submit their death sentences for the confirmation of the Chief Commissioner. Occasionally these possessions had been broken up under the sanction of the Marhatta Government, or divided *inter vivos* amongst sons or other relatives. But, as a rule, they devolved by a very loosely applied rule of primogeniture, an eldest son having the preference, if there was no particular reason for setting him aside.

The mass amalgamated in Sir Richard Temple's report was duly trituated in the official sieve; and in the sequel, after much further disquisition, fifteen of these holdings were recognised as feudatory states. In the rest the chief or *zamindār* had to accept a position little removed from that of an ordinary subject. Nor was this decision surprising. Many of the possessions were obviously mere proprietary holdings, some consisting of a single village. Even the tracts finally recognised as feudatory states varied greatly in extent, from Sakti with 115 to Bastar with 13,062 square miles.

In our everyday ideas the distinctions are clear enough





between sovereign powers and the powers which a landlord may exercise over his property, and between territory which is British and that which is subject to the jurisdiction of a foreign ruler. But in the history of the recognition of these feudatory states of the Central Provinces we see how hard it may sometimes be to draw the line between tracts which must be regarded as under British laws and those which must be considered foreign for purposes of legislation and internal government. Before the submission of Sir Richard Temple's report of 1863 this difficulty was, if not at its height in this part of India, at any rate in a fair way to be solved in the manner least agreeable to the chiefs or *zamindars* and most expensive to the central administration. But the chief point of interest about the past of the Central Provinces is that we can trace a complete chain of political subordination down from the Delhi emperor through the raja to the hereditary holder of two or three hundred villages on condition of military service. We have, indeed, somewhat similar chains of authority to this day, for intermediate between the supreme government and almost all the chiefs in India are Lieutenant-Governors, or Chief Commissioners, or Governor-General's Agents. And we see how the usual tendency of petty chiefships to form groups under the leadership of some successful state exhibits itself in practice. Supremacy may not be hard to win if the conqueror is content with a light payment from a man who manages his own affairs and is prepared to leave him alone in their future management. In early days rulers have few nice scruples about their moral responsibilities; busied with the really serious affairs of plunder and aggression, they may easily leave the trifles of civil government to chiefs who will do them sufficient homage and perhaps join them in their forays, or to refractory subjects whom it would be difficult or imprudent to coerce. Thus jurisdictions are formed ripe to become independent states, if there is no one strong enough to control them; but ready to be part of a group under a supremacy, if that seems politic, or cannot be helped, or is likely to lead to profitable adventures. The recklessness of primitive rulers about internal administration fosters its usurpation by their nominal subordinates; and it is with actual or potential states as it is with village communities; so long as the fairly sufficient home rule is not destroyed, the mere change of allegiance is of little import. All this





goes to explain how readily, in primitive times, empires are formed, and how readily they fall to pieces.

The history of the Marhattas, to which we may next turn, illustrates the facility with which a successful adventurer may found an empire in the East. The first glimpse that we get of Marhatta institutions shows us a system of rural government of a familiar Indian type which has, indeed, with certain modifications lasted to our own day. In Maharashtra—the country where Marhatti is spoken, roughly the space between the Sautpura range, above the Tapti, and the neighbourhood of Goa—we find, as in most other parts of India, the village headman and the village accountant, and a remarkably full array of village officers and servants. Between the village headman and the raja, over several villages, there were always two hereditary officers, the *deshmukh*, *desai* or *zamindár*, and the *deshpandya*, *deshlekuk* or *kánúngo*. *Desh* means country, and *mukh*, mouth, and *mukhya*, chief; and, according to the Marhattas, the word *deshmukh* implies not that the officer is the district or local chief, but that he is the spokesman of the district. The functions of the *deshmukh* and *deshpandya* seem to have been the same for their circles as were those of the village headman and the village accountant respectively for the villages under them. They were paid by grants of land estimated at a value of 5 per cent. on the revenues they collected; but this gives merely a general idea of their allowances, which were exceedingly variable and often complicated. These hereditary officers, before the Muhammadan conquest of the Deccan, had often obtained more or less power and independence, and assumed the titles of *naik* or leader, *poligár* or raja, according to circumstances.

Sivaji, whose civil arrangements, like his military organisation, exhibit systematic policy, probably perceiving the difficulty of controlling such hereditary local officers, did not allow the *deshmukhs* and *deshpandyas* to interfere in the management of the country, though he maintained them in the enjoyment of their emoluments. Similarly though he confirmed many *jágírs* he bestowed few new ones. He appointed civil officers, *tarafdárs* or *talukdárs*, over small districts, and *subadárs* or *mámlatdárs* over considerable tracts comprising one or more forts. Starting with the prestige of being the son of a great *jágírdár* and officer of the Bijapur kingdom, he acquired his power by plundering expeditions and the seizure of hill forts; and it was these



forts especially which enabled him to maintain and extend his acquisitions. They received proportionate care. Each was placed in charge of a separate establishment maintained by permanent assignments of rent-free lands in the neighbourhood. The members of these establishments described the fort as 'the mother that fed them'; and this hereditary provision for their support gave them every inducement to be active in the duties of bringing in supplies, watching passes, and misleading or cutting off the spies or parties of the enemy. Sivaji stopped the farming of the revenue, which he assessed by his own agents on the actual state of the crop, claiming two-fifths of the produce as the government share. After the death of his father in 1664 he assumed the title of raja, and—always a sign in India of the assertion of kingly prerogative—struck coins in his own name. But Aurangzib, the Delhi emperor, specially provoked by the robbery of holy pilgrims proceeding to Mecca, sent a strong army to the Deccan under Raja Jai Singh, a Rájput prince, and Diler Khan, an Afghán commander. Sivaji, after some hostilities, thought submission his best policy, and, surrendering a great part of his territory, accepted the residue as a *jágir* dependent on the emperor, at the same time obtaining certain revenue assignments on the kingdom of Bijapur and the rank or *mansab* of 5,000 horse for his son, then eight years old. A little later, in 1667, when Prince Sultan Mauzum, a son of Aurangzib, had been reappointed Viceroy of the Deccan, Sivaji procured by his intervention, amongst other favours, the grant of the title of raja from the emperor. The year before this Sivaji had in person presented his *nazr* at Delhi; that is to say, made to his superior, the emperor, the complimentary offering in money which betokens fealty or submission. He had been disgusted with his reception and the rank assigned to him, and escaped from Delhi by a stratagem. He subsequently turned the tables on his adversaries; had many successes against the Moghal armies and the kingdom of Bijapur; and in 1674, when strong enough, again assumed the title of raja, this time without the emperor's leave. On this occasion the names of some of the principal offices under his government which had been expressed in Persian were altered into their Sanskrit equivalents; and Sivaji being weighed against gold, which was distributed to Bráhmans, thus purchased Rájput rank, the Bráhmans now pretending to prove that he was by descent a Rájput.



The list of the eight great officers of the Marhatta principality given by Grant Duff (from whom I take most of these particulars) is interesting as showing the degree of advance in the business of civil government, so far as that can be inferred from the severance of official functions and their assignment to different ministers of state. There was a *peshwa* or prime minister, with the new title of *mukh pardhān*; a general superintendent of finance and accounts; a general record keeper and superintendent of correspondence; a sort of private secretary, who also superintended the household troops; a commander-in-chief; a foreign minister; a superintendent of judicial affairs; and an expounder of Hindu law and the Shāstras. This description of the well-known eight *pardhāns* or ministers of the Marhattas might, indeed, if we omit the last, serve as a sort of typical description of the headquarter establishment of an Indian raja or nawāb at the present day. Both now and in the history of the last two or three centuries in India we constantly perceive the distinctions between civil and military command; the household of the prince and the general arrangements of government; revenue, finance, and the administration of justice; and home and foreign affairs. The ministers also being servants of the raja, the list indicates some of the functions which the raja, through his subordinates, is expected to discharge. But here, as in most things Indian, we must not expect either uniformity or precision in arrangement or consistency in practice. We may recognise a pretty frequent tendency towards a tolerably civilised distribution of the functions of government; an ideal, so to speak, more or less consciously accepted, never fully attained, and forgotten or ignored without the slightest pang whenever the pursuit of it would be practically inconvenient.

Sambhaji and Raja Ram, who in succession wielded the power of the Marhattas after Sívaji's death, imitated the example of their father and declared their independence. But Shao, at the end of whose time all real power passed into the hands of the Peshwa, acknowledged himself a vassal of the throne of Delhi and affected to consider himself merely as a *zamindār* or head *deshmukh* of the empire. He was appointed to the rank of 10,000 horse by the emperor Ferokhsír; an empty compliment to the head of a confederacy far more powerful than any force at the disposal of the emperor, and significant only as showing the vitality of



the ideas connected with the Delhi empire in the very hour of its dissolution.

Ballaji Wiswanáth, the first of the great Peshwas, was raised to his commanding position by Shao. The discipline enforced by Sívaji had long been relaxed, and the Marhatta armies had become the well-known gigantic predatory bands, demanding or about to demand tribute or plunder at the point of the spear from almost every province that had owned the sway of the house of Timur. The problem which that exceedingly astute Bráhmaṇ, Ballaji Wiswanáth, had to face was how to direct this prodigious force to the making of a Marhatta empire without allowing the control of it to depart from Bráhmaṇ hands. He solved the problem by a scheme most characteristically Hindu, and for complexity and ingenuity perhaps unrivalled in Indian annals.

The more we look into Indian institutions the more often do we find that they are at the root connected with the possession of land or of the revenue derived from it. The principle of the Marhatta military confederacy was a complicated system of land revenue assignments. The full details of that system may be studied in Grant Duff by those interested in the subject. I have only to refer to them here as briefly as I can, consistently with clearness, in order to show what a tangled network sovereignty in India became before the failing and already merely theoretical supremacy of Delhi had been succeeded by the effective over-lordship of the present paramount power.

*Chauth* means one-fourth, and *sirdeshmukhi* one-tenth of the total land revenue demand of a given tract of country. I mentioned that Sívaji obtained from Aurangzib certain revenue assignments in the kingdom of Bijapur. These were the *chauth* and *sirdeshmukhi* of certain districts above the Ghauts. The first imposition of *chauth* in a province immediately subject to the Moghals dates from the incursion in 1670 of one of Sívaji's generals into Khandeish. In this raid the village authorities were made to promise in writing to pay to Sívaji or his officers one-fourth of the yearly revenue due to government. Receipts were promised which would exempt them from pillage and ensure them protection. Such was the origin of the Marhatta claims which eventually embraced the *chauth* of the whole of India.

In 1720 Ballaji Wiswanáth obtained from the emperor Muhammad Shah three imperial grants. The first was for the *chauth* of the whole revenue of the six *subahs* or provinces





of the Deccan, including the Hyderabad and Bijapur Carnatic and the tributary states of Tanjore, Trichinopoly, and Mysore. This was on condition that the Marhatta Raja should maintain 15,000 horse to assist the military governors in preserving tranquillity. The second was for the *sirdeshmukhi* of the six *subahs*, or 10 per cent. over and above the *chauath*. The third confirmed the raja in the possession of the districts, principally those held by Sívaji at the time of his death, which were the seat of the actual sovereignty of the Marhatta power.

Outside these grants there were conquests in Berar and claims to tribute in Guzerat and Málwa. The Marhattas knew very well that they could not at once overcome the provincial governors, some of them, especially the Nizam, already far on the way to independence. Their policy therefore was to bleed as freely as possible where they could not or dare not kill. The plan of Ballaji Wiswanáth was to buckle a set of Bráhmaṇ reins on the whole team of free-booter generals. The raja, some of the principal officials, and the military chiefs were to have a sort of joint interest in certain nominally fixed shares of the revenues of other states; it was proper, of course, to affect that the interest was legitimatised by an imperial grant; but where letters patent did not apply, a district was easily placed under tribute by usage. As for the shares, the rules were two, that every chief should take as much as he could, and—honour among thieves—that the booty should be fairly distributed according to custom. This supposed custom of distribution was exactly what Ballaji Wiswanáth invented. In the co-operative society for the pillage of the empire the raja was honorary chairman and the Peshwa, with Bráhmaṇ assistants, the real director-in-chief. The *sirdeshmukhi*, the 10 per cent. of the revenue, was first set aside. That was the raja's *watan*, his hereditary property—name soothing to a Marhatta ear. Of the remaining claims one-fourth was appropriated to the head of the state in addition to the *sirdeshmukhi*: this was known as the raja's *bábtí* or item of revenue. The balance was termed *mokassa*. Nine per cent. of the *mokassa* was at the disposal of the raja in two shares; namely, 6 per cent., called *sahotra*, which was assigned by Shao to the minister above described as the general record keeper and superintendent of correspondence; and 3 per cent. as *nargounda*, which was granted by the raja to different persons at his pleasure. The rest of the *mokassa* was



distributed to a great number of chiefs as military *jāgīr*, burdened, according to circumstances, with dues to the head of the state, both in money and in troops. The old Marhatta *jāgīrdārs* had districts assigned to them subject to military service and the payment of *sirdeshmukhi*, but not of *chauth*. Particular quarters of the country were assigned to particular officers, who were also allowed particular claims on portions of revenue or on whole villages in the districts of each other. There were separate sets of agents for the collection of the *sirdeshmukhi*, the *bābti*, the *sahotra*, the *nargownda*; and any number of places, therefore, for Bráhmán clerks. Of course none but Bráhmáns could deal with the almost infinite intricacy of accounts and claims which resulted from this complicated system. In the Moghal provinces one-fourth of such revenue as remained after realisation of the *chauth* and *sirdeshmukhi* went to the Moghal local officer, the *faujdār*. The rest was either collected for the imperial treasury or more often alienated in *jāgīr* to some Moghal commander for the support of troops.

Such, in very general terms, was, in 1720, the theory in Western India and the Deccan upon which conquests were to be shared—a theory more or less reduced to practice according to the chances of usurpation and the fortunes of war. The Peshwas soon usurped the authority of the raja, and made him first their pageant to give weight to their authority with recalcitrant generals in the field, and finally their prisoner at Sattára. The Nizam asserted his independence in the Deccan, and on one occasion, when the emperor had secretly instigated a *subadár* to oppose him with the promise of his place, defeated his rival in a decisive battle, and, with an admirably Oriental adherence to forms, sent the *subadár's* head to court with a congratulatory letter on the victory of the emperor's army thus successfully commanded by himself. Throughout the greater part of the eighteenth century the Peshwas and Nizam-ul-mulk and his successors stand confronting each other as the chief figures on the scene in Western India, often in open conflict, never either of them quite strong enough to beat the other down. It was natural that the Marhattas should turn their arms to Málwa and Guzerat—indeed, the admission of their claims on the Nizam's territory ought theoretically to have saved it from depredation—and it is easy to see that the localisation of the assignments of the military leaders would sooner or later give them opportuni-



ties of founding separate states. Thus Báji Rao, the Peshwa, when he began his incursions into Málwa, about 1725, 'by virtue of the authority vested in him by Shao, granted deeds to Powar, Holkar, and Sindhia to levy *chauth* and *sirdeshmukhi*, and to retain half the *mokassa* in payment of their troops.' Though the pretence of the raja's authority was maintained, these chiefs, the founders of the present Marhatta houses of Dhár, Indore, and Gwálior, were officers of the Peshwa, acting under his commission. The origin of the Baroda family was not dissimilar. Dabári, the hereditary commander-in-chief, who had made conquests in Guzerat, assembled an army of 35,000 men and set out for the Deccan to deliver the raja from the thralldom of his ministers. Báji Rao in 1731 defeated his army. Dabári fell, and the Peshwa left his infant son in nominal possession of the Marhatta rights in Guzerat, under the guardianship of Pilaji Gaekwar, the ancestor of the Gaekwars of Baroda.

I mentioned in a former chapter that Sindhia obtained from the Delhi emperor a patent granting to the Peshwa the hereditary office of *vakil-ul-mutlak* (a term, by the way, which Wilks translates 'absolute vicegerent'). Sindhia brought the insignia down to the Deccan, and the Peshwa was invested with the *khillat* or dress of honour under unusually elaborate ceremonies. The condition of the grant was that the Peshwa was to appoint Sindhia and his posterity his perpetual deputies. The Peshwa, a usurping minister, thus in theory became the deputy of a powerless emperor, and all the real power was vested in a military chief of a practically independent territory, who affected to be the deputy's deputy for the management of the imperial affairs. Add to this that the Marhattas still had their claims on the adjoining territory of the Nizam, where sovereignty had been acquired by successful rebellion. It was these claims that led to the last general reunion of the Marhatta chieftains, who, notwithstanding the establishment of their separate governments, had been taught to hold that all and each were interested in what could be exacted from the Nizam. There were outstanding balances for *chauth* and *sirdeshmukhi* extending over a series of years. The Nizam, taking advantage of the alliance against Tippoo, had procrastinated and met claims by counter-claims, and generally evinced a determination not to pay. The prospect of sharing in the expected advantages brought to the standard of Nana Farnavis, the Poona minister, all the chiefs of importance.





Sindhia and Holkar were on the spot. The Raja of Berar set out to join. The Gaekwar sent a detachment of his troops, and the great southern *jágirdárs* attended the summons. 'This,' says Grant Duff, 'was the last time the chiefs of the Marhatta nation assembled under the authority of their Peshwa.'

I need not further pursue Marhatta history. Enough has been said to show that the Marhatta military confederacy was a conspicuous illustration of the genius of Hindu institutions, especially as moulded by Bráhmaṇ hands, and to afford some instances of the formation of states connected by some real ties and some political fictions; while the fiction—for such it had become—of the supremacy of the house of Delhi was still used by the most formidable of the half-confederated and often hostile military chieftains as an instrument of his power alike in the original territory of Marhatta dominion and in the portions of the fallen empire over which he asserted or had obtained direct or practical authority. We must now pass to the other side of India, and consider the nature of the sovereignty of the Moghals.



## CHAPTER IX

### THE SOVEREIGNTY OF THE MOGHALS

‘By the theory of the Muhammadan law,’ says Elphinstone (*History of India*, p. 482), ‘the ruler of the faithful should be elected by the congregation, and might be deposed for any flagrant violation of the precepts of the Koran; but in practice the king’s office was hereditary and his power absolute.’ Elphinstone further explains that the king was considered bound to observe the Muhammadan law, but that there was no authority which could enforce his obedience to it, and that ‘when he was determined to persevere there was no remedy short of rebellion.’ A sort of common law, however, ‘not derived from the Koran but from the custom of the country and the discretion of kings,’ the existence of great officers and departments of state, and of village and other rural institutions were doubtless checks upon the royal prerogative.

It is certain that the sovereign could and did interfere in the decisions of courts of justice. The emperors, like the rajas, were regarded as a sort of ultimate court of appeal in cases of every description, judicial and others. And while the emperor was at the apex of power in his own realm, he was entirely independent of any other authority. Rajas, as we have seen, were frequently tributary without loss of internal sovereignty. The Delhi emperor was tributary to no one. He held by right of conquest and right of descent. It is said that Mahmūd of Ghazni, who possessed but a small part of India, received a letter from the Khalif of Baghdad congratulating him upon his successes against the infidels; and more than two centuries later Muhammad Tughlak, undoubtedly an Indian emperor, went through the form of acknowledging the sovereignty of the nominal Khalif in Egypt, and solicited investiture from him. But this is mentioned by Elphinstone as the whim of a man who was probably in some degree insane. I have traced no similar act on the part of any later



emperor; and I think it may be safely said that the Delhi empire, from the middle of the fourteenth century onwards up to the time of its fall, was not even theoretically dependent on any other power.

The position of the emperor was thus much more the result of what he found practicable and of what was expected of him in the country than of any application, as constitutional principles, of the doctrines of Muhammadan law. It was indeed the application of one such doctrine, the reimposition of the *jiz'ia* or poll-tax on infidels, which contributed in the days of Aurangzib to the approaching dissolution of the empire. The emperor may, I think, be considered as holding the place of a raja, who was also a *rājadhirāj*, that is, who not only directly ruled his own territories, but also received the submission or tribute of other dependent kings. One continual element of weakness was the absence of any fixed rule of succession. 'The Koran,' says Colonel Wilks, 'recognises no rule of inheritance to kingdoms; and although the succession of the firstborn seems among Muhammadans, as among most other sects, to have been considered as the order of nature, the sword is nevertheless the only legal arbiter universally acknowledged.' The whole history of the Moghal empire at the height of its strength illustrates the truth of this observation. The sickness or death of the reigning emperor was almost uniformly the signal for an internecine contest among his sons.

Notwithstanding the checks imposed by the custom of the country, the general frame of the imperial government differed, or perhaps I should say was meant to differ, in some important respects from any Hindu model. In Hindu governments office was usually hereditary; under the Moghals it was a matter of personal appointment in the case of the more important posts, though the hereditary claims of the minor rural officials were recognised by their Moghal masters. The *sipah salars*, afterwards called *subaddrs*, of the great provinces or *subahs* into which the empire was divided, were frequently changed; and the emperors were as well acquainted as are the governors of our own provinces with the expediency of transferring local officers from one post to another as a means of escaping an official difficulty or bringing about an official improvement. The Hindu aristocracy, the Bráhmans and Rájputs of high position, are an aristocracy of tribe and birth; the new aristocracy, if such it can be called, created by the Muhammadan emperors, was an aristocracy of office.



No doubt the sons of distinguished men obtained important appointments, and provinces and great commands were habitually bestowed upon princes of the blood. Rájput dependent princes were also, as I have said, freely employed as governors and generals. But the *mansab*, the military rank which was conferred upon individuals by the direct act of the sovereign, did not pass by inheritance from father to son. On the death of a *mansabddár*—a commander, as already explained, nominally of so many thousand or hundred horse or even less, but actually furnishing some specific number, sometimes not a tenth of his nominal command—the emperor conferred some rank—‘generally’ (so Elphinstone tells us) ‘a moderate one at first—on his son, and added a pension if the father’s merit entitled him to it.’ *Mansabddárs* often obtained assignments on the revenue of villages for the support of troops; and on the weakness of the central authority *jágírs* of this description may have become hereditary. But where this happened there was a departure from accepted theory. It appears also that an officer exclusively employed on civil duties might hold the military rank of a *mansabddár*.

As is well known there were fifteen *subahs* or provinces in Akbar’s time, but the number varied with the fluctuation of the imperial boundaries. Of course a mere enumeration of the provinces does not go far towards any general idea of the Moghal empire in the days of its strength. But the provinces, as a rule, were smaller than ours; and, with our vastly improved means of communication, we can doubtless afford to unite larger territories under single local governments or administrations. Thus Bengal (including Orissa) formed one *subah*; but Behar, which, with these two provinces, is now under one lieutenant-governor, was then a separate charge. In the list in the ‘*Ayín Akbari*’ Oudh stands as a separate *subah*; and with us it was under a Chief Commander of its own till almost the other day. The *subahs* of Allahabad, Agra, and Oudh, taken together, correspond with the Lieutenant-Governorship of the North-West Provinces and Oudh. The Delhi, Lahore, and Mooltan *subahs* cover the territory of the Punjab; Tatta coincides with Sindh, Málwa with the Central India, and Ajmír with the Rájputána Agency. The position in Ajmír corresponded closely with that which now exists—that is to say, Ajmír itself, with some small territory in the neighbourhood, was directly administered, and the adjoining states were under Rájput chiefs, feudatories, as already



said, of the empire. In Málwa, however, where there is now no direct administration, if we exclude the Jhānsi division of the North-West Provinces, the position has been altered by the intrusive conquests of the Marhattas and the rise of the state of Bhopál. Bundelkhand, then, as now, mostly held by old Rājput families, was tributary at the time of Akbar's accession. The boundaries of the *subah* of Berar are difficult to trace; but it probably included part of the Central Provinces as well as the Berar of the present day. Khandeish and Guzerat occupied what is now the northern part of the Bombay Presidency, excluding Sindh. It must not be supposed that these correspondences of area are at all exact. I merely endeavour to give a slight sketch of the Moghal distribution of territory as compared with our own. The *subah* of Kashmír, including Kábul, must have comprised an enormous area; but probably most of it was very loosely held.

As to the character of the direct administration, the *subadár* had command of the troops and administered justice, exercising powers of life and death. He was, in fact, invested with all the executive powers of the state. It was part of his duty to increase cultivation, to befriend the industrious husbandman, to appoint collectors of revenue, and, as we should say, to supervise public works, amongst which were the reservoirs, wells and watercourses, gardens and rest-houses for travellers. As the province was in charge of the *subadár*, so several *parganas* (tracts more or less resembling our *tahsils* or sub-collectorates, but usually smaller) were in charge of the *faujdar*. The duties of this officer within his district were somewhat similar to those of the *subadár*, whom he was bound to assist. It is particularly mentioned that he was to coerce refractory *zamindárs*. There were separate judicial officers, the *mír ádil* and the *kázi*, but they probably left to the executive branch cases affecting the safety of the state, the public tranquillity, the land revenue, and the possession of land. The *ámil* or *ámilguzár* appears to have approached most nearly to the modern district officer. He was charged with the collection of revenue and the management of the land, including its valuation, the grant of agricultural advances, the promotion of the cultivation of the waste, and some miscellaneous functions, the nature of which may be inferred from the contents of his monthly reports, which were to include 'the condition of the subjects, *jágírdárs*, neighbours, and rebels, together with the market prices of





goods, the rent of houses and shops, the state of dervishes and artificers, and every other remarkable occurrence.' The *tepukechi* was a sort of revenue assistant to the *ámil*, and had to obtain information from the *kánúngo* as to revenues for past years and the nature and capacity of the country. In cities the *kotwál* was an officer of police who saw to the protection of the inhabitants and to the execution of minute regulations resembling municipal bye-laws. Where there was no *kotwál* the duties of the post fell to be discharged by the *ámil*. There were other officials such as treasurers and clerks, and, of course, the village accountants. But further detail is not required.

The territorial divisions of which *subahs* were made up were known by various names, but the primary division was into *sirkárs*, and of the *sirkár* into *parganas*. We are familiar with the term Northern Sirkárs in the history of the Madras Presidency.

These particulars are mainly taken from the 'Ayín Akbari,' but a further insight is afforded by the description given by Grant Duff (vol. i. p. 294) of the manner in which the Moghals took possession of a conquered district at the time when the Deccani kingdoms of Bijapur and Golconda were succumbing to the mistaken policy of Aurangzib. The Moghal conquests in the Deccan were arranged in six *subahs*; there were several *faujdárs* to a *subah*, and the *ámil* of Akbar's time appears now to have been termed the *khálsa dewán*. Akbar abolished, or tried to abolish, the system of farming the revenues, and his instructions to *ámils* insist on their transacting business with each husbandman separately, thus anticipating by two and a half centuries the *ryotwári* system of Madras. But these district *dewáns* of the Deccan farmed out the lands to *deshmukhs* and realised the amounts from them. They also collected the revenue alike in lands paying revenue to the state and in those of which the revenue was assigned in *jágír*. The tenure of the *jágírs* granted to Moghal commanders in the newly acquired territories was seldom permanent; they were usually for a term of years, on specified districts, for support of troops. The Marhatta commanders, on the other hand, had a permanent tenure. The *faujdár* was allowed about 25 per cent. of the government collections for the maintenance of the district establishment.

In Bengal, about a century later, before we had made the native government a mere instrument in our hand, the



raja or *zamindār* of the district was the judge of the *faujdāri* or criminal court; but he had to refer cases of a capital nature for the orders of the government at Murshidabad. He was also the judge of the civil court, and had been the judge of a special court for dealing with cases relating to the revenue or rent of lands; but the jurisdiction was transferred to a district deputy of the *dewān* or revenue minister at headquarters. This distribution of judicial business under the heads of *faujdāri* or criminal, *dewāni* or civil, and *māl* or revenue, has lasted to the present time.

I have frequently used the expression *zamindār*, and it is now proper that I should define it. In the Punjab *zamindār* means simply a peasant proprietor, generally a member of one of the land-holding tribes who possess the country parcelled out amongst village communities. In the Gonda district of Oudh there are *village zamindārs* who differ from the *zamindārs* of the Punjab, because their tenures appear to have usually originated in the grant of the *rāja's* rights over groups of villages. In the absence of any rule of primogeniture the expanding families of these grantees found it necessary to take to cultivation. There are also *village zamindārs* of Benares, referred to in the Bengal regulations of 1795, and identified by the authors of the Fifth Report with the headman of villages in other parts of India. And in the official parlance of British India *zamindār* means a person with whom a permanent settlement has been made, or who has acquired an estate permanently settled under the Bengal or Madras regulations. Not one of these meanings is that which the word conveys when the *zamindār* is considered as one of the institutions of the Moghal empire.

Apart from feudatory Rājput states and others that were tributary, there were in most provinces of the Moghal empire Hindu chiefs who retained hereditary jurisdiction; 'the most submissive of this class,' Mountstuart Elphinstone tells us ('History,' p. 485), 'paid their revenue and furnished the aid of their troops and militia to the governor' (*i.e.* the *subadār*), 'and were subject to his control in cases where he thought it necessary, but were not interfered with in the ordinary course of their administration. The most independent only yielded a general obedience to the government, and afforded their aid to keep the peace; but these last were confined to strong countries, or large tracts bordering on a province.' These half-subdued chieftains were sometimes the descendants of ruling families who had sought refuge in





hills or wilds when Hindu dynasties were overturned by Muhammadan conquests; sometimes tribal chiefs of savage or semi-savage communities never brought under real control; sometimes the governors and officers of broken Hindu kingdoms who had asserted a precarious independence when aggression, strong enough to destroy but not to rule, had been followed by confusion and anarchy. Such were some of the *zamindárs* of the empire; and the theory was that they collected the revenue, both what they could be made to pay and what they were permitted to retain, on behalf of the government. In the 'A'in Akbari' the *zamindárs* whom the *faujdar* was instructed to coerce when necessary were in general of these descriptions—men holding a fort or forts of their own, and with a rough militia, theoretically part of the imperial forces, but often as likely to be employed against them as with them. To these classes must be added farmers of the revenue, employed to carry on administration from motives variously corrupt, of greed on the part of government or its servants, or of reckless and cynical dislike of trouble, or sometimes, less ignobly, from the sheer impracticability of getting in revenue in any other way. The farmers might be petty rajas, no longer sovereign, and more or less ousted from their domains, compromising the theory of their complete dispossession by a sort of heavy quit-rent to the governor; or they might be hereditary Hindu officials of the country side, like the *deshmukhs* of the Marhatta country, who, we have seen, were sometimes made revenue contractors, and are identified by Grant Duff with the *zamindárs* of Bengal. Or, again, the worst kind of farmer might be a mere moneyed man, some merchant who took over the business of oppression as a trade to fill his purse. This does not, of course, exhaust the list. Court favourites, successful officials, and generally persons of influence might obtain the appointment of *zamindár*. The emperors, no doubt, affected to apply the name of *zamindár* to the feudatory or tributary chiefs; for instance, to the Punjab Hill rajas and to the rajas of Tanjore and Trichinopoly. But it is well to distinguish between chiefs or rajas who were sovereign in their own territories and paid tribute, and *zamindárs* proper, who were, by appointment officers of the empire, paid revenue, and were remunerated for the trouble of collection by a percentage on the revenue or by grants of land, or by both.

As time went on the general duties of the office became well defined. Besides paying the revenue, the *zamindár*



undertook to increase cultivation, prevent robberies and murders, make good stolen property, keep high roads in repair, and refrain from unauthorised exactions. Like other men, he seldom acted up to the ideal that was set before him. The article under the head *ZAMINDÁR* in the glossary to the Fifth Report prepared by Sir Charles Wilkins, the orientalist, though mainly applicable to Bengal, will serve as a summary of this subject:—A *zamindár*, he says, is 'an officer who, under the Muhammadan Government, was charged with the superintendence of the lands of a district financially considered, the protection of the cultivators, and the realisation of the government's share of its produce, either in money or kind; out of which he was allowed a commission, amounting to about 10 per cent., and occasionally a special grant of the government share of the produce of the land of a certain number of villages for his subsistence called *nánkár*. The appointment was occasionally renewed; and as it was generally continued in the same person so long as he conducted himself to the satisfaction of the ruling power, and even continued to his heirs, so in process of time and through the decay of that power and the confusion which ensued, hereditary right, at best prescriptive, was claimed, and tacitly acknowledged, till at length the *zamindárs* of Bengal in particular, from being the mere superintendents of the land, have been declared the hereditary proprietors of the soil, and the before fluctuating dues of government have, under a permanent settlement, been unalterably fixed in perpetuity.'

The term *nánkár*, from the Persian *nán* bread, and *kár*, business, literally bread for work, was applied also to assignments of land or revenue made for the subsistence of village or *pargana* officers. Besides these grants for subsistence there were throughout the empire many other land revenue assignments, under a great variety of names in different parts of the country. Most of these could be brought under the heads of religious or charitable endowments or of service grants, like the *jágirs* granted on the condition of providing a certain number of troops when required. The authors of the Fifth Report trace the office of *zamindár* itself as far back as the time of the Hindu *rájas*. They say it originally went by the name of *chaudari*, which was changed by the Muhammadans for that of *krori* or collector of a *kror* of *dams* (Rs. 250,000) in consequence of the land being divided into charges yielding that amount; and it was not, they represent,



till a late period of the Muhammadan Government that the term *krori* was superseded by that of *zamindār*. But the manner in which *zamindārs* are spoken of in the 'Ayin Akbari' and other evidence, as, for instance, the information given in the Fifth Report itself regarding the *zamindārs* of the Northern Sirkārs, seems to prove conclusively that the *zamindāri* status originated in other ways besides the conversion of the old Hindu *chaudaris* into Muhammadan officials.

On what was really Hindu in the status of the emperors something more remains to be said. The evidence of Abul Fazl, a highly esteemed officer of the latitudinarian Akbar, is perhaps open to some suspicion on such a point; but it is worth mentioning that in the exordium of the 'Ayin Akbari,' after enumerating the four kinds into which the people of the world may be distributed, namely, warriors, artificers and merchants, the learned, and husbandmen—a classification evidently suggested by the Rājputs, Vaisyas, Brāhmanas, and Sudras of the Hindus—he goes on to describe the king as a person who puts each of these classes in its proper place. This entirely accords with the spirit of the Institutes of Manu, so rigidly conservative of the limits of caste; and with the conception of the king in the Institutes as the protector of the several castes.

The Institutes of Manu, now commonly described as a Brāhmanical account of Hindu institutions, as, in Brāhmanical opinion, they ought to be, are accepted by Elphinstone as giving a correct view of those institutions in some remote age; and in this estimate of their historical value we may be content to follow him. They obviously reflect Brāhmanical ideas which prevailed in some part of the country during some far distant period long antecedent to Muhammadan supremacy. We may therefore usefully note that some of the ideas which they express were still more or less operative in the time of the Moghal empire, and indeed that some of them have lasted on right through that time to our own day. The king, according to Manu, must be a man of the military class, or, as we should now say, a Rājput. The emperors did exactly what a modern raja does whose pedigree is open to criticism; they married into Rājput families. In the forefront of the duties of the king Manu places the administration of criminal justice—the king is indeed described as the god of criminal justice. To this day the exercise of criminal jurisdiction is popularly regarded as the chief mark of governmental authority. The





*hâkim*, the giver of orders, the local administrator, whatever else he may be, is at all events a magistrate or a judge. The local distribution of officials, the distinction between civil and criminal justice and the division of public business amongst several ministers are all inculcated in Manu; and all are features of the British system and were features of the system of the Moghals. The Institutes prescribe that the king shall appoint a lord of one town with its district, a lord of ten towns, a lord of twenty, a lord of a hundred, and a lord of a thousand. 'Let the lord,' it is said, 'of one town certify of his own accord to the lord of ten towns any robberies, tumults, or other evils which arise in his district and which he cannot himself suppress; and the lord of ten to the lord of twenty. Then let the lord of twenty towns notify them to the lord of a hundred; and let the lord of a hundred transmit the information himself to the lord of a thousand townships.' Do we not see here the *zamindâr* reporting to the *âmil* or *faujdâr*, and the *âmil* or *faujdâr* reporting to the *subadâr*? Nay, at the present time does not the village headman report to the *tahsildâr*, the *tahsildâr* to the deputy commissioner, and the deputy commissioner to the commissioner of division? The lords of towns are to enjoy the produce of certain portions of land, very much as the village and *pargana* officials and *zamindârs* had their *nânkâr* and the *subadârs* their *jâgîrs*. There are to be superintendents for large towns, the forerunners, perhaps, of the Muhammadan city superintendents—the *kotwâls*. We see in the Institutes traces of taxes on petty shopkeepers and of forced labour—both of them things with which we have had to deal. The king, it is ordained, is to take 'of grain an eighth part, a sixth, or a twelfth, according to the difference of the soil and the labour necessary to cultivate it.' The principle of the land-revenue settlement made by the Hindu minister Todar Mal under Akbar was to ascertain the quantity of produce due to the government, and to commute it for a money payment; and for this purpose lands were classed according to their fertility, and allowance was made for the expense of reclamation. Our own land revenue settlements proceed on a principle which is fundamentally the same, though we have obscured it by describing our due as a share of the rent instead of a share of the produce, and have rightly striven to avoid discouraging agricultural improvement.

In the earlier days of our rule the question whether the





king or the *zamindār* was the proprietor of the soil was an absorbing matter of official controversy. The issue was really a false one; for in truth neither the king nor the *zamindār* was the sole proprietor. Proprietary rights were in general shared between the king and the cultivator or immediate occupant; and the *zamindār* was employed for political or administrative reasons to exercise certain rights of the king in an assigned tract of country. It is right, however, to note that the authorities for the opinion that the sovereign was the owner of the soil are arrayed by Mill ('History of India,' i. 308); and Wilks remarks that the European travellers who visited the court of Aurangzīb in the latter part of the seventeenth century unanimously denied the existence of private landed property in India.

Here, as in many other difficulties, I seem to have found precisely the clue which I wanted in Mr. Benett's report on the Gonda district of Oudh. From the proximity of Oudh to the seat of the empire and the long duration of native rule under the protectorate, that province is likely to supply good evidence of the working theory of the Moghals. The Nāwabs of Oudh were originally *subadārs* or governor of a province under the Delhi emperor. The theoretical position of the Muhammadan government of Oudh 'was accurately formulated,' says Mr. Benett (p. 53), 'by the maxim that the state was the sole *zamindār*; the problem was how to reduce this to practice, in spite of the existence of a numerous and powerful body of *zamindārs* already in possession.' The *zamindārs* already in possession were the old rajas and the so-called village *zamindārs*, to whom the rajas had assigned their rights. The rights claimed by the Moghals were therefore the ancient rights of the Hindu rulers of the country. These were the rights which they deputed their official *zamindārs* to exercise on their behalf and in their interest; and the case was the same whether they left an old raja in possession as *zamindār* or *talukdār*, or put in a speculator.

The emperors no doubt assumed the right of dealing with the waste, as is clear from the instructions to officers in the 'Ayin Akbari' and the terms of the *zamindari sanad* of appointment. When in the extensive plains of India one-third of the land capable of cultivation lay waste, it was unlikely that the power of government or its officers to make grants of the waste lands at pleasure would be called in question by anyone. I need not enter here on problems



subsequently arising from pressure of the population on the soil, or where large tracts of country have been completely parcelled out by tribes, retaining tribal cohesion and settled in village communities. It is easy to see how, under such circumstances, a sense would be felt of property in the village waste; and how, where that sense of property was felt, village boundaries, like the boundaries of petty principalities, under different conditions, would be well known and jealously guarded. Apart from the rights over the waste assumed by the emperors, the position seems to me to have been very accurately summed up in the answer made by Ghulam Husain Khan, the author of the 'Siyar-ul-Mutuakhariin,' to one of the interrogatories of Sir John Shore, afterwards Lord Teignmouth. The emperor, said this intelligent witness, the son of a Názim of Behar, is not so far lord of the soil as to be able, consistently with right and equity, to sell or otherwise dispose of it at his mere will and pleasure. He is proprietor of the revenue, but he is not proprietor of the soil. Hence when he grants *jágirs* (and other analogous tenures) he only transfers the revenue from himself to the grantee. Assuming that the revenue was a share of the crop commuted for a money payment—and we have seen that this was actually the case in the settlement made by Todar Mal under Akbar—these words substantially describe the status of a Hindu raja. It will be easily seen that they imply a joint proprietorship. I know of no stronger proof of the vitality of the old Hindu idea that the cultivator, duly meeting the demand of the state, must not be dispossessed of the land he occupies than the fact that in Bengal, after centuries of Muhammadan rule, after the old *zamindárs* had been ousted in a wholesale way by one of the emperor's viceroys, and their successors had been ousted in an equally wholesale way by our sale laws, and we had omitted for about ninety years to give the needful protection to the cultivator, we have been compelled to recognise by the legislation of 1885 the occupancy rights of settled *ryots*.

After all, notwithstanding the immense variety in detail of forms of government, the political imagination of mankind does not seem to be very fertile in the invention of radically distinct types; or perhaps we should rather say that in the arrangements of states, as in the organisation of species, there are certain leading types of structure which underlie individual variations of form in vast groups or families. Thus in countries where the idea of representative





government has fixed its hold, we see it regulating not merely sovereign assemblies, but also the governing bodies of colonies and dependencies, local and municipal boards and committees, and the innumerable companies and societies which are formed on principles of voluntary association, for trade and political objects, for instruction, charity, relaxation, and the propagation of religion. So it is also with countries where administration is bureaucratic or centralised, based on the principle of territorial charges assigned to or it may be inherited by a hierarchy of individual officers. In the Indian village the hereditary headman, the *patel*, *lambardár*, or *mukaddam*, as he is variously called, is the principal executive functionary, and the *karnam*, or *patwári*, the village accountant, is theoretically acquainted with all particulars relating to the occupation of the village lands, their capabilities, produce, and revenue, and the manner in which the produce is shared. For Marhatta districts, comprising a good many villages, similar functions, as we have seen, were discharged by the *deshmukhs* and *deshpandyas*. These were identified by Abul Fazl with the *chaudaris* and *káníngos* of the Moghal provinces. The same distinction between police and general management on the one hand, and revenue affairs on the other, is perceptible in the appointment of *faujdárs* and *ámils*, or of *faujdárs* and local *dewáns*, for subdivisions of *subahs*; and of *nawáb názíms* and *subadárs*, and principal *dewáns* for provinces. The *zamindár*, it is true, united some of the functions of both *faujdár* and *ámil*. But he merely represented an extremely old idea applied in a novel fashion. He stood in the place of the old petty tributary raja. Sometimes he was such a raja by descent. Within his *zamindári* he took the government dues, arranged for the cultivation of waste lands, and, so far as he acted up to his duties, protected the people. The Muhammadans, though they destroyed many principalities and ousted the rajas, or reduced them to merely official positions, did not invent very much. In the *zamindáris* they copied the old Hindu *rāj*; in other subordinate territorial charges they copied the old hereditary village and rural offices of the Hindus. Naturally as foreigners and conquerors, they gave the most important posts—as a rule, though not invariably—to men of their own races and faith; and they resisted the hereditary tenure of office, except in the lower ranks, where Hindus were in possession; though in the end the hereditary prin-



ciple was too strong for them and led to the peculiar status of the *zamindār*, as we found him, and to the actual or substantial independence of the great provincial governors.

We are now able to bring before our minds a general idea of the Moghal empire at the time of its vigour. It consisted of extensive provinces under high officers of the state, portioned out into districts and other subdivisions, administered by local officials, the higher authorities amongst them being appointed by government, while the village officers held by the hereditary tenure which had come down from Hindu times. In addition to the provinces thus directly administered, there were a great number of dependent principalities of varying size and importance, not disputing the theory of their allegiance, but usually measuring their obedience by their strength or remoteness and other opportunities of resistance, and thus exercising various degrees of power. In many hilly or broken parts of the country there were wild tribes, never really subdued, who not infrequently disturbed the neighbouring settled tracts by raids and depredations. In the directly administered territory the land revenue of large tracts was often alienated on conditions of military service, and other grants of land revenue were made as remuneration for services of a civil nature, and in support of religious persons, or of religious or charitable institutions. The village officers also enjoyed their hereditary assignments. Attempts were made, sometimes successfully, to settle the land revenue for terms of years on a system which had prevailed in the country in Hindu times, and does not differ greatly in principle from that which is followed now. But in the difficulties which arose in the government of so vast and various an empire resort was often had to that conclusive proof of administrative incapacity or indifference, the adoption of the plan of farming the revenue; and in many parts of the country the administration, such as it was, came to be in the main carried on by the *zamindārs* whose status and functions have been described.

If Aurangzīb, instead of first undermining and then overturning the Muhammadan states of the Deccan, had brought them into the imperial system, as a bulwark against the rising Marhatta power, the empire thus composed might have had a longer existence. It was, however, dismembered during the course of the eighteenth century by the incursions and conquests of the Marhattas, the invasions of Nādir Shah and Ahmad Shah Durāni, the turbulence of the Sikhs, and





the rebellions of the provincial governors. We thus received a shattered framework of the pattern sketched above ; and in putting together the pieces on a new model we have retained a good deal of what is old. Now, as then, the empire is constituted of great provinces officially administered and of dependent states exercising various degrees of sovereignty. In the directly governed territory there are still in many places large *jágírs* and other assignments of land revenue. The *zamindárs*, changed into proprietors of permanently settled land, still survive, but without administrative functions. The Governors, Lieutenant-Governors, Chief Commissioners, and Governor-General's Agents have taken the places of the *subadárs*, the district officer has superseded the *ámíl*. The villages with their petty officers live on. The *kánúngo*, after being abolished as useless in Bengal, has been revived elsewhere and made much of as part of the latest revenue policy of the government of India. The Boards of Revenue and Financial Commissioners may be compared with the old provincial *dewáns* ; in the supreme government itself the secretary in the revenue department may be fairly enough described as the head *kánúngo* of the empire. The Foreign Office is known as the *munshi khána*, a name that may be said to show its connection with the *mir múnshis* or foreign ministers of native states. It is hardly necessary to add that in some matters—in the recognition and application of principles, in precision of ideas distinguishing and conferring or acknowledging sovereign or delegated powers, in the discriminating definition of responsibilities, in the automatic co-operation of departments and local authorities, which is efficient in proportion to the excellence of official discipline, in military strength, and in the command of the country derived from railways and telegraphs and other public works—between the present and the past there can be no comparison.





## CHAPTER X

## INDIAN INSTITUTIONS AND FEUDALISM

ALMOST everywhere in the India of our predecessors we see the land as the basis of political institutions. If I am asked why sovereignty was territorial or tending to become so, why it was based on the land, and why it often included some vague notion of suzerainty, the most general answer I could give would be to say that the Indian evidence I am about to set forth seems to confirm the remark of Bishop Stubbs that, though feudalism was of distinctly Frank growth, the principle that underlies it may be universal. In previous chapters I have avoided as much as possible the discussion of the numerous cases where some intermediate authority was interposed between the ruler and the people, because I wished to take first the simpler cases where the nature of the tie between prince and peasant was particularly clear. Here, however, we shall frequently have to encounter the more difficult analysis of complicated facts which were the Indian substitutes for sub-infeudation or the formation of fiefs. And as we follow that analysis I hope it will be sufficiently proved that, though there was not anywhere in India a completed feudal system, there were, in almost every part of the country, strong tendencies making for feudalism, or, if I may say so, for various types of feudalism, the types differing from one another in different regions.

Towards the end of the last century Mr. Lionel Place was the officer in charge of that part of the possessions of the East India Company on the Madras coast which now forms the Chingleput district. In the course of a well-known report published in the collection of papers on *mirāsi* right he writes, on June 6, 1799 :—‘ Were I called upon to define the term *mirāsi* and its properties, I think it bears an exact analogy to a *fee*. I would call *mirāsi* a freehold estate of inheritance, and a *mirāsīdār* a tenant in fee simple, holding of a superior lord on condition of rendering him service.





His lord is the *sirkār* (or government), his estate the usufructuary right of the soil, and the service he owes, a renter of a stated portion of the produce of his labour.' The elder Mill is extremely severe upon a somewhat similar application of feudal terms. In 1773, as a part of the long series of discreditable occurrences which culminated in the imprisonment and death of the governor, Lord Pigot, the officers of the Madras Presidency attacked and took Tanjore. The dispossessed Raja of Tanjore had assigned the seaport town of Nagore to the Dutch as security for money lent to him. An excuse was sought to oust the Dutch, and it was argued that, as the Raja of Tanjore held his lands of the Nawāb of Arcot in fee, he could not, agreeably to the feudal system which, it was said, prevailed all over India, alienate any part of his country to any other power without the consent of his liege lord, the ruler of the Carnatic. On this, James Mill observes that such an idea as that of land held in fee could hardly enter into the mind of a native Indian, and that such a thing as a feudal system or a liege lord never had a moment's existence in India, nor was ever supposed to have, except by a few pedantic and half-lettered Englishmen, who knew little more of the feudal system than the name. Colonel Tod, however—who was anything but a pedant, and studied the European part of his subject in Montesquieu and Gibbon's miscellaneous writings and Hallam—persists, with an express acknowledgment of the danger of seeming resemblances, in describing the Rājput system as a 'pure relation of feuds,' and devotes five chapters of his invaluable work to a sketch of a feudal system in Rājputāna. Mountstuart Elphinstone, also, after explaining that the Marhattas had fiefs but no feudal system, goes on to say that it is impossible not to give the name of feudal to the institutions of the Rājputs. 'With them,' he says, 'the founder of a state, after reserving a demesne for himself, divided the rest of the country among his relations, according to the Hindu laws of partition. The chief to whom each share was assigned owed military service and general obedience to the prince, but exercised unlimited authority within his own lands. He, in his turn, divided his lands on similar terms among his relations, and a chain of vassal chiefs was thus established, to whom the civil government, as well as the military force of the country, was committed.' With characteristic insight Elphinstone adds:— 'This plan differs from the feudal system of Europe as being founded on the principle of family partition.' Finally, Sir





Alfred Lyall ('Asiatic Studies,' pp. 211-213), with admirable force and clearness, points out how and why Colonel Tod was wrong. What held together Rájput political society was the tie of blood, not the tie of contract as between vassal and lord; and the institutions described were by origin primitive and, in fact, præ-feudalic.

In the comparison of feudalism with Indian political institutions these passages show very clearly phases of thought which may often be successive. On first examination of some part of the chain of relations linking the Indian peasant with the prince or his representative, and the prince with the paramount power, we are prone enough to assume in what we discover identity with things we have known or heard of in Europe. Presently we find out our mistake, condemn our fancied analogies as wholly unreal, and perhaps are even tempted to believe that it is positively mischievous to try to decipher any analogy. In the end, we probably come to the conclusion that the likeness which first attracted our attention is more than superficial; that there are sound analogies of a certain kind, but that they differ very materially from those of which we originally imagined the existence.

The degree of value which we are likely to attach to discoverable analogies depends a good deal on the view we take as to the object of historical studies. History itself has a growth of its own; the annalist gives place to the literary historian, who intersperses narrative with general reflections, or makes it the means of intellectual enjoyment by the attractions of picturesque description and style. In its later development history becomes philosophical; assigns greater prominence to the causes of characters and occurrences; deals with the influence of ideas and the general political condition of nations at different epochs; and attempts to portray the origin and nature of civilisation in the progressive societies of the west. Then, as in many other departments of research, the whole field is seen to be too wide for the span of individual effort; and the co-operation on which further progress depends is secured by the specialisation of study. Extraordinary elaboration is bestowed upon comparatively limited periods of national growth; constitutional history is more decisively separated from political history; numerous works appear which are professedly or practically histories of, or historical studies upon, philosophy and intellectual development, art and architecture, language and





literature, commerce, agriculture and land tenures, laws, customs, and institutions. All this development is going on with prodigious rapidity in our own day in an intellectual atmosphere charged with ideas generated by the investigations of physical science. We thus begin to feel that the old notions of the objects of history are changing; that history may ere long be transformed into a handmaid of science; and that the materials provided by historians may be used for the construction of theories of social progress. We are looking, in fact, for a new unity of mankind founded on laws of human development believed to be common to the whole race. We are, perhaps, prepared to accept the ideas that there are successive phases in the passage from mere savagery to civilisation; that these phases are ascertainable; and that they will show a certain general resemblance to each other in whatever continent they occur. At the same time, if this is our view, we should not suppose that, in the history of every society, every possible stage of progress will be distinctly marked, or that the growth in any particular instance will in every detail exactly resemble the growth in any other. On the contrary, we should provisionally conjecture that it is with societies as with other organisms; similar circumstances will produce similar capacities, and preserve them by the law of the survival of the fittest; but no two societies will be exactly alike; and particular institutions, like organs in the animal frame, will be fully developed in one case, rudimentary in another, atrophied in a third, and in a fourth perhaps wholly absent. Still these varieties will not be such as to leave us in a wilderness of single instances; and we should believe that as inquiry advances we shall see more and more clearly the types to which the varieties of social growth tend to conform.

Taking such a view, we should neither expect to find the exact parallel of feudal institutions anywhere in India, nor should we be surprised to find institutions so nearly resembling those of feudal Europe that the likeness has deceived even learned investigation. But on any theory of human society which admits that the same causes under different conditions will not produce the same effects, it is easy, after reading what has been written by Sir Henry Maine and Sir Alfred Lyall, to point out precisely why it is that what we may term the nascent feudalism of India does not and cannot exactly resemble feudalism properly so called.

I have not been able to find any compendious de-



scription of feudalism better or shorter than that given by Bishop Stubbs in his Constitutional History; I will therefore quote it in this place. 'In the form,' he says (vol. i. pp. 251, 252), which feudalism 'has reached at the Norman conquest it may be described as a complete organisation of society through the medium of land tenure, in which from the king down to the lowest landowner all are bound together by obligation of service and defence, the lord to protect his vassal, the vassal to do service to his lord, the defence and service being based on and regulated by the nature and extent of the land held by the one of the other. In those states which have reached the territorial stage of development the rights of defence and service are supplemented by the right of jurisdiction. The lord judges as well as defends his vassal; the vassal does suit as well as service to the lord. In states in which feudal government has reached its utmost growth the political, financial, judicial, every branch of public administration is regulated by the same conditions. The central authority is the mere shadow of a name.'

It is probable that a full explanation of the origin of this complex system of proprietary, personal and public law has yet to be written. But it is certain that, though the spread of feudalism was at one time rapid, its growth was extremely slow. It was historically the product of the Frankish conquest of Romanised Gaul; and the events and circumstances which gradually gave it shape extend from at least the fifth to the tenth century. Indeed, if we endeavour to separate into its component materials the amalgam formed in these ages by the fusion of customs and institutions of diverse origin, we see that the materials of feudalism date back to far earlier times. Teutonic usage itself exhibited a spontaneous impulse towards feudal arrangements. The history of the Roman law, which was combined with the barbaric customs, carries us back to a tribal stage of society comparable with, if not similar to, the social formations described by Caesar and Tacitus, or those in Ireland and Scotland which have been encrusted with a new political surface in very recent historical times, or others again now open to view in many parts of our Indian empire. The old personal relations between chiefs of warrior bands and their immediate followers, the Roman law of patron and client, the practice of commendation, the conquests and colonisations of German tribes in their own country, the military tenure of the





Roman veterans on the river frontiers of the empire, the great Roman estates cultivated by gangs of slaves, the spread of primogeniture, and the grants of immunity uniting the possession of land with the right of judicature—all these elements may have had their part in the resulting combination.

It is one thing to perceive some of the ingredients into which feudalism may be resolved; it is another far more difficult thing to say which of the ingredients is Roman and which barbaric in origin. But it is safe to assert that nothing in feudalism which clearly belongs to the influence of late Roman law could possibly appear, as a consequence of that cause, in the political institutions of India before British rule. In any feudalising tendency which these institutions may show, that influence at least is entirely absent. For this reason alone the nascent feudalism of India could not precisely resemble the perfected feudalism of the West. And there is another influence which has had no share in the formation of Indian political institutions, but which powerfully affected society in the centuries when European feudalism was growing, and that is the influence of the Christian Church. It was natural that the protection of the Church should be sought in days of tumult and anarchy; it was consonant with the principles of the Church that slavery should at least be mitigated. Much more than this, the Church preserved the Latin language and contributed to the preservation of the idea of formally enacted law. The three things which most clearly distinguish the inchoate feudalism of India from the perfected feudalism of Europe are the absence of the influence of Roman law, the absence of the influence of the Church, and the absence of the idea that society ought always to be governed by enactments of some kind. This idea, I think, was a heritage from the Roman empire; and the Church was probably a principal agent in preserving it.

Though the growth of institutions of a feudal type cannot have followed the same course in India and in Europe, because the beginnings of feudalism in India were not subjected to the influences of the late Roman law and the Christian Church, it is not safe to use coincidence between Indian and Teutonic customs as a touchstone to discriminate between what is barbaric and what is Roman in the composition of Western feudalism. We may be tempted to argue that, because a given practice is certainly Indian, therefore it is not



Roman ; and that if it is part of feudalism, it must have been imported into the feudal system by the German conquerors of the empire. But the argument is not sound ; for early Roman customs might coincide with Indian customs, and, surviving in the late Roman law, might reach feudal Europe by that route. The coincidence, however, of a Teutonic and Indian custom will always suggest hesitation in admitting the purely Roman origin of the feudal institution in which the custom is embodied. The fact is that such coincidences really point to probable similarities in modes of social advance at least as wide as the spread of Indian and European races ; and these indications are strengthened where the analogy can include the early Roman law. I take it that for those who believe that the principles of evolution apply to human society the special value of the Indian evidence consists in its capacity for pointing the way towards general laws of human development, or, at all events, to laws of growth common to the most remarkable societies of the East and West.

We may regard feudalism from the separate points of view of the jurist or economist on the one hand, or of the constitutional historian on the other. We may look into the interior of the manor or fief and endeavour to decipher the condition of the peasantry and their relations to the *seigneur* or lord of the manor ; or we may inquire how feudalism determined the relations of vassals and suzerains ; how the great fiefs were related to one another and to the central power ; in what sense feudalism supplied for a time the place afterwards filled in Europe by international law and constitutional law. Or, again, we may take some of the leading characteristics of feudalism, such as tenure by military service, some of the well-known feudal incidents or the general scheme of basing all public and some personal relations on property in land. From all these points of view India will supply us with analogies. The comparison of the manor with the Indian village community has been carried to a certain length by Sir Henry Maine ; and, though more remains to be said on that subject, this treatise is not the place for any full discussion of that matter. In Indian history and in India of the present day tenures abound in which one element is the condition of military service ; we may instance the Muhammadan *jāgirs* of the Deccan, the interior arrangements of the Marhatta Confederacy, and of some of the Punjab Hill states, and the tenures of the Rājput *thākurs* or





barons ; but tenure on condition of military service does not by itself make feudalism. The supposed similarity of certain Rājput customs to the feudal incidents of relief, escheats, aids, and wardship was one of the circumstances that misled Tod when he made his positive assertions as to feudalism in Rajasthan. The comparison of the native states of India with the præ-feudal or feudal states of Europe has not, so far as I know, been regularly attempted ; but it is perhaps one of the next objects which should engage attention in the process of illustrating problems of Western history by experience gained in the East. At one end of the scale is the village community or the Roman *villa* or farm, changing in Europe into the manor, and then finally melting away in the vast landed estates of an existing aristocracy. At the other end of the scale are the gradually consolidated monarchies of France and England, and the great empires of Charlemagne and the Moghals, of Rome and Great Britain. Between the village or manor and the monarchy or empire stand the dukedoms, the counties, the actually or nominally dependent principalities, or others destined to dependence or absorption in course of time, the Saxon kingdoms vaguely acknowledging the supremacy of a Bretwalda, the counts of Flanders, Champagne, and Vermandois, the dukes of Normandy, Brittany, Burgundy, and Aquitaine regarding themselves as the peers of Hugh Capet, the Rājput states paying tribute or rendering service to the Delhi empire, the rebellious governors of that empire affecting to legitimatise revolt by the language of submission, and the hundreds of protected and dependent states forming part of that highly complex result of the fusion of modern ideas with archaic or quasi-mediæval customs which is known by the name of the British empire in India.

In this wide field of research I shall only attempt to follow up a few topics of interest not too remotely connected with the general subject of this book. I shall first mention certain Indian analogies to some of the constituent elements of feudalism in the interior structure of the manor or fief ; and I shall then compare at some length various Indian grants of rights over land with the benefices, that is, with fiefs in their early form before feudalism was fully developed. The next step will be to point to some Indian practices quite distinct from commendation, but nevertheless producing or tending to produce similar political results ; and lastly I shall sum up some results of feudal tendencies in India and



briefly indicate in what relation they stand to our Indian protectorate as it now exists.

In the account of the Punjab Hill raja extracted in a previous chapter from Sir James Lyall's *Kangra Settlement Report* it will have been noticed that the raja is described as, in a certain sense, the manorial lord of his whole country, and that the regular landowners, no less than the artisan classes, were liable to be pressed into service of some kind, military or menial. In looking more closely into the tenures in the part of the country to which this description applies—that is to say the Kangra Hills and Kulu—we find a great deal of evidence which may be usefully considered in connection with Sir Henry Maine's book on 'Village Communities,' and Mr. Seebohm's excellent work on the 'English Village Community.' In particular, in many of the territories far back in the Himalayas, some of them bordering on Thibet, in parts of Chamba, in Bangáhal, in Kanáwar, in Spiti and Lahaul, in parts of Ladákh, in Núrpur and Jaswán, a tenure or traces of it have been noticed which may be described as a family holding of an allotment from the arable lands. In Kulu the theory appears to have been that each head of a household was entitled, in return for rent or service due to the state, to a lot or share of arable land sufficient to support one household. In Bangáhal, where we probably have the primitive type of the tenure, it is known as a *vand*. Each household has an equal share in each of the patches of cultivation which are scattered over the steep hill sides and made up of small terraced compartments. To ensure equality the share is taken in several little plots situated in every corner of the cultivated patch; and if the patch was injured by landslip, flood, or avalanche it was re-divided by lot. The people of the village are not of one stock. They do not hold on ancestral shares like, for instance, the old Velláler *mirásidárs* of the Madras Presidency. In language which has now become popular, the village is not a mark. Under the rajas the *vands* were held almost rent free, in consideration of the holder furnishing one man for each *vand* for military service. The people, however, were frequently impressed to carry loads. The *vands* were not divided among sons; the elder sons went out into the world or were provided by the raja with other *vands*. The youngest son stayed at home to succeed his father. In Kulu the tenure was called a *jeola*. Usually half of it was held revenue-free in lieu of military service; but sometimes a family holding only





one *jeola* furnished two men for service and got the whole *jeola* revenue-free. Here also the lot was handed down undivided from generation to generation and the paternal house and land passed to one son only.

Sir James Lyall notices in his report that this tenure bears some resemblance to the Saxon hide, and adds that it was probably popular in origin, 'the theory of the land belonging to the raja being superinduced, as the right of the feudal lord was in England.' The tenure is certainly like the hide in so far as that was originally the normal holding of a free family. It also resembles the hide in being used as a unit of assessment, both for military service as above explained and, when the Moghals asserted themselves in the hills, to a certain extent by the officers of the Moghal empire for purely fiscal purposes. At all events in Jaswán and elsewhere. Todar Mal, the already mentioned finance minister of Akbar, is said to have invented as a means of assessment the *bher* which paid twenty-six rupees and a small grain rent, and was nearly, though not quite, identical with the *vand*. The tradition is worth mentioning because it suggests that a Roman official making his assessment in Britain might easily take the family holding, which afterwards became the hide, as the handiest unit of assessment instead of the more usual unit of the *jugum*, that is, the area which was supposed to be ploughed by a single or double yoke of oxen. In the mode of descent the tenure resembles the servile *virgate* or yard-land, which, as defined by Mr. Seebohm, was 'the normal holding of the *villanus* with two oxen in the common plough of eight oxen—a bundle of mostly thirty scattered strips in the open fields.' But though in impartibility and in composition from scattered plots the *vand* or *jeola* and the *virgate* are alike, the *vand* or *jeola* is not a servile tenure. Mr. Seebohm relies much on the argument that the permanent succession, generation after generation, of a single holder to the indivisible bundle of strips called a yard-land or *virgate* seems to have implied the servile nature of the holding. The village communities taking equal lots would, he thinks, have made equal division among heirs. The *virgate* appears to have been kept undivided in the lord's interest; he did not want more than one man at a time to till the allotment. It is at all events remarkable that we find the same indivisibility in a place where the tenure is undoubtedly free. The *jeolas* of Kulu are held by Kanets and by Bráhmans, who have taken to the plough; and the Kanets,



though not a high caste, are not serfs, but the owners of an inheritance, a *wárisi*, in the soil. The *jeola* is their property. Below them socially are the Dághis, bound to menial service, but also owning property in the same way.

Mr. Seebohm points out the connection between the tenure of the Saxon *gebur* or serf and the custom of his being provided by the thane with an outfit of which the most important part was a yoke of two oxen. Possibly this clue, if followed up, might lead us back to the times when society was tribal and pastoral, and its wealth consisted almost entirely of cattle; when, perhaps, as in the Irish tribe, the free tribesman by taking stock became the vassal or man of his chief, owing him not only rent but service and homage. However this may be, the *jeola* tenure appears to be entirely unconnected with the gift or loan of cattle. A class of people is, indeed, found in Kángra who are employed to cultivate the lands of Bráhmans, or Rájpúts, or traders with ploughs and oxen furnished by the landholder. They are known by various names taken from the share of the gross outturn which they are allowed to retain. But these men are engaged for the year only and have no tenant right. The case is one of the beginnings of contract, not of a status arising out of any sort of commendation. The single succession in the *jeola* tenure may have originated in the equality of tribal families and the difficulty, as the families increased, of finding fresh allotments in a mountainous country where cultivation is restricted to the practicable slopes. But it was certainly manipulated by the Kulu rajas to serve their own purposes, to regulate and simplify the demands for rent and service, and to make these demands correspond with the amount of land held by different people. There are traces of impartibility of tenure in the Welsh tribe. On the death of the free owner of a family holding the heirs retained it jointly for three generations, and the homestead went to the youngest son, the others having new homesteads found for them on the family lands. If the Romans when they came to settle on tribal lands in Britain found customs of this kind in existence, it is not hard to see that the officials administering the *ager publicus* and the owners of the *villæ* into which some of the cultivated lands would be divided, might seize upon such customs and more or less authoritatively give them a new shape to suit their own views and interests as to the conditions of cultivation.

The arguments of Mr. Seebohm are directed to show that





there is no room for the theory that the Saxons introduced everywhere free village communities on the system of the German mark, which afterwards sank into serfdom under manorial lords. The Kángra evidence and a great deal of other evidence from other parts of India at least suggest the possibility that institutions of a manorial type with distinctions not unlike those between the lord's *demesne* and the land in *villénage*, or, in Saxon times, between the *thane's inland* and the *geneat-land*, may arise in tribal territories, in which the early tribal tenures still prevail, and the later village community, settled on the land and held together by the tie of common descent, real or imagined, has not yet been developed. It has been supposed that in England the manorial group succeeded the village group, and that one element in the change was that the waste or common land of the community became the lord's waste. But that the waste, actually or potentially, belongs to the lord's domain, subject to the rights of pasture and gathering firewood, enjoyed by certain tenants, hardly differs, if allowance be made for the importance of other kinds of forest produce besides firewood in the Kángra and Kulu Hills, from the theory of the Kángra and Kulu rajas; and one of the chief characteristics of that part of the country is the absence, in the interior of the hills, of the true village community found in great numbers and almost typical perfection in the adjoining Punjab plains.

I will not here pursue any speculations as to the origin of the English manor. If I were to do so I should probably be led to the conjecture that the Romans like ourselves came upon a variety of tenures in different places, some of them still purely tribal, some of them perhaps village holdings with a tribal and sectional connection of descent amongst the villagers; and that the Romans again like ourselves, by the application of their law and the strength of their grip upon society, crushed varying tenures into single types over great ranges of country. But any such conjectures apart, we can plainly see in the Kángra and Kulu Hills not, indeed, feudalism itself, but many of the elements which go to make up feudalism. There seems no reason to reject the local tradition that the Rájpúts, Bráhmans and Khattris of these hills are the descendants of invaders or settlers from the plains, and that the Thákurs, Ráttis, Kanets, and Girths are either indigenous in the hills or of mixed race and indigenous by the half blood. There are at least



traces here of the conquest of race by race or of tribe by tribe that lies at the root of feudalism. While tribal organisation still for many purposes prevails, the land has superseded kinship as the basis of society. Military service is exacted in lieu of land rent; and the unit of assessment—for military tenure, as shown by later money commutations, is really a form of taxation in kind—is, as in early Saxon times, the family holding. All these elements of feudalism co-exist or lately co-existed in a part of the country where, so far as is known, there never were any village communities, and where there never was any Roman occupation, nor ever could have been any Roman estates.

I may add, with reference to the great share taken by the churches and monasteries in the process of European feudalisation, that the hill rajas freely alienated lands as endowments in perpetuity to temples and idols. The theory was that the raja divested himself of his lordship or proprietorship and conferred it upon the idol or shrine, and the cultivators thenceforward paid rent and did service in respect of the alienated lands to the shrine, and not to the raja. I gather from Mr. Seeböhm's work that in a somewhat similar way when surrenders were made to the Church in the eighth century under the Alamannic laws, the old Roman *tributum*, which appears to have been still payable to the Frankish king, was transferred from the king to the Church.

It will not escape recollection that the idea of suzerainty was not absent in these hills, and that the rajas who were manorial lords might be grouped in circles more or less vaguely acknowledging some rather theoretical over-lordship of a chief of Jammu or Katoch Raja of Kangra. To this extent there was at least some semblance of the completion of the feudal hierarchy. But enough has been said on comparatively minute details relating to an exceptional and out-of-the-way part of the country. It is time to look more broadly to India as it was in the period which just preceded the establishment of British supremacy.





## CHAPTER XI

## FEUDAL TENDENCIES IN INDIA

IN Europe the benefices which were in the end converted into fiefs were often in the first instance temporary holdings. Guizot maintains that, at all epochs when feudalism was forming, benefices are met with for every period—at will, for a term, for life, and in perpetuity—and he will not go further than to say that they were at first usually for life, and throughout tended to become, and at last were acknowledged to be, hereditary. I am about to compare the benefices with the *jágírs* and *zamindáris* of India, and the first point in the comparison is that in the eighteenth century there are many instances of *jágírs* of different periods of duration, and that some *jágírs* and most *zamindáris* tended to become hereditary.

In the Marhatta country *jágírs* were usually held on a permanent tenure, and some of them have become petty states under the protectorate. There were grants held by military chiefs on conditions of service, some of them from the time of the Muhammadan kings of the Deccan; other grants enjoyed by the descendants of the original ministers of the Marhatta rajas, and continued under the rule of the Peshwas; and, lastly, grants made by the Peshwas themselves to Marhattas and Bráhmans. By the Sattára treaty of 1819, the possessions of the *jágírdárs* within the territories of the raja were guaranteed by the British Government, and there are now six chiefs, known as the Sattára *jágírdárs*, with territories of which the largest has an area of 885 square miles. These chiefs have not powers of life and death, and serious criminal cases, involving the punishment of death or transportation for life, are tried in a court over which a British officer presides in association with the *jágírdár*. The grant of adoption sanads in 1862 to all the Sattára *jágírdárs* except one shows that they were regarded as possessing a measure of sovereignty.





To the south and east of the Marhatta country lay the Muhammadan kingdoms of Bijapur and Golconda. When these fell before the arms of Aurangzib in the last half of the seventeenth century, the Moghal commanders, as I have mentioned in a previous chapter, received from the newly acquired territories *jágirs*, which were assignments for a term of years, on specified districts, for the support of their troops. The administration was entrusted to other officers of the Moghal empire, the *faujdárs* and *dewáns*. The *jágirs* of the Muhammadans were, however, more often granted for the lifetime of the holder, lapsing on his death to the state, though not infrequently renewed to his heir on payment of a fine, and sometimes specified to be hereditary assignments. In the absence of this specification the *jágir* was considered to be held by a life tenure. Mr. J. Grant, in his 'Analysis of the Finances of Bengal'—one of the papers taken into consideration in making the Permanent Settlement—mentions, as the only heritable *jágir* known in that province, the grant of a *pargana* to two doctors learned in the Muhammadan law. But in Bengal the greatest *jágir* of all, assigned on 296 entire or broken *parganas* in twenty-one of the thirty-four *sirkárs* or districts into which the country was divided, remained under the management of the family of the Nawáb-Názims for the full space of a century; and in the successions which took place we see the working of a vague hereditary principle, and of the prevalent habits of usurpation.

The story of this *jágir* may be briefly told as an illustration of the violence of the time and of the way in which independent power might be acquired by individuals. Jáfir Khan, a Bráhmaṇ by birth, who had been brought up in the Muhammadan faith, was appointed Dewán of Bengal when Azim-us-Shán, the grandson of Aurangzib, was viceroy of that province. After the death of Azim-us-Shán, Jáfir Khan acquired the province for himself, partly by purchase, partly by resisting in the field two rival *subadárs*, who were successively deputed from Delhi to supersede him; but he did not entirely throw off his allegiance, and continued to make the usual payments to the emperor. His desire was to leave his power to his grandson Siráfraz Khan; but on his death, in 1725, his son-in-law Shújá Khan, father of Siráfraz, seized on the subadárship and obtained patents from Delhi. On the death of Shújá Khan, in 1739, Siráfraz Khan succeeded him, but was dispossessed and killed in an action with Ali Verdi Khan, who had been the deputy of his father in the govern-



ment of Behar. This *jágir* was intended to defray a large part of the military expenses of the government, the household expenses of the nawáb, and the greater part of the civil charges.

Other *jágirs* in Bengal were assigned to the dewán of the province and to the commander-in-chief of the empire for the support of their ranks of 4,000 and 6,500 horse; to the *faujddárs* of the frontier provinces; to twenty-one persons of inferior rank bound to perform military services when required to do so by the názim, each with a small established number of followers; and, in small allotments, to certain religious and learned men for their subsistence. Revenues were also assigned for a naval establishment of cruisers and boats to guard the coasts of Bengal, for a military establishment of guards and garrisons for the eastern frontier provinces, and in Tipperah and Sylhet, for the expense of catching elephants. It is noticeable that at one time the *jágirs* assigned for the general service of the nawáb and for the support of the rank of the dewán were transferred to fresh lands for financial reasons.

‘The duchies and counties of the eighth and ninth centuries,’ writes Bishop Stubbs, ‘were still official magistracies, the holders of which discharged the functions of imperial judges or generals. Such officers were of course men whom the king could trust, in most cases Franks, courtiers, or kinsmen, who at an earlier date would have been *comites* or *antrustions*, and who were provided for by feudal benefices. The official magistracy had in itself the tendency to become hereditary, and when the benefice was recognised as heritable the provincial governorship became so too.’ Reading this, and making allowance for variations in the working of similar tendencies in different continents, we almost seem to be reading an account of Indian *jágirs* and *zamindáris*. I have traced nothing in India that is truly analogous to the *comitatus*, the chosen band of trusted dependents immediately surrounding the chief or king, that so largely influenced the growth of feudalism in England and was merged, on the Continent, in vassalage. The practice of entertaining *bárgírs*, troopers supplied with a horse by the state or individuals, instead of *silahddárs*, who provide their horses and arms at their own expense, more nearly resembles the rudiments of a standing army substituted for a feudal militia than the old German gifts of horses, weapons, and food to the comrades of the chieftain. Depredators who made plunder



the means of wealth, and wealth the means of military and then of territorial power; leaders in the uprisings of indigenous races and creeds against Muhammadanism brought by the sword from Afghanistan and Central Asia; chiefs of mere banditti or of bands of free lances selling their services to territorial hereditary despots—all doubtless must have had some chosen folk around them. And the picture that Bernier draws of the *omrah*, the great nobles of the Delhi empire, in constant attendance at the emperor's daily durbars, and taking their turns of duty to watch his gate, though it wears a mediæval look, is clearly no representation of *comitatus*. In all this we see military association, combination for purposes of plunder or adventure, and the ceremonial of a settled government. We do not see a principle like that of the *comitatus* traceable through several ages and at length culminating in a territorial nobility.

But it was in the ninth century that the empire of Charlemagne broke up; and when the Moghal empire fell to pieces the stage of Indian history became full of Marhatta generals and Musulmán governors, asserting practical independence and establishing hereditary rights, while they continued to pay lip service and homage to a distant Peshwa or emperor. In Europe just before the great spread of feudalism which occurred in the tenth century, and in India just after the strong hand of the last of the great emperors had ceased to hold the reins of power, the transition was common from the province to the principality, from military leadership to more than semi-sovereign power, from delegated official authority to the exercise of substantial independence, covered, so far as the fiction might serve any practical purpose, by professed allegiance to a former superior. Throughout, it will be observed, both in India and in Europe, the land or the right to a share of its produce or revenue was the basis of political institutions. The analogies between the dissolution of the Moghal and the dissolution of the Karolingian power noticed by Sir Henry Maine hold good to a remarkable extent, not only in the social effects which produced a vast number of petty principalities, but also in the actual process by which the change was effected.

The Bengal *jágírs* were given to supply both the military and the civil service of the country. Amongst the causes which led to the grant of benefices Guizot enumerates the practice of remunerating all sorts of services by the distribution of large domains; and Montesquieu notes that the counts





in the eighth century were equally civil and military officers, and that, in the ninth century, they had benefices annexed to their counties and had vassals under them. The *jágirs* of the Moghals were, however, sometimes unconditional; there were technical terms which distinguished *jágirs* granted on conditions or for specified purposes from those which were exempt from conditions. The celebrated *jágír* of Lord Clive was a *siyúr-ghál* or unconditional grant; application may have been made for it on the ground that when the Nawáb of Murshidabad obtained for Clive a high title from Delhi, no *jágír* had been assigned for the support of the dignity; but the *jágír* was undoubtedly intended as a reward to Clive for his valuable services to the native government; and it was not a military tenure, nor was it encumbered with any conditions as to services to be performed. So also, looking back to the tendencies towards feudalism in Anglo-Saxon England, we find that the bestowal of folkland or public land by the king was made in consideration of past services, without giving rise to a new connection, like the later obligation of military service derived from the grant of a fief.

The case of Clive's *jágír* is interesting because it shows that the self-same lands could be granted both in *jágír* and as a *zamindári*. In December 1757 the East India Company obtained from the Nawáb Náẓim of Bengal the grant of the *zamindári* of the twenty-four parganas, subject to the payment of the land revenue thereon assessed. This grant was confirmed by a *sanad* from the Dewán of Bengal made out in the next year; and for the short period during which the *zamindári* was in possession of the company before the grant of Clive's *jágír*, this revenue was payable and was actually paid to the native government by the company. The effect of the *jágír* grant was that the revenue became payable to Clive instead of to the Nawáb, Mir Jáfir. As is well known a claim was set up on the part of the company to Clive's *jágír* in addition to its own *zamindári*; and the dispute was compromised by a ten-years tenure to Clive with reversion in perpetuity to the company, all being duly confirmed by fresh *sanads* or written grants from the Nawáb and the Delhi emperor. The fact is a *jágír* is the converse of a *zamindári*, and a *zamindári* the converse of a *jágír*. In both cases an individual was interposed between the sovereign and the cultivator or peasant proprietor. If the middleman was a *zamindár*, he had to pay over to the state the amount of the land revenue less his own remuneration for collecting it,



which might be assigned to him in money or land. If he was a *jágirdár*, it was the right to receive the amount of the land revenue that constituted his tenure; and he might have, and usually had, services to perform in consideration of this emolument. The administrative authority exercised by *jágirdár* or *zamindár* would vary with the purposes of the grant and the history of the connection between the intermediary and the lands which were the subject of it. The authority would be greatest where the beneficiary was the representative of a depressed or conquered line of rajas or of old hereditary officials who had been governors or deputies in times gone by; or, again, where the weakness of the central power and the general turbulence of an unsettled society practically compelled every strong man to attempt independence. Either the *jágír* or the *zamindári* might be a sort of survival of sovereign or semi-sovereign rights. The *zamindári* revenue might be the fullest tribute that exaction could extort from a conquered raja; the *jágír* might be an assignment for the support of a raja out of possession. One large class of *jágirdárs* in the Punjab at the present day consists of the representatives of the Cis-Sutlej chiefs who misbehaved in the first Sikh War and were deprived of the police and other jurisdiction which they had previously exercised, but were allowed to continue in receipt of the revenue of their former territories. From both *jágirdárs* and *zamindári* fidelity, especially in time of war, was expected by their political superiors.

These grants thus more resembled the benefices which preceded feudalism than the fiefs which constituted it. But though there are points of analogy they did not exactly resemble either the benefice or the fief. Both in mediæval Europe and in India there was a double ownership of the soil; but the severance was effected on different lines, in a different manner, and with different consequences. In India proprietary rights were shared, as I have often said, between raja and *praja*, between the king and the peasant proprietor. The theory, though frequently violated on both sides, was that the raja was entitled to a fixed share of the crop, and that the peasant duly paying his tax should not be dispossessed of the land he occupied. Grants made by a raja or emperor therefore dealt with the chief rights of the state in an agricultural country under an essentially tax-gathering rule. In the *jágír* one assortment, in the *zamindári* another assortment of the rights of the state were made over to



an intermediary, often with the object of arranging for the military or civil service of the government. The peasant was in theory unaffected, though in practice, when the tract assigned came into the hands of speculators or others who had no hereditary connection with it, he was often exposed to new and closer oppression. In Europe the peasant was commonly a serf, attached to the soil, and granted with it. The double ownership existed as between the suzerain and vassal, between vassal and rear-vassal. It had nothing to do with sharing the crop; nor did it presuppose on the part of the vassal any hereditary rights other than those which were derived from the feudal compact. It was, indeed, in that compact itself that the double ownership originated; and in the maturity of the system it exhibited its character in some of the well-known feudal incidents, in the reliefs payable on successions, in fines upon alienation, escheats, aids, and wardship. Generally it may be said to have entitled the superior to certain services, particularly military services, to certain perquisites, and to re-entry, temporarily or permanently, in certain cases, notably on breach of conditions of the tenure or failure of heirs.

The Indian grants resembled benefices in their revocability, in their appropriation for the support of services, military or civil, in their occasionally unconditional character, and in their tendency to grow into hereditary possessions and to become the basis of territorial power. They further resembled benefices in so far as the king transferred what was originally his, not what was surrendered to him for the purpose of restoration on new conditions.

Montesquieu sees the origin of the feudal jurisdictions in the fact that the *freda*, the payments made by the criminal for protection against the person injured or his family, were amongst the most considerable emoluments of the holder of the fief. When the king's judges could no longer make any demand in a district, they never entered it. Justice, therefore, had to be administered by the lord who took the profits. Thus the *freda* were a part of the king's revenue, and in granting them he granted what was his. In the Indian grants also the king granted what was his; there was no commendation, no contract. The emperor or the raja paid his public servants, arranged for some part of the administration, provided for his troops, his nobles, his relations, his favourites by the grant of certain rights of his own over the land. I have nowhere traced in India anything



which could be rightly described as the surrender of an allodial property to be received back in the form of a fief.

Such surrenders, however, were intimately connected with the practice of commendation, and it is possible to point to certain Indian practices which at least show that the principle of commendation is deeply embedded in human nature, though its operation may take very different forms according to the circumstances which call it into exercise. Personal relations more or less resembling those of lord and serf or of lord and vassal, and based either on conquest and its results, or on self-surrender for the sake of security, appear to have existed in Europe from a remote antiquity. Speaking of feudalism, Sir Henry Maine tells us that 'the duty of respect and gratitude to the feudal superior, the obligation to assist in endowing his daughter and equipping his son, the liability to his guardianship in minority, and many other similar incidents of tenure, must have been literally borrowed from the relations of patron and freedman under the Roman law.' There was also another relation under that law in which *patronus* was one of the terms, the relation of patron and client. The *libertus* or Roman freedman was the *cliens* of his *patronus*, and any Roman citizen who wanted a protector might establish this relation by his own act. It appears that the client contributed to the marriage portion of the patron's daughter, if the patron was poor; and to his ransom, or that of his children, if they were taken prisoners. The clients, it is also said, accompanied their *patroni* to war as vassals. Two of the three feudal aids retained by Magna Carta were the contributions for the marriage of the eldest daughter of the lord and for the redemption of his person from prison.

These resemblances between Roman law and feudal incidents do not seem strange if we look to the early history of commendation. Mr. Seeböhm traces self-surrender into actual or approximate slavery in Gaul in the time of Cæsar, and, six centuries later, in the history of Gregory of Tours, the motives being to escape debt or excessive taxation or oppression. He quotes from Salvian to show how in the fifth century the pressure of Roman taxation caused multitudes to become rebels and outlaws, and many who could not fly from the Roman districts, to surrender themselves to the care and protection of great men, accepting the position of their *dedititii*. In the same century, but at an earlier date, the Theodosian code had forbidden the fiscal officers of



the empire to induce tenants on the public lands of their districts to place themselves under their *patrocinium* or overlordship; and in the seventh century the laws of the Alamanni, framed in ecclesiastical interests, permitted freemen to surrender themselves and their property to the Church, and expressly referred to the restoration of the property in the character of a benefice.

Now, in Roman districts the estates of the powerful men to whom poor people surrendered themselves in the time of Salvian must have been Roman *villæ*, cultivated by slaves and *coloni*. We know that there were also freedmen upon such estates; and, at all events in the south and east of France, the historical connection between the Roman *villa* and the feudal manor is demonstrated by the fact that the Visigothic and Burgundian invaders shared the *villæ* and lands of the Romans like legionaries quartered on a district. By Roman laws enacted in the first twenty years of the Christian era, freedmen whose emancipation was defective in certain particulars were placed on the footing of *Latini*; that is, they might marry and trade with Romans as citizens, but could not vote at elections or fill public offices; or if they had been punished in certain ways, they could only be raised to the level of *dedititii*, or of people who had been conquered and had yielded unconditionally without being actually enslaved. In both these cases, though the *Latinus* is said to have been able to make a will by an old and cumbrous form, it seems clear that the property of the emancipated slave reverted on his death to his former master. In the legislation of Justinian the *Latini* and the *dedititii* had disappeared; and certain rights of succession, the patron still having a large share except when the property was trifling, had been conferred on freedmen who were Roman citizens. In both of the cases I have quoted, on the authority of Mr. Seeböhm, from Salvian and the Alamannic laws, the person who surrendered his land took back only the possession of it for life, and could not pass it to his heirs. Thus throughout the patron or protector takes the whole or part of the property on the death of the person under his care; a legal position which deserves to be weighed with the feudal escheats and the feudal fines on succession.

We must not, of course, forget that the ties uniting serf and vassal, vassal and lord, lord and suzerain were composed of many strands derived from German as well as Roman repertoires. The old German tribesmen, besides their house-



hold slaves, had semi-servile cultivators, compared by Tacitus with the *coloni* of his day, probably men of other tribes or races who had been vanquished in war. The gifts of arms and horses conferred upon the *comites* reverted to the giver on the death of the recipient, just as the property of a freedman under the early Roman law reverted to the patron, or the property of the *dedititius*, described by Salvian, was lost to his heirs. More than this, the feudal relation of vassal and lord had its religious sanctions and its moral ideal. While the humanity and delicacy of what was truly chivalrous in feudalism owed much to the Christian Church, the courage, the military ardour, the spirit of adventure, the soldierly fidelity of lords and men, assuredly derived an unbroken descent from the old German assemblies. Making allowance for all this, it seems impossible to doubt that commendation, and the particular consequences that grew out of it in Europe, were largely due to Roman conquest, to the Roman systems of administration and property, and to Roman law.

These Roman elements in the final composition were entirely wanting in India; and that, I think, is the reason why in India commendation with the Western set of feudal consequences is not to be found; though, as I have said, we do find arrangements based on a similar principle. It has, for instance, been conjectured that the *clientela* was an old Italian institution that existed amongst the people from whom the Romans arose, and that the *clientes* were originally Italians who had been conquered and reduced to subjection. Evidence can be adduced from the north-west frontier of India which suggests that the germs out of which may grow such relations as those of patron and client, patron and freedman, lord and vassal, may be common to many societies. The Yusafzais, Muhammadzais, and others settled on the Pesháwar plain towards the end of the fifteenth or beginning of the sixteenth century. They first begged and obtained land from the Dilázaks, the previous occupants, and soon afterwards fought and expelled them. The Pathán families of these tribes located themselves in adjacent villages, the rest of the tribal tract being held in common, and used chiefly for pasturage. In course of time these Patháns allowed cultivators from other parts, who had no share in the tribal inheritance, to settle amongst them. These settlers were called *fakírs* or *hamsáyás*, persons under the same shade; and lands were given them on a service tenure. They were required to attend the land-owning Pathán tribes-



man in his raids and fights, to furnish grain and grass for his guests, to provide the guest-house with beds and blankets, to keep turn in watch and ward, and occasionally to work in building and reaping. As clan encroached on clan, hamlets were established on the boundaries of tribal tracts, occupied partly by poorer tribesmen, partly by these *hamsāyas* or *fakirs*, who held on condition of warding off attacks and joining expeditions, the other services being excused on account of the distance from the original settlements. No tax, no rent, no share of the crop, was paid. But in course of time *khāns*, strong men, tribal leaders, assumed the right of collecting fees from these *hamsāyas* on the occasion of births and marriages. We thus see in a primitive tribal society some of the characteristic marks of serfage, side by side with a purely military tenure curiously like the tenure of a vassal. Here there is no Roman influence, no ecclesiastical influence; but unquestionably there is feudalism in the making.

It seems a paradox to say that the principle of commendation may sometimes be the same as the principle of blackmail. Yet in both cases a sacrifice is made to a stronger party for the purpose of averting a greater evil. In commendation some mutual benefit may be supposed to ensue, the weaker party obtaining protection in exchange for the surrender of himself and his land. In blackmail the advantage is entirely on one side, the stronger party having exacted some payment as the price of forbearing to seize lands or plunder goods or cattle. Unfortunately, the weaker party may have no choice, and the motives of the plunderer and the protector may be the same. Oppression and protection may come from the same hand. One plunderer may agree to keep others at bay if assured of steady fruits from his own violence. For instance, in the Carnatic the *desha cavel* or district watching fees were levied by *poligārs* from defenceless villagers as the price for forbearing to plunder them. To explain the manner in which the *rekwalī* of Rājputāna—taxes paid or services rendered in consideration of protection—came to be imposed upon parts of the country, Colonel Tod quotes Lord Lovat's Report on the Highlands of Scotland in 1724:—‘When the people are almost ruined by continual robberies and plunders, the leader of the band of thieves, or some friend of his, proposes that for a sum of money annually paid he will keep a number of men in arms to protect such a tract of ground, or as many parishes as submit to the





contribution. When the terms are agreed upon, he ceases to steal, and thereby the contributors are safe; if anyone refuses to pay, he is immediately plundered.' The consideration in *rekwali* took various forms; there were payments in money or kind at harvest; personal services in agriculture, the husbandmen finding implements and cattle and attending whenever ordered; fees on marriages; dishes of good fare at wedding feasts; and portions of fuel and provender. Sometimes the person protected sank into a position hardly distinguishable from that of a serf. Often the arrangement was based on the grant by the villagers to the chief of their ancient proprietary rights in a portion of their lands. Tod identifies *rekwali* with the *salvamenta* of Europe, paid by those who had preserved their allodial property to insure its defence. The true nature of *rekwali* is clear from its being levied from passing caravans wherever they halted for the day. Further down in Western and Central India, similar principles were in operation on a vaster scale. Out of the claims, conquests, and military assignments of the Marhattas arose their loose though complex military confederacy; and, in the end, a still surviving group of territorial despotisms. In its origin the Marhatta *chauth* was a payment to obtain protection as well as exemption from pillage. And in this case the difference between east and west is striking and characteristic. In Europe, an individual, by voluntary compact, assumes a new personal status; he takes upon himself a new legal clothing of German make and Roman materials. In India, a community agrees to pay to a new master a part of that share of the crop, or its cash equivalent, which by immemorial custom had been taken by the ruler of the day.

In the Punjab Maharaja Ranjit Singh in some of his annexations placed some of the chiefs whom he subdued in positions which would not be altogether misdescribed if we were to say that they held fiefs under the Sikh power. Here, however, there was no voluntary submission. The fiefs, if such they may be called, resulted, as a sort of compromise or concession, from a conquest in arms. The case of the Nawábs of Dera is a good illustration of these arrangements. The territories of these nawábs included a large tract of country on both sides of the river Indus near Dera Ismail Khan. The nawábs had been governors under the Duráni kingdom, and had become practically independent as it broke up. In 1821 the then Nawáb, Háfiz Ahmad Khan,





was besieged by Ranjit Singh in Mánkhera, a town to the east of the Indus. The nawáb surrendered on condition of retaining a part of his dominions, with a suitable *jágír*. The country to the east of the Indus and the southern tracts on the west of that river were annexed to the dominions of the Maharaja. When Nawáb Háfiz Ahmad Khan died the Sikhs exacted from his son on succession a fine of a lakh of rupees. The annexed country was administered partly by *kárdárs*, or Sikh fiscal officers, partly by the bailiffs or agents of Sikh *sardárs* to whom a great part of it was granted in *jágír*. Each of these Sikh *sardárs* possessed judicial and executive authority within his *jágír*, and was uncontrolled by the local Sikh officials. Here we see side by side in the same part of the country results of conquest which almost amount in one tract to a fief and in other tracts to a number of benefices. One part of the conquered territory is suffered to remain in the possession of its chief as a dependent principality subject to a fine on succession. In other parts of the territory there was merely a grant of revenues and jurisdiction which by conquest had come into the hands of the sovereign. A good many instances might also be adduced from the Punjab Hills of the Sikh practice and policy of providing for deposed *rajas* or inducing their submission by the grant of *jágírs*.

We may now pass on to some of the results of the processes tending to feudalism which have been described. The English manorial group in its perfect form consists of persons holding land of the lord by free tenures, and of others holding land of the lord by tenures which were servile in origin, the lands held by these two classes respectively being known as tenemental lands and the lord's domain. The Punjab principalities in the interior of the Hills, where a sense of peasant ownership in the village wastes had not grown up, may be regarded as having been truly manorial in so far as they exhibited a somewhat similar distinction. The forests and wastes may be considered to have been a kind of *folkland* converted into a *terra regis*, and in this sense may be held to have been the domain of the *raja*; while the cultivated lands, heritable by the occupants, may be looked upon as *bockland*, appropriated by the actual or theoretical grant of the *raja* to particular families, or as tenemental lands held by a free tenure. These comparisons, I admit, are very incomplete; there are, for instance, in Kulu and Kángra extensive and complicated rights of the settled peasants and of partly nomad shepherds and graziers over the forests and



wastes which would require explanation were the comparisons pursued. I make them in this slight and imperfect way because at all events in many parts of India, if not in all, there is, notwithstanding the double ownership of raja and ryot, of the state and the village community, in cultivated lands and village wastes, a real and very practical distinction between the lands which are held to belong to peasant proprietors, or *ryots*, and the larger forests or wastes which are held to belong to the *sirkār*, or government; and further, because the manorial character of the claims of the Punjab Hill raja upon the waste explains some of the imposts which were formerly levied in territory now become British, and which vividly recall certain aspects of feudalism.

In addition to the rent or revenue immemorially due extra cesses were taken in these hills which varied greatly in different parts of the country, but generally took the form of percentages in cash or grain calculated on the regular demand. Some of these were the army tax; the war tax; a tax for the cost of writing receipts for the revenue; a weighman's cess; a watchman's cess; a *kanúngo's* cess; and a cess to cover the cost of conveying the government grain collections to the state granary. Besides these cesses, and included in the forest dues, were taxes on the houses or implements or stock-in-trade of shopkeepers and artisans, a hide from the tanner, so much per loom or per press from the weaver or oil-presser, so much per house on barbers, washermen, potters, blacksmiths, carpenters, tailors, sawyers, goldsmiths, and shopkeepers generally. These classes lived on the raja's land, got timber and firewood from his forests, and grazed their cows and goats on his waste. Moreover, of every kind of income from produce the rajas took or claimed a share. They asserted a right to the best hawk netted in the forest, to the largest fish caught in a weir, to a share of the honey of the beehives and of the fruit of the best fruit-trees.

Does such a list, we might almost ask, come from the Punjab Hills before British rule, or from France before the Revolution? The list of *Droits Seigneuriaux* given by De Tocqueville is doubtless far from identical in detail. This is to be expected; but we can see easily enough the same principle at work. In the Punjab Hill states and in the feudal manors of the *Ancien Régime* there was the crude taxation of petty sovereignties in a society where rights over land formed the mould to which social and political institu-





tions alike shaped themselves. Reading over the list of seignorial dues in De Tocqueville we are tempted to believe that, if we had not known, as an historical fact, that France was at one time full of small semi-sovereign states, we should have been able to infer it from the nature of the imposts which the Revolution swept away. De Tocqueville, with characteristic caution, expressly declines to attempt any research into the origin of the dues which he enumerates; but the name at least of the *cens*—the perpetual quit-rent in kind or money annexed to the possession of certain lands—suggests that it may have been a survival of the Roman *tributum*, just as the *capitatio* survived in the *taille*. *Servage*, giving the lord the right to reclaim his quasi-servile dependent wherever he might go, and the *corvée*, enabling the lord to employ for his own profit a certain number of the days of labour or of the oxen or horses of his peasants, look as though they were connected with the mediæval serfdom, and through it with slavery on the Roman *villa* and perhaps also with the *sordida munera* of the *colonus*. Then there is a long list of dues consisting of a certain portion of the produce, or more rarely of money, which the lord of the manor levied upon lands subject to the *cens* or upon those who held them; the names by themselves convey little, but they were *terrage*, *champart*, *agrier*, *tesque*, *bordelage*, and *marciage*, the last consisting of certain payments due on the natural death of the lord. Similar to these was the *parcière* on crops of fruit and the *carpot* on the vineyards. Almost any officer of Indian experience would, I think, identify these dues with the *abwabs*, the extra cesses which we see in Kāngra, and which have had so famous and so odious a history in Bengal. Without following the whole detail, I must bring together, for reasons which will presently appear, some of the rights or dues which belonged to those *seigneurs* only who were also *hauts justiciers*. Those I will name are (1) *droit de blairie*, empowering the *seigneur*, upon the theory that the whole territory originally belonged to him, to grant permission for the grazing of cattle; (2) *droit de leyde*, a tax levied upon merchandise brought to fairs or markets, and the police fines levied in connection with it; (3) *chemins*; the *seigneurs*, *hauts justiciers*, had rights of police on the bye-roads, and their judges took cognizance of all offences committed on them, except in royal cases; (4) *eaux et la pêche*; these *seigneurs* were lords of the non-navigable rivers; they alone had the right of erecting water



mills; no one could fish, even with a rod, in these rivers without their permission. *Péages*, tolls on bridges, rivers and roads, and *bacs* on ferries, do not appear to have been limited to the *hauts justiciers*, but they had to be authorised by the king. I shall return to the significance of some of these rights or dues below; but meanwhile I may point out that in Kulu and Kángra, though landholders and others had certain rights of use in the forests and wastes, the old rajas levied a grazing-tax on all classes, reserved certain blocks of forests as shooting preserves, granted Gújars and Gaddis—professional herdsmen and shepherds—exclusive grazing rights in particular runs or beats at certain seasons, and often imposed a prohibition of grazing in all forests for three months during the rains, partly as an assertion of authority, partly with an idea of benefit to trees and game. Further, as already mentioned in a former chapter, the right to work a water-mill or put a fish weir in a stream was held direct of the raja.

Such was the extent of the great Bengal *zamindáris* that, if we look particularly to area, they should be compared rather with the fiefs of dukes and counts and viscounts than with manors corresponding to townships or parishes. According to the estimates in the Fifth Report and its appendices, the *zamindári* of Birbhúm contained 3,858, that of Dinájpur 3,519, that of Burdwán 3,280 square miles; the *zamindári* of the Company in the twenty-five parganas was, by the same estimate, 882 square miles in area. These estimates are very rough, and indeed in one of the appendices to the report the Burdwán *zamindári* is said to be larger than that of Birbhúm. But even these rough estimates will suffice to show that many of the Bengal *zamindáris* were territories rather than townships. Their usually official origin is another point that they have in common with the greater fiefs. Still they exhibited some of the characteristics of the manor in the distinction between the *rai-yati* lands, occupied by settled peasants, and the *khámár* lands, originally waste but brought under cultivation and retained by the *zamindár* or let out at grain rents; in the *nánkár*, or portion of land or revenue assigned to the *zamindár* for his subsistence; in the possibly identical *nijjot*, or lands cultivated for his own benefit on which no revenue was assessed; and in his official undertaking on his appointment that he would increase the cultivation, the implication being that he must have had authority over the waste.



It has been doubted whether any of the Bengal *zamindāris* were originally principalities; but the point can be set at rest from the paper written by Mr. J. Grant in 1786, and published with the Fifth Report. The *zamindāri* of Bishanpur appears to have been the inheritance of a Rājput family for more than a thousand years, under a regular succession of fifty-five rajas, subject only to a small tribute to the ruler of Bengal. This was its condition till 1715 A.D., soon after the commencement of the administration of Jāfir Khan, when the country was reduced, and conferred again in *zamindāri* tenure on the heir of the line of rajas. In Burdwan there were traces of an ancient line which may have had an official origin; in Rajshahye there had been two ancient lines, of which one became extinct by the suicide of the last representative, and the other was proscribed for rebellion. In Tipperah a *jāgīr* of the yearly value of 45,000 rupees was granted to the representative of the family from whom that *zamindāri* had been conquered in the reign of Shah Jehān. Pachit, the most westerly *zamindāri* of Bengal, resembled Bishanpur, which it adjoined, in having been held by a Rājput family. It was at first in great part subject only to a fixed tribute. The fact is, that the ruthless proceedings of Jāfir Khan, who became Dewān of Bengal in 1707, and died (as already mentioned) in 1725, had greatly confused and obscured the old condition of the country. Feeling that his reputation and continuance in office depended upon financial success, he resorted to the hardest severities in exaction. He dispossessed nearly all the former *zamindārs*; employed his own officers to scrutinise the lands and their produce; and presently in many cases put new men—Brāhmans, Kayasths (or men of the writer caste), Khatris, and (at least in one case) a Pathān. Many of the dispossessed *zamindārs* were restored by Shūja Khan, his successor. But the confusion which Jāfir Khan, in the attempt to introduce reformation and regularity, had certainly produced, was maintained by the rapacity and notorious corruption of those who followed him.

I have already alluded to the police jurisdiction of the *zamindārs*. Of the criminal courts (to adopt the language of the Seventh Report of 1773) the *zamindārs* or rajas were judges. Capital sentences might not be executed till orders had been received on a report of the case to the government at Murshidabad; the most frequent mode of punishment was fine, and the fines were the perquisite of the



*zamindárs*. So, too, the *zamindár* or *raja* was the judge of the civil court, and took a fourth or a fifth of the value of the property recovered by civil action. Doubtless, in order to increase their own power or as a consequence of their position, these men entertained or obtained the command of considerable followings. In Burdwan, for instance, there were 2,400 armed constables under *thánadars*, or officers in charge of small police divisions, and some 19,000 *zamindári paiks*—a rabble, probably very badly armed, who were allowed lands in lieu of pay, and were liable to be called out in aid of the police. Birbhúm was organised as a sort of frontier province to be held against Hindu incursions from the west by means of a warlike Muhammadan peasantry maintained as a standing militia with suitable territorial allotments. Lands were here held free of revenue and appropriated for the support of troops. The first recorded settlement of the land revenue in Bengal was made by Akbar's minister Todar Mal in 1582. This was called the original standard assessment; and long before the time of Jáfir Khán the *zamindárs* and officers under the *subadár* levied many imposts from the *ryots* over and above this standard tax. The native government knew of these impositions, and probably connived at them; and at least from the period of Jáfir Khán's administration followed the example thus set. We have a full list of the *abwáb* or extra cesses imposed by Jáfir Khán and his successors upon the *zamindárs*. It is unnecessary to go through the whole of it; but amongst the items were fees for the renewal of annual leases; payments to secure exemption from inquiries into assets and the superintendence of officials, made ostensibly as contributions to the cost of presents periodically sent to Delhi as tokens of homage; a commission on treasure brought to headquarters; a contribution to the cost of feeding elephants; a tax supposed to represent the *chauth* due by the grant of the emperor to the Marhattas, who had, however, been really paid off by cessions in Orissa; and imposts to defray the expense of bringing lime from Sylhet to repair the fort of Murshidabad, of dismantling the city of Gaur, and of building a palace for Suráj-ud-daula. In other ways also the *subadárs* drew into their own grasp the profits which *zamindárs* and *faujdárs* made out of their respective charges; sometimes claiming for their treasury taxes which the *faujdárs* of frontier districts had imposed of their own authority; sometimes by the resumption of *jágirs*, and their re-grant in less profitable localities; and in



at least one remarkable case, that of Birbhúm, by the re-annexation of the territory of a *zamindár* who had imitated the example of his superiors and set up as an independent prince. Many of these impositions were passed on by the *zamindárs* to these under them; but, as the exactions of the *zamindár* were usually limited only by the ability of the *ryot* to meet them, it did not necessarily follow that an excess imposed by the *subadár* was also levied from the cultivators. If the *zamindár* had already taken all he could get, the object of the *subadár*, to reap a profit for himself by exactions which he winked at, was all the same attained. In fact, the governors left it to the discretion of the *zamindárs* to make new demands upon the *ryots*, with the well-understood intention of sharing the plunder in due time. Amongst the pretences on which the *zamindárs* levied new cesses were the death of a *zamindár*, the birth of a son, and any increased demand made by the government on the *zamindár* himself. The *zamindárs* also obtained income from tolls, markets, and fairs.

We can see, then, that the greater Bengal *zamindárs*, in point of fact, possessed many of the attributes of internal sovereignty; police jurisdiction with responsibility for the peace of the country; civil and criminal jurisdiction with liberty to appropriate the fines and court fees; the command of a rude following more or less armed, and *de facto* the power of taxation. Sir John Shore would not admit that the *sanad* or written grant, often given to the *zamindár*, was the foundation of his tenure. 'The origin of the possession of some *zamindáris*,' he said, 'may be traced to a grant, but the inheritance goes on without it.' Elsewhere he says that since the arrival of Jáfir Khan in Bengal one half of the country had been transferred for defalcations; and he refers also to the wholesale dispossessions effected by that *dewán*. The Bengal case was, I think, the most difficult that any British Indian Government ever had to deal with. It was most unfortunate that the maximum of difficulty had to be faced with the minimum of Indian experience. In addition to the circumstances I have already noticed, which tended to obscure the real meaning of the institutions we found, the *subadárs*, by exacting annual presents and making supposed annual renewals of grants do duty as a sort of homage, and in other ways were constantly on their guard against their *zamindárs* following their own example of rebellion. We may throughout discern tendencies with which we are now



familiar in other parts of India ; the tendency of petty states to preserve a certain autonomy in political subjection ; the tendency of usurping officials to form petty states out of the charges committed by their superiors to their care. But these tendencies were struck and twisted into courses altogether at variance with their direct line, first by Moghal exaction and the degree of political strength possessed by our immediate predecessors ; and then by the impact of European legal ideas thrust along with undue precipitancy by the force of some not unnatural indignation at home and of colossal misapprehensions in the country.

The type connecting the Punjab Hill principality, the Bengal *zamindári*, and the French fief, occurs, I think, in Oudh, where the practices and traditions of Moghal dominion lasted till annexation in 1856. This will appear from an examination of the list of miscellaneous dues levied by the various petty rajas of the Gonda district—a list which varied slightly from state to state, but was essentially of the same nature in all. These dues included (1) a charge on inhabitants of neighbouring *parganas* who came to cut wood in the unappropriated forests, the inhabitants of the same *pargana* taking fuel gratis, but paying a slight due on building timber ; (2) dues on beasts of burden coming to fairs, on goods sold at fairs, on tradesmen in bazaars ; (3) tolls on ferries, fords, bridges, and roads ; (4) a still head duty on spirits ; (5) a duty of eight annas per annum on each cart and on each loom ; (6) the fines imposed by the raja in criminal cases ; (7) an arbitrary contribution towards any public expense, but chiefly for war ; (8) the right of escheat, all property without legal heirs reverting to the raja ; (9) occasional demands, each with a separate name, for clothes for a new-born son, for money to celebrate the first shaving of his head, for the price of a horse or of an elephant, or for the cost of repairs to the fort of the raja ; and (10) payments which had to be made to the raja when a well-to-do subject lost a relation or married a wife. If we compare this list with the list I gave just now of the rights of *seigneurs* who were also *hauts justiciers*, and with the rest of De Tocqueville's list of feudal dues, surely, so far as such exactions are an index to status, we may say that the Gonda raja was a *seigneur*, or the *seigneur* a Gonda raja. In the first, second, and third items we see an assertion of authority over the wastes, markets, rivers, and roads comparable with that of the *hauts justiciers*. In the rest of the list we recognise an





unrelenting grasp, on almost every possible occasion, upon almost everything that the peasantry could call their own.

I have elsewhere mentioned the theory of the Muhammadan Government in Oudh, that the state was the sole *zamin-dár*. It must be remembered that the Oudh governors were *subaddrs* of a province of the Delhi empire, who became practically independent as it declined. As to the rajas or *zamindárs* in possession, the Muhammadans in some cases contented themselves with an annual lump payment in lieu of their claims. In other cases, very much after the fashion of Ranjit Singh's dealings with the Nawáb of Dera, they divided the lands of the *ráj*, taking as much as they could for themselves and reserving the remainder for the support of the raja. This remainder was known as the raja's *nánkdár*, and in it he took the whole of the government share of the produce, which was sometimes supplemented by an annual allowance in cash from the proceeds of the rest of the principality. Lands, both those in the possession of village *zamindárs* and others, were usually farmed out to contractors, who were either local capitalists or the dispossessed rajas themselves. With an accuracy which will presently appear, the circle of villages included in a contract was known as a *taluka*, and the contractor as a *talukdár*. 'Where the contractor,' the Settlement Report tells us, 'as was generally the case, was also a raja, he occupied a compound position, being raja and in receipt of his old rights in his relations with the tenantry, and *talukdár*, or simple contractor, from the point of view of the court. The capitalist was in theory a contractor only, but in the realisation of the land revenue he exercised for the time the powers of a raja, was bound by the same rules, and worked on the same principles.' Here we see the raja substantially identified with the *zamin-dár*; for, under the pressure of the Muhammadan Government, he was forced to accept, with the designation of *talukdár*, a position identical with that of the Bengal *zamindárs* of Jáfir Khán's creation. I have already dwelt at length on the resemblances between the Gonda states and the old Rájput states of the Punjab Hills; and I may repeat here that the Moghal emperors, in addressing the Hill rajas, gave them the title of *zamindár*.

It remains to explain what I have called the accuracy of the use of the term *taluka* in Oudh. In Bengal one of the Indian equivalents for sub-infeudation stands out very clearly. The *zamindárs* frequently made over divisions of their terri-



tories to farmers or contractors, known, as in Oudh, by the name of *talukdárs*; the word *taluk*, or *taluka*, meaning a dependency, and the *talukdár* being a person who holds property in dependence on another. In some cases in Bengal *talukdárs* paid their rents or revenue to government direct; they were then in all material respects on the footing of *zamindárs*. But the best general notion of a *taluk* is, I think, conveyed by saying that it was a holding of the same type as a *zamin-dári* enjoyed in subordination to a *zamindár*. It is probable that in Bengal the dependent *talukdárs* obtained these tenures by grant or purchase from the *zamindárs*, whereas in Behar they may have been men with certain original proprietary rights over the land placed under the jurisdiction of *zamin-dárs*, who were also rajas, by the act of authority. On the theory that the government of the *subadár* of Oudh was, or ought to be, the *zamindár*, the rajas and speculators who actually collected the revenue in that province were called *talukdárs* with great propriety.

It has been said that the feudal monarchy was a counterpart of the feudal manor, and Montesquieu makes a remark of the same tenor in respect of the fiefs of the *seigneurs* and the jurisdictions of the French counts. Of these he says: 'The counties, in the several variations that happened at different times, always followed the variations of the fiefs; both were governed by the same plan and on the same principles.' 'The counts in their counties were lords, and the lords in their seignories were counts.' In the Moghal empire, though not in India generally, we can perceive a whole chain of similar resemblances; as though, when once a society had caught a political air, it delighted in repeating it high and low with appropriate variations; or, more truly, perhaps, as if, when once a political type has become implanted in any society, it propagates itself wherever it can gain a footing, with those variations which adapt it best to particular local environments. As the *zamindár* had *talukdárs* under him, so the *talukdárs* might have below them other contractors and farmers, down to the village head-men. As the *zamindár* held certain lands revenue free for his subsistence, and paid over, or was supposed to pay over, the revenues he collected to the *subadár*, so the *subadár* had a big *jágir* assigned in his province for the support of his rank, and theoretically accounted for the revenue collections to Delhi. *Zamindár* and *subadár* were also alike in the practice of imposing fresh taxes on their own account on a variety of





We may now bring together in one view the indications of feudal tendencies which we have traced in various parts of India. In remote hills, little affected by Moghal or Sikh conquest or Gurkha incursions, there were and are manorial principalities exhibiting, in some characteristics, curiously close analogies to a fief; and there are substantial traditions of hegemonies ranging many of these principalities under the suzerainty of a particular chieftain. On the far-off Punjab frontier, in lands occupied by free tribes, we have observed practices which may represent some of the possible beginnings of vassalage. Under Sikh rule in the Punjab we have seen how conquests were sometimes facilitated by restorations of territory, which left the subjugated khan or raja with some remnants of sovereignty in forced allegiance to his overlord. In the ancient Hindu states of Rājputāna there is the overlordship of tribal chieftains, who, themselves rendering tribute and allegiance, first to the Moghals and then to the British, are the acknowledged superiors of their baronial clansmen; while these clansmen, in their turn, owe military service, proportioned to their lands, to their tribal chiefs and rajas. In the west of India the complicated network of Marhatta claims and assignments bound to the hereditary Peshwa the Marhatta military chiefs, already well on the way to territorial dominion. In the south, *poligars*, officials of broken empires or states, descendants of old royal families, robber chiefs fighting their way up to power, founded numerous petty states by plunder and oppression. In the great provinces of the Moghal empire the *jāgirs* and *zamindāris* have borne comparison with the benefices which, as feudalism grew, turned into fiefs. In India generally we have noted how often overlordships have come to be acknowledged, how occasionally a strong power will hold together an extensive empire—in the south a Vijayanagar empire, in the Deccan a Bahmani kingdom; in Hindustan the Moghals; in the Punjab the Sikhs—and how, when the capacity of an able ruler, or of a few generations of able rulers, has exhausted itself, these empires or kingdoms are shattered into numerous



fragments, and the work of consolidation has to begin over again.

Thus in almost every part of the country we have found some conditions which may be compared with those of Europe in the eighth and ninth centuries. But we have nowhere found any general system which can properly be termed feudal in the European sense of the term. There were materials of feudalism almost everywhere, and different sorts of materials in different parts of the country. The uniformity of the East has often been remarked, but any acquaintance with India that is more than superficial produces an abiding sense of its vast variety; and I say this while fully bearing in mind the sameness of the institutions of the Moghal empire and their connection with the Hindu institutions that preceded them. If the fiefs and counties varied together, so also—if we make a pretty liberal allowance for particular states being earlier or later than others in putting forth the particular sprout or bud that was to grow into the leading stem—did all the states of Western Europe. They were all provinces of the Roman Empire; they were all overrun or subjugated by German tribes; they were all feudalised; in all or most of them absolute monarchies have arisen and been abolished; and in all we now have either a republic or a constitutional queen or king. There are obvious reasons, of course, why such principles as those of feudalism or constitutionalism, when once quickened into active messengers of change, should leaven the whole mass of these European states with great rapidity. Great local variety really belongs to that old world which civilisation supersedes. Hence it is that when we look at the beginnings of feudalism in India we see one type in the Punjab Hills, another on the Punjab frontier, a third in the Punjab plains, a fourth in Rājputāna, a fifth with the Marhattas, a sixth with the *poligars*, and a seventh in the institutions of the Moghal empire. In Europe there was the common heritage of Roman dominion and Roman ideas, which is altogether wanting in India. Nor had India any Catholic Church to capture political forces and put them to work, partly, no doubt, in corporate interests, but partly also in honourable resistance to savagery and oppression. In Europe, too, the spread of feudalism was furthered by the roving, adventurous spirit of Germans and Norsemen—a spirit which has never died out, which has discovered new worlds, colonised continents, and may yet bring some of the real benefits of





civilisation to the darkest regions of the earth; and which in those early days carried French feudalism to England with William the Conqueror, and to Syria as a result of the Crusades. To at least three races in India has some of that roving, adventurous spirit belonged: to the Patháns who followed the Moghal emperors, to the Marhattas, and to the Sikhs. All three, it will be observed, worked out an extended political system, though each political system differed from the other two.

The distinction between stationary and progressive societies has, I suppose, for some time been a commonplace. But the evidence I have attempted to review in this chapter will perhaps suggest to some minds the preliminary question, whether there are or have been any stationary societies at all? Are we not extending geological time to animal nature? The most approved theories of the development of animal forms postulate, as I understand, an accumulation of centuries beside which historic time shrinks into insignificance. All we really know of the rate of advance of human societies is that it is prodigiously slow at some periods and prodigiously rapid at others. May we not have mistaken for stationary societies some whose rate of progress, like that of the secular subsidence or elevation of continents, is so slow that in an ordinary way we can perceive no progress at all, and can only arrive at the fact of progress by complicated and converging inferences? Scholars will tell us that ages ago there must have been in parts of India a degree of civilisation more advanced than that which characterised the times of the best and greatest of the Moghal emperors. If so, India has, in parts at least, both advanced and retrograded. At any rate the accounts of travellers, and other sources of information, show a considerable degree of civilisation in the India of Akbar and Aurangzib, of which much was temporarily lost in the turbulence and anarchy which preceded British rule. Europe, too, has had its periods of retrogression as well as of advance. There was civilisation, disgraced, it may be, by many barbarous cruelties, but still civilisation, in the age of the Antonines. There was barbarism, mitigated, no doubt, by Roman and Christian influences, but still barbarism, in the age of the Merovingians. Later on the empire of Charlemagne gave a promise of advance which was belied by its speedy disruption. The suggestion that in India even of the eighteenth century there were principles at work which might have



led to progress is, if admitted, of some consequence. For, in a political sense, there can be no safer goals of progress which we could deliberately adopt than those towards which a dependent society would have spontaneously pressed if its forces had been left to their unguided operation. Nor need we fear that any consideration of this kind, if accepted, would prove too stiff a drag on the wheels of our very effective machinery. There is a danger of an opposite description; the danger that in our dislike of practices and institutions offensive to a moral judgment, formed under conditions entirely absent in the East, or in our zeal for the extension of our latest home-made improvements, we may press on the pace so rapidly as to produce alarm in the more conservative sections of native society, and in the more advanced sections a giddiness that may be even more fraught with future trouble than the alarm.

Amongst the remarkable facts connected with the organisation of feudal society were the isolation of the different vassals of the same suzerain and the absence of any peaceful expedients for the execution of the judgments of the vassals acting in the court of the suzerain in their capacity of *pares* or compeers. The suzerain might convoke his vassals to make war, to administer justice, to celebrate some festival; but they had no obligatory habitual relations amongst themselves apart from the action of their suzerain; their relation to him was their only principle of association. The general rule was that a man should be judged by the assembly of his peers; and there were some subsidiary rules for giving effect to it. There was also a system of appeal from the lord to his superior lord *en faux jugement* and *en défaut de droit*. But if we may rely on Guizot, there was nothing short of war, or the threat of war, to enforce the judgment that might be passed, and the isolation of the vassals was accompanied by the severance of jurisdictions. The holders of the fiefs, great or small, so Guizot tells us, exercised all the rights of internal sovereignty in their respective domains. 'No external or distant power,' he says, 'gave laws there, established taxes, or administered justice; the proprietor alone possessed all this power.'

Ideas of law derived from Rome, the great source of European law, and carried along in Romano-Gallic traditions, in the *Leges Barbarorum*, in the capitularies of the Frankish kings, deeply influenced the archaic, tumultuous society which had broken down the Roman empire of the West. In





India almost exactly the converse has happened of that which happened in Gaul. In what is now France the semi-barbarous German tribesmen overmastered the mature, though failing, civilisation of Romanised Gaul. In India the mature and strong civilisation of our own country has acquired supremacy over a vast assemblage of semi-civilised states and races and tribes. Looking to Western Europe as a whole, and to India as a whole, our situation in India is as though the old Roman empire risen from the dead had conquered the broken empire of Charlemagne. But the contact between early and late ideas of politics and morality, between a number of societies or states on the verge of feudalism and a governing body steeped in modern theories, full of modern precision, and, above all things, reverencing law, has produced some striking analogies between the political system of India and the feudal system established in Europe by the fusion of Germanic custom with Roman law.

If the fiefs were isolated, so are the native states. If the holders of the fiefs enjoyed immunity from the laws of any external or distant power, so in general do the chiefs exercising various degrees of internal sovereignty under the protectorate enjoy immunity from British law. No doubt we have suppressed private war; and there are now other and better means for determining disputes between different states or their subjects. No doubt the paramount power has far greater strength than ever belonged to any feudal suzerain. But this is a natural consequence. It follows as of course from the reversal of the old, early mediæval position. The paramount power is a strong and pacifying power because it is civilised. It is for this reason that it can hold in check those impulses which the surviving traditions of Roman law and the attempts of semi-barbarous kings to rule in Roman fashion were alike impotent to restrain.

Even in the methods by which the system of the protectorate has been gradually formed we see likeness to the process of feudalisation. One great agent in that process was commendation. As I have said, I have found nothing in India which precisely resembles commendation; but I will mention two famous historical examples of great groups of states seeking the protection of the British Government against an external enemy. The Sikh states of the Cis-Sutlej territory sought our protection against Ranjît Singh and it was afforded. Our policy in the matter of protecting the



states of Rájputána against the Marhattas and free companies generally unfortunately vacillated; and in the end the Marquis of Hastings proceeded on the principle that in the operations against the Pindáris no one could be suffered to be neutral, and that many of the Rájput states should be required to join the league which had that measure for its object. The case, therefore, was not quite the same as that of the Sikh chieftains; but no Rájput state failed in obedience to the summons, and indeed, before this policy was determined upon, these states had repeatedly applied for the aid of the British Government. 'When I reply to these applications,' said Sir Charles Metcalfe, the Resident at Delhi, under date June 20, 1816, 'I find it difficult to obtain even a confession that the moderate policy of the British Government is just. People do not scruple to assert that they have a right to the protection of the British Government. They say that there has always existed some power in India to which peaceable states submitted, and, in return, obtained its protection; that then their own governments were maintained in respectability, and they were secure against the invasions of upstart chiefs and armies of lawless banditti; that the British Government now occupies the place of the great protecting power, and is the natural guardian of the peaceable and weak; but, owing to its refusal to use its influence for their protection, the peaceable and weak states are continually exposed to oppressions and cruelties of robbers and plunderers, the most licentious and abandoned of mankind.'

These arguments of the old Hindu states of Rájputána in the early years of this century confirm the opinions that the Indian protectorate rests on ideas which are fundamentally indigenous; that there were many tendencies making for feudalism in the India of our predecessors; and that our protection has been sought in India as vassals sought the protection of their lords. Feudalism, however, implied a contract between lord and vassal, and that contract carried with it a number of consequences largely derived from surviving influences of Roman law. Where are the contracts of the new variety of feudalism established in the Indian protectorate? They are in the six massive volumes of Aitchison's treaties, engagements, and *sanads* relating to India; and they carry with them consequences which have been slightly touched by international law, and are much more largely moulded on modern ideas of political morality.





## CHAPTER XII

## NATIVE RULE UNDER THE MARHATTAS

It is one of the objects of this treatise to contribute, however humbly and imperfectly, to the strength of the British Indian protectorate by facilitating the practical application of recognised principles and furthering the development of a body of clear and reasonable subsidiary rules framed in harmony with those principles. If the protectorate itself were incapable of adequate moral justification, no such aim could rightly be entertained. It would be iniquitous to seek to strengthen an engine of political oppression or to elaborate a mechanism for producing the miseries of misrule. If we do not believe that, on the whole, the preponderance of British influence has done good in native states, we can hardly rejoice in the consolidation of the protectorate.

Apart from this, there are solid political reasons why we should not forget—as we are very apt to do—the true character of native governments when as yet unmodified by Western ideas. The Indian Government must be judged not merely by what it does, but largely by what it prevents; and if the British nation desires to pass a just judgment on the manner in which some of its most onerous responsibilities are fulfilled, it is only right to bear in mind what a vast store of the political forces of the Indian Government is used up in the mere prevention of the commonest evils incident to immature civilisation.

No one can understand the actual position of our fellow-countrymen who are engaged in the business of Indian administration without first grasping some of the elements of native society and then realising the permanence of these elements and the persistence of the old types of character under British rule. It is palpable enough that many Englishmen have forgotten, many more have never known, what native India—India before British rule or the preponderance of British influence—was really like. It is not so palpable,



but it is equally true, that many educated Indians are in a like condition of forgetfulness or ignorance; and it is as well that they should not merely profess to acknowledge, but actually know, what they have gained by the efforts of British soldiers and statesmen. The hereditary teachings of despotism are strong; and it is really often hard for those whose mental stock is largely composed of Oriental traditions to see anything better than a transparent piece of cant in the expression of a disinterested wish to govern for the good of the country. The transfer of the Indian Government to the Crown has here produced some improvement; and in course of time we may hope that it will be more widely recognised that most British soldiers and statesmen, when they profess this wish, as a matter of fact actually entertain it.

In this way, in part as a moral justification of the present position, and in part because facts important to be known are often ignored or forgotten, it comes to be part of the argument to describe native rule in its indigenous condition. In such a work as this no description of the former state of India can be more than a sketch; but in attempting to present the mere outline of a few salient features I shall hope at least to convey an impression which shall be true so far as it goes.

With the object of arriving at a true impression we may consider what is the best evidence now available. I think the best evidence is that which relates to the condition of a number of British provinces in the times immediately preceding annexation. In the records of the early investigations of the circumstances of annexed territory we have detailed accounts of the governments of our predecessors much more full and exact than it has usually been possible to obtain in regard to the governments of native states until the character of them has already been changed by the preponderance of British influence. It may be said that the value of this evidence is sometimes diminished by the fact that British interposition has been directly due to a climax of misgovernment. That is true; and due allowance must be made for the circumstance in weighing the evidence, particularly in the case of Oudh and, in a less degree, of Nagpur. For this reason I shall in the main confine myself to the Marhatta country, the Punjab, the North-West, Bengal, and parts of the old kingdom of Mysore, in none of which provinces was misrule the particular ground of annexation. But in the broadest





sense it must be allowed that general anarchy in India led to the whole series of annexations; and indeed the causes of the disorders which became rampant in the land upon the disruption of the Moghal Empire lay deep in the constitution and character of Indian society. The operation of those causes is now restrained by the British system; but were the controlling hand uplifted, the strength and violence of the forces held in check would be visible again.

Fortunately there has been drawn by a master hand a very vivid picture of a native system of government as it existed just before British rule. In Mountstuart Elphinstone's report on the territories conquered from the Peshwa there is an account of Marhatta institutions in the early years of the present century so clear, so simple, so concise and yet so full, that the perusal of it immensely facilitates the task of examining other similar expositions relating to other parts of India. It is difficult to compress what is already a model of official precision and terseness; but I shall try to convey, as briefly as possible, the impression which the perusal of that report may leave upon the mind.

There is also another circumstance which facilitates the attempt to describe native rule. In comparatively early stages of society the elements of government are necessarily fewer and simpler than they are under the complex conditions of advanced civilisation. In a society either without courts of justice or with courts of justice not worthy of the name, without legislatures, without representative institutions, without manufactories, a society in which inland commerce was hampered by transit duties and the chief occupations were agriculture and warfare, our modern problems have no place. There are, in such a society, no projects for improving the law of property, the criminal law, the law of private conditions; there are no questions of parliamentary reform, of protection and free trade, of capital and labour. Colonial policy there could not be without dependencies; and as for foreign policy, apart from the feudal tendencies which I have described, we may appeal to the almost contemporary testimony of Lord Minto. In a despatch of April 14, 1810, Lord Minto argues that no system of a balance of power is discoverable at any period of Indian history or is compatible with the character, principles, or constitution of Indian states. With these states, he says, 'war, rapine, and conquest are avowed principles of action, a just and legitimate pursuit, and the chief source of public



glory, sanctioned and even recommended by the ordinances of religion, and prosecuted without the semblance or pretext of justice, with a savage disregard of every obligation of humanity and public faith, and restrained alone by the power of resistance. Under the successful impulse of these principles the vast empire of the Muhammadans was established over more than the continent of India. On its ruins arose the power of the Marhatta states, which subsequently branched out into a confederation of chiefs, professedly directed to objects of conquest and universal exaction, the fruits of which, by regular convention, were to be divided in specific proportions. The same views and principles animated and extended the usurpations of Haidar Ali and his successor. The checks which the Marhattas and the ruler of Mysore occasionally received from the power of the Nizam, and from different combinations among these three states, were the result, not of a pre-established federation and balance of power, but of the prevalence of a system of conquest, violence, and usurpation. The efforts of the contending parties were directed, not to the just limitation, but to the subversion of each other's power and the aggrandisement of their own; and it is unnecessary to refer to the testimony of specific facts with a view to demonstrate the self-evident proposition, that the permanent existence of a balance of power is incompatible with reciprocal views of conquest and ambition.'

Remembering that before our day the Indian political ocean was crowded with piratical craft, and that many of the states we have displaced or preserved were essentially predatory, we find that the analysis of their internal organisation resolves itself into an account of the character of taxation, the means, such as they were, of dispensing justice, and the general degree of personal freedom from molestation and of security of life and property. The fact that taxation often originates in rapine partly explains why primitive empires may commonly be described with justice as tax-gathering empires. A Resident at Hyderabad, in an official report dated June 22, 1859, states that most natives entertain the idea that we have only governed them in order to exact as much revenue from them as we can, without reference to their interests. This conception of the objects of a government seems to me merely the natural fruit of centuries of experience of uncivilised rule.

We come now to the consideration of "Mountstuart





Elphinstone's report. In the territories conquered from the Peshwa the *ryots*, or petty occupants, were found to be proprietors of their holdings, subject to the payment of a fixed land tax to Government. The tax, though fixed, was loaded with other impositions, but the lands appear to have been saleable at ten years' purchase. The Peshwa himself, when he wanted land so owned, paid the price of it. At the time of conquest the whole country had been surveyed, and each field classed and assessed according to its circumstances and quality. There had been partial and imperfect attempts at surveys by the Marhattas. The northern districts had been surveyed by Malik Amber, and the southern by the Adil Sháhi kings.

The Muhammadan rulers who preceded the Marhattas had appointed district revenue officers of their own, but had not entirely ousted the old hereditary revenue officers of previous Hindu Governments, the *deshmukhs* and *deshpandis* already described. The Marhatta arrangements were not uniform, but in general there was a revenue officer for a large district, called a *mámlatdár*, under whom were *tarafddrs*, or *karkúns*, who had charge of a considerable number of villages, and under them *shaikhdárs*, who had four or five. There were other officers also, who were bound to give information of all malpractices on the part of the *mámlatdárs*.

These *mámlatdárs* made large unauthorised profits, often with the connivance of the Government. They found means to engage on their side the officers who were set to watch them. Accustomed to be mulcted when they submitted their accounts, on the score of embezzlements assumed against them without much proof or investigation, the *mámlatdárs* made money by concealing the receipt of fees and fines, by false charges for remissions of revenue, false musters, non-payment of pensions, and other frauds. An extra assessment was imposed for the purpose, amongst other things, of bribing the ministers and auditors. This expenditure was known as *Durbár Kharch*; and by degrees the bribes became established fees, and the account of them was audited like the rest. 'As bribes,' it is said, 'were still required, another increase of collection took place for this purpose; and as the auditors and accountants did not search minutely into these delicate transactions, the *mámlatdár* generally collected much more for himself than he did for his patron.' The complicated Marhatta system of dividing



the revenue in grants to various recipients added to the trials of the peasant occupant. As many as five different grantees might have claims on the collections from a single village. If there was a defalcation, each endeavoured to secure his own share in full and throw the loss on his neighbour; and a general struggle ensued, in which the *ryots* suffered from the violence of the combatants. When the time of payment came round, a foot soldier was sent by the *shaikhdār* to assist the village headman, and if a *ryot* refused, or was unable to pay his revenue, the soldier confined him in the village watch-house, exposed him to the sun, put a heavy stone on his head, and prevented his eating and drinking till he paid. If this did not succeed, the *ryot* 'was carried to the *māmlatdār*, his cattle were sold, and himself thrown into prison or into irons. This rigorous treatment was seldom necessary for the regular revenue, it was more employed in exacting extraordinary taxes; and under the farming system the practice of it was frequent and severe.' So long as the *māmlatdārs* had an interest in the prosperity of their charges the *ryots* probably suffered less by all this corruption and exaction than might be supposed. But eventually this check was removed. The office of *māmlatdār* was put up to auction year by year among the Peshwa's attendants. *Māmlatdārs* thus appointed had neither time for inquiry nor motive for forbearance. 'A man's means of payment,' writes Mountstuart Elphinstone, 'not the land he occupied, were the scale on which he was assessed. No moderation was shown in levying the sum fixed, and every pretext of fine and forfeiture, every means of rigour and confiscation, were employed to squeeze the utmost out of the people before the arrival of the day when the *māmlatdār* was to give up his charge; amidst all this violence a regular account was prepared, as if the settlement had been made in the most deliberate manner.'

In the matter of police, Elphinstone testifies that the country to which his report relates was, amidst all the abuses and oppressions of a native Government, in a state superior to that of our oldest possessions at that time. Gang robbery was common, but had never, since he had been in the country, reached such a pitch as it had reached in Bengal. These robberies were almost always committed by Bhils and other predatory tribes, who scarcely formed part of the society. The Bhils, probably aborigines, differing in colour, manner, and language from the other inhabitants, lived in



the northern Ghauts and eastern branches of the range, in the wastes dividing Guzerat from Málwa, and in the east of Guzerat. Below Poona the Bhíls were succeeded by the Ramúsís, who had the same thievish habits as the Bhíls, but were less separated from the generality of the people.

There was no prescribed form of trial. Men were seized on slight suspicions. Presumptions of guilt were freely made. Torture was employed to compel confession. Prisoners for theft were often whipped at intervals to make them discover where the stolen property was hidden. Ordinarily no law was referred to, except in cases affecting religion. In punishments a greater distinction was made on account of the caste or means of the criminal than the nature of the crime. Probably no other punishment than fine was ever inflicted on a man who could afford to pay one, and any offender, it is said, could purchase his release if he had money enough to pay for it. False accusations were used to extort money from the innocent. *Jágirdárs*, *zamin-dárs*, and village headmen made a trade of harbouring robbers and shared their profits. Highway robbery was generally punished with death, because it was generally committed by low people. A principal rebel, or a head of banditti, would be executed as soon as he was caught; any Bhíl captured in a part of the country where Bhíls were plundering the road would be hanged immediately. Most *mámlatdárs* would hang a Bhíl or a Ramúsi without reference to any higher authority. But at Poona all officers would pay the Peshwa the compliment of asking his sanction to a capital sentence. Murders were usually punished by fine; but in cases of treason and rebellion, birth was no protection. Besides hanging, other punishments were trampling to death by an elephant, blowing away from a gun, beheading, cutting to pieces with swords, crushing the head with a mallet. Bráhmaṇ prisoners, who could not be executed, were poisoned or made away with by deleterious food; bread made of equal parts of flour and salt was one of these. Women were never put to death; long confinement and the cutting off of the nose, ears, and breast, were the severest punishments inflicted on them. Mutilation was very common, and the person who had his hand, foot, ears, or nose cut off, was turned loose as soon as the sentence was executed, and left to his fate. Imprisonment in hill forts and dungeons was common; and the prisoners, unless they





were people of consideration, were always neglected, and sometimes allowed to starve.'

Under a police administration so corrupt and so tyrannical, how was it that crime was not specially rife? To a certain extent the people protected themselves. They had arms, and were hardy and warlike. Village police was committed to the village headmen and the village watchman. The footsteps of a thief were tracked from village to village, and the village officers, and inhabitants of the village outside the boundaries of which the track could not be carried on, were held responsible for the property lost. Besides the hereditary village watchmen, other watchmen were often entertained from plundering tribes in the neighbourhood, partly to assist in repelling open force, partly as a measure of blackmail convenient to both parties concerned in it. But probably the success of barbarous methods of repressing crime is best explained by their origin in and close connection with a primitive state of society. Because punishments were inhuman, they struck terror where no other motive would deter from crime. The *mámlatdars* and other officers were careless of small disorders in society; great ones they put down with a strong, unsparing, indiscriminating hand. Born and bred in the country, they had a keen insight into the probabilities of each case, which at least helped men who had few scruples to a speedy decision. 'If robberies were committed, they seized all the suspicious characters in the neighbourhood, and if they succeeded in restoring quiet they did not care, though a hundred Ramúsís suffered imprisonment and torture without a fault.'

In the Marhatta system of civil justice the most important institution was the *panchdyat*. This has been described as a village council or court of arbitration; but in the country here under consideration it does not appear to have been closely connected with the village organisation, though the village headman was one of the functionaries in whom resided the power of summoning these courts. In one period of the development of Roman law the magistrate defined the issue between the parties to a civil case, and referred it for decision to a judge or *judez*. The *judez* was a private citizen, and had no power to pronounce judgment unless authorised by the magistrate. The written directions given by the magistrate to the judge were called *formulae*; and the whole system was comparable in point of precision and almost in technicality with the pleadings of an English





court of law. The Marhatta references to *pancháyats* bore some slight resemblance to Roman references to *judices*, if we can suppose the latter stripped of all precision, technicality, and system, and directed, without advertence to any law except the popular notions of customary law, to selected groups of people—never less than five, and sometimes as many as fifty in number. Many officers of the native government, and other persons of good position, had authority to order a *pancháyat* to be called; and in any doubtful case it was considered a gross injustice to refuse to make this order. The persons chosen to serve were in general those likely to understand the subject in discussion: as bankers in a matter of account; *deshmukhs* and *deshpandis* in land-suits; in caste disputes, members of the caste from an unprejudiced part of the country. The members of a *pancháyat* might be openly paid by the parties for their trouble. The decisions of *pancháyats* were reported to, and supposed to be enforced by, the public officers. But in truth there was no finality where a superior officer, or the same officer or his successor in office, might be induced by a bribe or the expectation of a recognised fee to reopen the matter. Sums were levied from the parties; the fine on the loser varied with his means; one-fourth of the property was the price paid for justice by a successful plaintiff; and this was, in fact, a standing bribe to invite the assistance of the magistrate. The *pancháyats* were quite unmethodical in procedure, and usually dilatory in making an award. Sometimes their counsels were divided by partisanship with the litigants. Sometimes one of their members was stimulated by a bribe to suggest the decision and persuade the rest to assent. With all their liability to corruption and delay, these rudimentary juries, in default of better courts, commanded the confidence of the people, as is witnessed by the proverb, *pānch parmesh-wdr*—‘the judgment of the *pancháyat* is the judgment of God.’ Private redress, patronage, and presents played a very large part in the whole arrangement. Readers of Sir Henry Maine’s ‘Early History of Institutions’ are familiar with the transformation of the foray of primitive times into the legal remedy of distraint, and with the analogy between the Indian practice of sitting *dharna* and the rule of the Brehon law that a creditor who requires payment from a debtor of higher rank than himself shall ‘fast upon him’ Elphinstone’s description of the Marhatta system of civil justice exhibits, I think, a transitional state of society in



which a primitive institution, probably originating in a caste, tribal, or village council, has been utilised, with modifications, for purposes of administration and to provide in part for the remuneration of officials; while private redress is accepted, just as the seizure of cattle was tolerated under early English law, as a means of inducing the defendant to submit to the jurisdiction. In all claims, except for land, the first step in the suit was *takāza*, or dunning; nor would the Government concern itself in the case unless the defendant complained of excessive or unjust *takāza*. This might consist of placing a guard over a man, preventing his eating, tying him neck and heels, or making him stand on one leg, with a heavy stone on his head, under a vertical sun. It was employed intentionally to bring about the acquiescence of defendants in the appointment of *panchāyats*. Such was the process when the demand was made against an inferior or an equal. 'If,' says Elphinstone, 'the debtor were a superior, the creditor had first recourse to supplications and appeals to the honour and sense of the other party: he laid himself on his threshold, threw himself on his road, clamoured before his door, or he employed others to do all this for him; he would even sit down and fast before the debtor's door, during which time the other was compelled to fast also; or he would appeal to the gods and invoke their curses upon the person by whom he was injured. It was a point of honour with the natives not to disturb the authors of these importunities so long as they were just, and some satisfaction was generally procured by means of them. If they were unjust, the party thus harassed naturally concurred with the plaintiff in a wish for a *panchāyat*.'

The employment of the interest possessed with any great neighbour or connection to intercede with the debtor or stir the authorities to do justice was so extended that scarcely any man was without some patron. This circumstance, so far as it goes, seems to support the conjecture that the Roman *clientela* was an old Italian institution, dating from times when Roman citizenship was yet unknown. At all events, in primitive times the spokesmen of the groups which are the prominent units of society are the headmen of the villages, the headmen of tribes, and the chiefs of plundering bands; and in periods of habitual warfare the disposition of individuals, villages, or towns to seek the protection of any lord or leader who is strong enough to afford it, plays an active



part in the process of feudalisation. In this Marhatta society we can perceive at work some of the motives which went to form two of the most famous legal relationships in legal history, those of patron and client under Roman law and of lord and vassal under feudalism.

As for presents, though we are right to detest venality and to punish severely an offence that is easily screened, we must not forget how deep in primitive human nature lies the conviction that any powerful people and the gods, too, if the gods are any way in question, had better be conciliated, lest they do one an injury; and that later on, the fair remuneration of the judge for his trouble was paid by the parties like a court fee. In our early days when the government of the East India Company was still conducted on oriental principles, it permitted its servants to reap the fruits of the native system of presents to those in authority. When we look into states that have not been Anglicised, we should hardly err if we expect to find judicial corruption held in popular estimation to be no worse a failing than in our country parliamentary corruption was held to be only a generation ago.

I must add that under the Marhattas ordeals were not uncommon, especially in boundary disputes. In other cases they were chiefly resorted to when other means of ascertaining the truth had failed. On the whole, some justice was obtainable. The *pancháyats* being drawn from the people could act on no principles that were not generally understood; and they could readily grasp the facts before them, and often knew the character of the parties very well. There was a special term, however,—*tali*,—for robbery, arson, or murder committed to oblige a Government officer or village to satisfy the claims of the perpetrator. As Elphinstone points out, the frequency of this offence shows that justice was often denied. It is easy to see that such advantages as there were in the old Marhatta system could scarcely be maintained under British rule. It was *takáza* that gave, in many cases, its impulse to the system of *pancháyats*; and *takáza*, under British administration, perished forthwith. It is no point of honour with our courts to refrain from interference with clamouring creditors. If clamour goes beyond mere importunity and reaches to personal molestation or threats of divine vengeance, there are the law courts and there is the penal code. Assuredly in these days the man assailed will, if possible, have the law of his adversary. And our magistrates must act as their codes direct, if the applica-



tion made to them is supported by sufficient evidence. They cannot, like an old Marhatta *māmlatdār*, blankly refuse to take up a case if they think its investigation too troublesome or inexpedient, or no one has made that investigation worth their while.

So far the description applies to the places and times in which the Marhatta government was strongest and best. In the days of the last of the Peshwas the state of things was much worse. 'The farming system,' so the report runs, 'made over each district to the highest bidder, who was generally the most unprincipled man about the court; and, as full support was requisite to enable him to pay his revenue, it consigned the people to his oppression without a remedy. The farmer's whole time and thoughts were occupied in realising his revenue. Justice was openly sold, and, except as a marketable commodity, it was never thought of. The party in the wrong could always by a bribe prevent his cause going to a *panchāyat*, or overturn the decision of one. An appeal lay from the under farmer to the upper, whose income depended on the exactions of the authorities below him, and from him to the minister, who never received a complaint without a present, or to the Peshwa, who never received one at all. In consequence, the Government afforded little justice to the rich and none to the poor.'

I will supplement the particulars I have taken from Mountstuart Elphinstone's report of 1821 by some extracts from a report, dated August 16, 1867, by the late Mr. W. G. Pedder, then Superintendent of Revenue and Survey Assessment, Khandeish. Mr. Pedder had been employed for many years in Guzerat on duties connected with the settlement of the land revenue, and had thus had special opportunities of making himself acquainted with the early records of all the Guzerat collectorates. At a distance from the seat of Marhatta power, on the coasts and in the northern districts, there was less in vigour in Marhatta rule than in the Deccan; and there were special circumstances which conduced to great insecurity of life and property. If the state of taxation was bad in the Deccan, 'it was much worse in Guzerat, where the people, in race and language, were foreign to their Marhatti rulers, where the farming system was introduced earlier and more systematically, and where districts were portioned out between the Moghals, the Peshwa, the Gaekwar, and Sindhia, which powers were continually at war, so that a single village was often called on to pay revenue to



two or more at once.' In some districts 'the revenue was only collected by sending round a *mulk-giri* army while the crops were standing; and, as the chiefs made resistance a point of honour, the collection of the Government demands was annually attended with bloodshed and wide devastation, the result being that the most powerful chiefs paid little, the weaker were crushed by the exaction.' *Mulk-giri*, as I have explained elsewhere, literally means taking possession of a country; and it is significant that a special term was in use to denote the periodical progress or incursion of a force for the collection of tribute or revenue by violence or intimidation. The Rájput chiefs, who resided mostly on the frontiers, made a regular practice of levying blackmail. This was called *torágrás*, from *tora*, composition, payment, adjustment, and *grás*, literally a mouthful, applied sometimes to the assignment of a small portion of the produce of a village or villages in remuneration for military service, and in Guzerat and Málwa denoting the price paid for immunity from plunder. If the *torágrás* was not regularly contributed, the villages were burnt and the headmen carried off and held to ransom. In many districts of Guzerat not a single village was exempt from the imposition. 'Besides the sufferings of the province from robber tribes, every petty chief and every village during the eighteenth century waged war with their neighbours at discretion.' 'The coasts of Guzerat and the Konkan suffered dreadfully during the eighteenth century from the ravages of pirates. On one occasion all the women of a Bráhma town were carried off by Muhammadan pirates, who not only violated them, which perhaps was not thought of so great consequence, but deprived them of caste by forcing beef into their mouths. In Khandeish, the Bhils, or aboriginal tribes, sallying from their fastnesses in the hills, committed great ravages upon the villages of the plains. The policy of the Marhattas towards these people was cruel in the extreme. A common punishment for a Bhil, whose only crime was perhaps his being a Bhil, was to be tied to a red-hot gun. Numbers of them, with their wives and children, betrayed by treachery, after being flogged or mutilated by the amputation of their noses, ears, and the breasts of the women, were thrown down precipices or into dry wells. They, of course, retaliated when they could by similar atrocities.' 'Khandeish is full of dismantled hill-forts. These were supposed to curb the hill tribes, but during Marhatta rule they were occupied by Arab





and other mercenary troops, who laid the whole country under contribution.' The older report of Elphinstone states that women were never capitally punished. But where nothing was systematic and no general rules were consistently observed, there seems no reason, in the case of Bhil women, to doubt the testimony of Mr. Pedder.





## CHAPTER XIII

## NATIVE RULE IN THE PUNJAB

OUR three greatest predecessors in Indian dominion were the Marhattas, the Delhi emperors, represented by their usurping viceroys, and the Sikhs. When the Company first became a political power, the Marhatta confederacy had thrown its close and intricate network of predatory claims over Western, Central, and a great part of North-western India. The rest of Northern India and the Deccan and most of the eastern coast districts were in the hands of practically independent Muhammadan governors. Later on, about the time when the British Government became the paramount power in the rest of India, to the north and west of the Sutlej arose the compact Sikh kingdom of Maharaja Ranjít Singh. Neglecting a vast number of petty jurisdictions within the enormous masses of territory subject to Marhatta, Sikh, or Moghal domination, neglecting also the far southern states of Cochin and Travancore, I must add that in the south of the peninsula we succeeded to a great part of the dominions of Haidar Ali and Tippoo, the Muhammadan rulers of the Hindu state of Mysore. Rájput India, extending from Guzerat to the distant petty principalities in the Punjab Hills, from Bikanír on the west to the borders of Rewa on the east, was never, as a whole, regularly annexed by any conquerors; though an intrusive arm of Marhatta conquest divides the Western from the Eastern Rájputs, and the northern Rájput States are separated from the States of Rájputána proper by a like obtruding block of territory once overrun and now still partly held by Sikh chieftains. It is interesting to note that our main conquests followed the line of least resistance. The Delhi Empire was altogether in fragments; but the Marhatta confederacy, though very loose, was held together in a way by ties of race and religion, by something like a common system and common aims; and the Sikh power of Ranjít Singh



was better consolidated than any barrier that opposed our course before we reached the Sutlej.

It will be remembered that we are dealing at present with the condition, prior to British rule, of territory that is now British. As I have described Marhatta administration in the last chapter, I turn now to Sikh administration, leaving the Muhammadan governments for another chapter.

Before the irruptions of Turks, Afgháns, and Moghals established a Muhammadan government in the Punjab, and laid the foundations of Muhammadan supremacy in Upper India, the Punjab territories appear to have been held by Rájput princes. To Rájput dominion eventually succeeded that of the Delhi emperors, whose hold upon the Punjab was at one time strong. From 1584 to 1598 A.D. the great Akbar seems to have made Lahore his head-quarters; and the mosques and gardens of Lahore and its neighbourhood still bear witness to the ostentation and luxury of the Delhi court. It was the decay of Muhammadan rule in the Punjab that led first to the partition of the country amongst numerous Sikh chieftains; and afterwards to the rise, in the country west and north of the Sutlej, of the consolidated kingdom of Ranjít Singh.

Sikhism, an eclectic religion combining with some Hindu tenets and observances a monotheism probably derived from Islám, arose in the Punjab during the sixteenth century. Its birthplace was a border-land between the Hindu countries of India and the Muhammadan countries which stretch away from a point not far west of Lahore till they blend with Christian countries in the European provinces of the Turkish Empire. The Sikh religion, originally a tolerant quietism, became, under the impulse from within of political ambition and the impact from without of a persecution that was both political and religious, a warlike and aggressive political power. It was probably during the long absence of Aurungzib in the Deccan that Guru Govind Singh, the last of the ten great Gurus, or recognised heads of the faith, conceived the idea of founding a Jat principality along the skirts of the hills between the Sutlej and the Jumna. His chosen disciple, Banda, attacked, defeated, and slew the Moghal governor of the province of Sirhind; and Banda was, after further successes, eventually captured and put to death at Delhi under circumstances of great barbarity. It is said that he was compelled to take the life of his own son, and that his flesh was then torn with red-hot pincers. A price was put upon the



heads of Sikhs; and persecution, which was probably the more relentless and bloodthirsty because political issues were involved in the struggle, suppressed for a generation the exhibition alike of Sikh fervour and of Sikh turbulence.

The Delhi Empire, however, was already being torn to pieces by its open enemies and faithless adherents; and ruthless pressure upon one nucleus of political power did nothing to retard the catastrophe. The notorious confusion of the time invited the invasion of Nádir Shah; and the march of the Persian army through the Punjab, followed by the capture of Delhi, gave the Sikhs another opportunity. Bands of armed men, in tens and twenties, infested the roads, plundered indifferently the stragglers of the Persian army and the inhabitants of the country; and, as troubles thickened, these robbers extended their depredations to villages and towns. Again and again Ahmad Shah Duráni, the mace-bearer and successor of Nádir Shah, repeated, with varying success, the blows of his predecessor. The Muhammadan governors, who still lingered in the Punjab, could make little head against the Persians on the one side and the Sikhs on the other; and the Muhammadan rulers of Upper India, who were now asserting independence, already felt the formidable menace of Marhatta power. The bands of highwaymen began to collect in *dehras* or encampments under *sardárs* or chiefs; the robbers, now mounted and better armed, began to regard themselves and to be regarded as free-lances, ready to take any side that offered a prospect of booty. Adína Beg Khan, the last governor on behalf of the Moghals in the Jullundur Doáb, assumed independence, and, refusing to bow to the Duráni yoke, took Sikhs into his pay, and called in the Marhattas. Mulhar Rao Holkar, and other Marhatta chiefs came with alacrity, and a swarm of Sikh plunderers advanced with them on Lahore. The son and the governor of the Duráni chief retired to the Indus; and a detachment of Marhattas remained at Lahore till Ahmad Shah reappeared on the scene, when they retreated before him, pillaging and laying waste the country to Delhi. Then followed, in 1761, the last great battle of Pá nipat, the last great battle in India between Muhammadans and Hindus, in which the Muhammadan powers formed or forming on the ruins of the empire joined the invaders, who had contributed to its ruin and their rise, in temporarily crushing the great Marhatta power of Western India, which practically threatened



every Muhammadan state in the land with either subjection or extinction.

The defeat of the Marhattas at Pánipat gave a very severe shock to the only Indian political authority in Northern and Western India that was then capable of withstanding for any length of time the growing strength of the East India Company; and it may be said to have prevented a Marhatta conquest of the Punjab, which would in all probability have ensued had Ahmad Shah Duráni and his Indian allies been vanquished by the Peshwa's cousin, Sedásheo Rao Bháo. Ahmad Shah Duráni quickly returned to Kábul, leaving governors in Lahore and Sirhind. For some few years the Sikhs attacked his governors when he was absent, and on his approach to the assistance of his dependents eluded his vengeance by breaking up their camps and dispersing in different directions. Once he surprised them already in action with his Sirhind governor, Zain Khan, and defeated them with great slaughter. They avenged this defeat by the destruction of Sirhind and the capture of Lahore; and at length the sudden desertion of 12,000 men of the Shah's army, who marched back to Kábul without orders, compelled him, in 1764, to quit the Punjab for the last time.

The Delhi Empire had fallen. The Marhattas were defeated. The Persians and Afghans were gone. The field was thus clear for the martial bands of Sikhs now formed into a number of confederacies, known as *Misls*, which speedily acquired territorial power. It was a principle of these associations that the lands they conquered should be divided amongst the confederates in proportion as each had contributed to the acquisition. The portion of the chief or *sardár* having first been divided off, the remainder was parcelled out to leaders of troops, usually according to the number of horsemen they brought into the field. The theory was that every one took and held his share in full independence; became, indeed, to the extent of his holding in the jointly conquered lands a petty prince of a petty sovereignty. We may reasonably suppose that the leaders of the *Misls* soon arrived at a common understanding due to community of race amongst Jat Sikhs, and amongst all Sikhs to community in religion and in antipathy to the Muhammadans alike of Delhi and Persia and Afghanistan. A practice was established whereby the chiefs of the *Misls* and their followers met once or twice a year at Amritsar, and usually





held *gurumattas* or councils on their common affairs. So far as the idea of the mystic *Khālsa* had at that time any concrete realisation, its embodiment, I think, is to be traced in these assemblages. The *Khālsa* appears to me to have been a sort of vague personification of the Sikh people in its warlike and religious aspect. At all events, if the forces of several *Misls*, after a *gurumatta*, joined in a predatory enterprise or in the levy of blackmail, they assumed the title of the army of the *Khālsa*. Before the rise of Ranjit Singh there does not appear to have been any central political authority controlling the chiefs of the *Misls*, who were held to be equal amongst themselves.

In a society full of violence an immense number of petty chieftaincies just won by the sword could by no means maintain inviolate for any long period of time either their boundaries or their authority. North and west of the Sutlej they were welded into a mass by the lucky alliances and unscrupulous craft of Ranjit Singh. South and east of that river they fell under the petrifying, if preserving, hand of British authority. Some of these states lapsed to the British Government. Many were sequestered for taking the wrong side in the first Sikh war. Some are still substantive protected dependent states of the British Empire.

From the first there were tendencies at work which made it pretty certain that before long some bold adventurer would outstrip his compeers in the race for power and subjugate numbers of these lesser chiefs, who in the unquiet times could hardly stand alone without protectors. It is unlikely that the theory of the full independence of those who shared in the acquisitions of a *Misl* was ever consistently acted on. Indian experience, at least, suggests that the vague acceptance of a theory as a sort of counsel of perfection that no one seriously supposes will be followed universally or unless convenient, is just one of these distinctive marks which form part of the contrast between imperfectly civilised and fully civilised societies; and the popular capacity for modifying general rules according to practical exigencies is one of the circumstances that make generalisation on Indian history and Indian affairs eminently hazardous unless fortified by modifications and exceptions. A Sikh *sardār* in the lands assigned to him might grant *jāgīrs*—that is, assign the revenue of specified lands—to relations, dependents, or retainers, on condition of personal service with contingents



according to the extent of the grant. In other cases a disputed succession, a quarrel between brothers or between father and son, or the probable helplessness of the widow or orphan when a tenure fell to a woman or a child, might invite interference or attack; and when one *sardār* had conquered another, it may be after a well-balanced fight, it was a ready expedient either to grant to the vanquished chief some of his own villages, or perhaps better still, some other villages in another part of the country, as a *jāgīr*, to be held in dependence on the conqueror and subject to the usual condition of service in war.

This last expedient was frequently employed by Ranjit Singh, and was part of the means whereby he raised himself to the headship of the Sikhs. His grandfather, Charat Singh, rose from being a common highwayman to the *sardāri* or chiefship of a separate *Misl*, with a territory computed to yield three lakhs of rupees. The circumstances of the career of Ranjit Singh are matters of history which need not be repeated here. It is acutely remarked by Baron Charles Hügel, who travelled in the Punjab in 1835, that causes similar to those which operated to extend the dominions of the East India Company contributed to the establishment of the kingdom of Ranjit Singh. Where there was a free fight for power, there was also a premium on subordinate alliance with the most formidable competitor; if submission cut off the hope of supremacy, the stronger party probably had the strength and might be persuaded to have the will to confirm one's possession, at all events for one's own lifetime. Lapses, rightly or wrongly claimed, also afforded easy means of extending acquisitions. But the spirit in which Ranjit Singh reaped the fruit of political confusion was not that in which lasting empires are formed. It is said that Ranjit Singh never felt a moment's anxiety as to what would be the fate of the Sikh kingdom after his death; and his whole history confirms this view of his character. It is certain that he never gave the Punjab any fixed form of government, or laid down written laws, or established courts of justice. The *guru-mattas* were discontinued. The last was held when Lord Lake pursued Holkar into the Punjab in 1805. The government of the Maharaja was a pure despotism. The standing army, the revenue farmers, the *kardārs* and *jāgirdārs*, and certain governors of large provinces, were almost the whole machinery of the administration.





To get a clear idea of the condition of the Punjab before British rule we must distinguish between the Cis-Sutlej and the Trans-Sutlej territory. It was from the Cis-Sutlej territory that we warned away the aggressive power of the Sikh Maharaja by the treaty of 1809. But six years before that date we had acquired the eastern portion, known as the Delhi territory, by conquest from the Marhattas. A great part of the Karnál district, near Delhi, was acquired in that way, and there is a very good description of the state of that neighbourhood in the 'Karnál District Gazetteer.' The Karnál district lay between the conquests of the Sikhs and the conquests of the Marhattas; it was a prey to both, and a highway for the ravaging armies of Nádír Shah and Ahmad Shah Duráni as they marched to and fro. At the end of the last and the beginning of the present century the people, exposed to attack from marauding bands, concentrated in strongholds. In one part of the district, out of 221 villages the inhabitants of 178 were wholly driven from their homes and fields. Villages were usually protected by brick forts and surrounded by ditches and walls. Every group of villages was at enmity with its neighbours. The royal canal had dried up. Forest had taken the place of cultivation, and gave shelter to robbers and wild beasts. Many Sikh *sardárs* had seized upon the northern part of the country. Towards the south the occupying chiefs were usually feudatories of the Marhattas. But whatever ruling power or chief local authority there was, concerned itself with criminal justice or police only so far as the pretence of either could bring in money; and, in fact, the chiefs usually shared the proceeds of the depredations committed by the villagers. Cultivators followed the plough sword in hand, and when any revenue was collected it was taken at the sword's point.

In the Sikh states between the Sutlej and the Jumna brought under protection in 1809, the establishment of a British protectorate did not for very many years result either in pacification or in good government. There is an account of the condition of society in these states in a report by Captain Murray, who was political agent at Umballa for some fifteen years ending about 1830. In the avarice of the ruling authorities, their denial of justice, the use of private redress, *pancháyats* and ordeals, the picture he draws recalls that of the Marhatta Government reproduced in the preceding chapter from Elphinstone. But in these Sikh states not



under the rule of Ranjit Singh it is easy to see that we are several degrees nearer anarchy.

Such administration of civil and criminal justice as can be said to have existed at all, was, in each state, vested in the *sardār* or chief. Arbitrary fines, levied according to the means of the offender, were the usual form of punishment. They brought money into the coffers of the chief, and were a fruitful source of speculation to his officers, who often used cruel means to elicit confessions and extort money for real or imaginary offences. The successful suitor paid *shukarāna*, a present of gratitude; the prosecutor in a case of theft had generally, as a preliminary, to pay a *chahāram*, or fourth of the value of the lost property, to the chief or his officer; the unsuccessful suitor paid a fine. 'The wealthy,' says Captain Murray, 'may secure justice, but the indigent are likely to obtain something less. The larger the bribe, the more chance of success. A case where the right is clear and undeniable is often allowed to lie over, that the present may be augmented. All officers under the chief and employed by him in districts or departments follow his example, but are ultimately thrown into a *bora*, or dungeon, and required to refund, and when they have satisfied the cupidity of their superior they are generally permitted to resume their functions, honoured with the shawl as a mark of favour. Capital punishment is very seldom inflicted. The most incorrigible culprits are punished with the loss of either one or both hands and deprivation of nose or ears; but mutilation is rare, for whoever has the means to pay, or can procure a respectable security to pay for him within a given time, may expiate the most heinous transgressions.'

Claims for justice being thus recognised as opportunities for exaction, it is not surprising that petty chiefs and their officers harboured thieves and shared their plunder. When the parties were subjects of different chiefs, and, I suppose, in many other cases also, failure to obtain redress or its cost or probable denial was often the cause of a foray, cattle being driven off and detained in the hope of procuring satisfaction. Bloodshed, which was common in village boundary disputes, might be atoned by the price of blood—*khún-baha*—or by a *nda*, the gift of a daughter in marriage to a relative of the deceased. A life was redeemed at 150 to 200 rupees or a few score acres of land. Vengeance, however, on the principle of a life for a life, was probably more frequent than these





adjustments. *Pancháyats* were held, consisting, in the case of boundary disputes, of committees of neighbours chosen by the parties, who would pay and feed the members while they prolonged their sittings for weeks. Disputes as to betrothals and breaches of promise of marriage were also referred by the orders of the chief to *pancháyats* selected from the caste or tribe of the disputants. In criminal cases resort was sometimes had to ordeals by water, by boiling oil, by bearing a heated ploughshare. Captain Murray sums up the chief forms of oppression as the exaction of extraordinary imposts, the pressing of labour without recompense, and the violence of licentious armed dependents who preyed on the country, sallying out of the forts and towers which covered it on every side.

Reports by Sir Henry Lawrence, shortly after the lapse of the Sikh state of Kaithal in 1843, and by Captain Abbott five years later, when the protected states on the Umballa and Karnál border had just been confiscated, show the substantial continuance of the misrule above described. In these reports we read of more than a hundred men having been killed in a single boundary dispute between two villages, probably in 1840; of armed resistance to the collection of revenue; of states setting the example of remorseless plunder; of villagers forced by want of security to plunder in self-defence; of cultivation protected by towers; of cattle at pasture attended by bodies of armed men. It must be remembered that the Sikh states were till the annexation of the Punjab a frontier protectorate; but we certainly pressed the principle of non-intervention very far, and clearly did not in those days and in that part of the country hold ourselves responsible for the prevention of turbulence and anarchy.

I have gone through a mass of evidence on the former state of the Punjab north and west of the Sutlej, annexed in two great blocks after the first and second Sikh wars, and on this subject I know nothing better than the excellent historical retrospect in Mr. D. C. J. Ibbetson's Punjab Census Report of 1881, where many striking passages have been brought together from the best Settlement Reports. I shall quote largely from Mr. Ibbetson or his authorities in what I now have to say.

On the north-west frontier, under Sikh rule, the *mulk-giri* of the Marhattas reappears, though not under that name. In Bannu 'each group of villages was a little independent



state, now warring with its neighbours, now at peace, now gaining, now losing territory. Between 1823 and 1845 the country was every second or third year invaded by a large Sikh army, which harried their fields, trod down their harvests, burnt their houses, and inflicted injuries which it took the intervals of peace to repair.' In Pesháwar 'the periodical visits of the Sikhs were calamities to the people; their approach was the signal for the removal of property and valuables, and even of the window and door-frames from the houses; crowds of women and children fled frightened from their houses, and the country presented the appearance of an emigrating colony. As the hated host advanced they overran the neighbourhood, pillaging and destroying whatever came within their reach, and laying waste the fields.' There was, it is said, scarcely a village from the head of the Pesháwar Valley to the Indus that was not burnt and plundered by the Sikh commanders. One chief, Karim-ud-din Khan of Chamkanni, held his *jágir* from the Sikhs on a stipulation that he should produce annually twenty Afrídi heads. Across the Indus in the Murree Hills it is said that Raja Guláb Singh used to let loose his Dogra troops upon recusant villages and pay rewards for any hill man killed, at first of a rupee a head, then of eight and finally of four annas. In the Salt Range the high roads were universally unsafe. Passing through the limits of different tribes, 'travellers and caravans had to satisfy the rapacity of each by paying blackmail, or they had to submit to be plundered, outraged, and ill-treated, happy sometimes to escape with life.'

In the central districts the Sikh grasp was much firmer; and as Ranjít Singh extended his power open marauding was very generally suppressed. Service in his army was popular; and the warlike spirit of the Sikhs of his part of the country had, under his guidance, full play in the expeditions he undertook against the Pathán colony of Kasúr or the Duráni governors of Mooltan, or against Kángra, or Kashmír, or the Deraját, or Pesháwar, or other Sikh territories across the Sutlej. When he had provinces to distribute, Ranjit Singh was not averse to assigning them to local governors whose functions resembled those of the *subadárs* of the Delhi Empire; in this way the Majithia *sardárs*, Deva Singh and Lehna Singh, were governors of the Jullundur Doáb, Motí Ram and Hari Singh of Kashmír, Dewán Sáwan Mal of Mooltan and the Southern Punjab, and Avita-





bile of Pesháwar. The policy was uniform; but effect was given to it in different ways according to local circumstances and the degree of political strength attained in different parts of the country. Like the old Hindu rajas, the Sikh conquerors claimed a share of the crop; but wherever they were strong enough they exercised an unusually free hand in arranging for the cultivation. Sikhs favoured Sikhs; but it was an object to make all, Sikhs and others alike, politically subordinate, and to crush down pre-existing rights and pre-existing prestige, so as to produce the maximum revenue with the minimum of political resistance. A tract first granted in *jágir* might presently be resumed; and the classes and families with any old pretensions to ruling power would be allowed a fourth share of the revenue for their subsistence; later this would be taken from them, and small allowances out of the revenue substituted for it. The supposed government share of the produce varied; it was often a half, sometimes a fourth, rarely a sixth. In practice, except where there were political reasons for concessions, the amount taken was as much as could be exacted without actually ruining the cultivators or driving them away in despair. This is what is meant by the grinding policy of the Sikhs.

The motive for any self-restraint was not compunction, but fear of the loss of revenue. *Jágirs* were, however, largely granted, and were of different kinds. Sometimes a conquered chieftain was allowed to retain a part of his own territory in *jágir*. Sometimes he was removed and given a *jágir* in another part of the country. Where the former chiefs or ruling families or tribes had been more completely beaten down, large tracts were assigned in *jágir* to high officials or court favourites. Certainly in some cases, probably as often as he was resident and strong, the *jágirdár* exercised all the powers of government in those villages, to the revenue of which he was entitled. If the *jágirdár*, as often happened, was not resident, he leased out his villages or employed *kárdárs* to collect for him. The opportunity of the death of a *jágirdár* was commonly used to seize his *jágir*, which, if restored at all, would only be re-granted on the payment of a heavy fine.

The same tract might, at different times, be assigned in *jágir*, or farmed out to some leading dependent of the Maharaja. These farms, perhaps of several hundred villages, were known as *ijáras*, and the man who thus took the lease



of the Government share of the produce and its concomitant emoluments was called an *ijāradār*. North of the Rāvi, the term *kārdār* appears to have been sometimes used to denote these farmers of revenues on a large scale; but it conveys, I think, a true idea of the actual state of things to say that the *ijāradārs*, like the *jāgirdārs*, employed *kārdārs* under them.

These *kārdārs* corresponded in a way with the *māmlatdārs* of the Marhattas. The *kārdār* might be a farmer of the revenue, required to pay a lump sum and left to make what he could, or he might be ordered to give an account of his collections. In either case he was regarded as an official of the state or *jāgirdār*, or *ijāradār*, as the case might be. The instructions of Dewān Sāwan Mal to his *kārdārs* in the Muzaffargarh district are extant, and show well the official theory of the functions of a *kārdār*, though they throw less light on his actual proceedings. The circle of a *kārdār* in that part of the country may be supposed to have comprised some thirty villages and some 130 square miles. He was directed to treat the subjects well, to collect the revenue with acuteness, and to increase the revenue and the cultivation year by year. He was to protect his charge, to punish theft with imprisonment, and, above all things, to cause restitution to be made to the complainant. He was to attend personally and settle accounts once a year. A clerk and a few soldiers were at his disposal; he was told to subsist on his pay, and to pay the soldiers with his own hand. These instructions do not explain how the revenue was to be increased; but that point was very well understood and fully attended to. The Dewān did not alter the old rate of the Government share of the crops; but he added cesses, a few where the share was large, many where it was comparatively small. He equalised the demand by extra imposts, so that it was heavy on all alike. 'Sāwan Mal's government,' says Mr. O'Brien (now Deputy Commissioner of Kāngra), whose knowledge of the Muzaffargarh district is probably unequalled, 'was better than anything which had preceded it. Its sole object was the accumulation of wealth for the Dewān. The execution of public works, the administration of justice, and security of life and property, were a secondary consideration, and were insisted on only because without them agriculture would not prosper, and the revenue would not be paid. When one examines his numerous cesses and sees how he levied dues to pay the people's alms





and perform their religious duties, and then paid the poor and the Bráhmans what he thought a fair amount and pocketed the rest; how he levied a cess in return for keeping his word, and how he encouraged his officials to take bribes and then made them duly credit the amount in the public accounts, one's admiration for the great Dewán is less than it would be if based on history.' The recognised receipt of presents and articles in kind for subsistence went on, notwithstanding the warning against extortion in the written instructions; and the *kárdárs* interfered closely with the cultivators. They 'made them cultivate, made the Hindus lend them money, and made the borrowers re-pay. The agriculturists were pitted against one another to cultivate. If one man did not cultivate his land, it was given to another who did.'

It may safely be said that Sikh rule was nowhere better than it was under Sáwan Mal. The fact is that no antecedent proprietary rights in the soil, no claims of individuals to hold any intermediate position between the Government and the cultivator, were acknowledged as a matter of principle. As a matter of expediency, it was very desirable to retain industrious cultivators, to pacify people whom it was not practicable to crush, and to conciliate or reward powerful men who were used, or might be used, to carry on the really important business of acquiring territory and amassing revenue.

It will have been noticed that the *kárdárs* discharged some functions of officers of justice and police; but no doubt private redress of the primitive sort must have been common in the Maharaja's dominions, as in the Cis-Sutlej states, particularly in such matters as cattle lifting, breach of betrothal, and the conjugal infidelity of women. Reprisals, the mutilation or murder of women for adultery, and the *vendetta*, must have been frequent in parts of the country in Sikh times, as, indeed, they are now. Certain measures taken to prevent theft were effective, and well suited to the conditions of society. The early English laws, Sir James Stephen tells us ('History of the Criminal Law of England,' vol. i. p. 66), are full of provisions as to the hue and cry and the tracking of thieves and stolen cattle. The rule was that if the track of stolen cattle was followed into a shire, it must be followed out or the cattle paid for. Just the same customary track law was enforced in the dominions of the Maharaja and the Sikh states. If the track of thieves or





cattle could be carried to a particular village, and the men of the village could not clear themselves of the presumption thus raised against them by carrying on the track outside their limits, there was nothing inequitable, according to primitive ideas, in demanding restitution from the village as a whole. When village might go to war with village, and tribe with tribe, and one petty ruler with another, this track law was a step in advance, an incipient limitation on private vengeance. To commit a comprehensible anachronism, it was a part of the international law of the then independent political communities. The groups in a state of nature one with another were tiny; but then, as now, the recognised payment of indemnity was better than going to war. I am glad to say that in the Punjab we have preserved the track law, though with modifications which deprive it of a great part of its utility.

There are some credible anecdotes of Avitabile which illustrate very well both the character of the administration and the state of society in Sikh times. Avitabile was a Neapolitan by birth, and a pupil of the Polytechnic School at Paris. He was an officer of Murat's army and court, and before coming to the Punjab had served some time in Persia. At one time six Sikh robbers, who had escaped, were captured and sent to him at Wazirabad, where he was employed as governor of the Rechna Doab. With these captives came a command from the Maharaja that they should not be allowed to escape again. That same hour Avitabile caused them to be hanged. The Maharaja summoned him and asked how he had dared to hang six Sikhs. Upon Avitabile replying that he thought this the surest means of preventing their escape and obeying the Maharaja's command, the Maharaja laughed and took no further notice of the matter. Avitabile was afterwards sent as governor to Peshawar, and administered that recent acquisition with a ferocity which was in keeping with its barbarism. 'In cases of murder'—I quote a letter dated March 26, 1841, from the then Political Assistant at Peshawar—'a thirst for private vengeance is encouraged, contrary to the spirit of true law, by the relations of the deceased being permitted to kill the guilty person. One revolting instance of this took place a short time back. A man had assassinated another. To obtain the price of blood, Avitabile kept him in prison for some time, and then exposed him, stark naked, to the scorching heat of the sun, the attacks of insects, &c., with half his



body painted red. As he continued obstinate, the mother of the slain was permitted to use her right of slaughtering him with a knife, which she not only did, but, in her delirious and savage joy, stooped down and drank two handfuls of his blood as it welled from the death-wound.' The Political Assistant goes on to say that when he was lately riding with Avitabile an old woman whose two sons had been murdered assailed the governor with cries for justice and entreaties that she might be allowed to kill the murderers. Avitabile coolly told the Political Assistant that, as he had no hopes of extracting any money from the murderers, he would probably grant the woman's request, and invited the Assistant to come and see her carry out the execution. The conditions of the frontier were, however, then, as now, exceptional. The most frequent vice of the Sikh *kardárs* was not ferocity, but avarice.

In this chapter on native rule in the Punjab I must not omit all reference to Rājput rule in the Punjab Hills. Here, however, I can be very brief, as I have already described at some length the hill principality. It will suffice to quote again the Kāngra Settlement Report of Sir James Lyall. Speaking of the rulers of Kulu, 'the rajas,' he says, 'were petty despots in league with the priests, often cruel and avaricious, and recognising very faintly any law or custom; and they and their favourites did much as they liked, or as their jealousy or avarice prompted them. A man's ancestral house and lands were sometimes confiscated and transferred for no fault. To seem to be well-to-do or influential was to be in danger. As an example, in 1862 a large sum of money was accidentally exhumed. On inquiry, it appeared that it belonged to a family of which the women were hereditary foster-mothers to the royal family, and which had thus acquired wealth and influence. Three generations ago, on some slight pretext, the raja suddenly seized the whole family and buried them all alive—men, women, and children—probably because the hidden treasure was not forthcoming. The only survivors were a woman and her infant, who escaped because the mother happened to be serving at the time as wet-nurse in the palace. The number of women burnt at a raja's funeral was often prodigious. Quite as great tyranny, however, prevailed in other petty hill states.'

The governments of Ranjit Singh and of the Marhattas in the central Marhatta districts during the times which preceded that of the last of the Peshwas were certainly favour-



able specimens of native rule. In origin and in principle both governments were very much alike; in the west, as in the north, the weakness of a decaying empire gave freebooters the opportunity of establishing territorial power; and, in the altered circumstances, motives remained unchanged when the strength acquired by depredation was directed to a persistent course of aggression. In relation with other states, the Sikh and Marhatta governments belonged to a period in the development of society earlier than any in which international morality appears. In internal affairs the Marhatta administration was of a rather more advanced type than that of the Sikhs; there were, at all events, some courts of justice, there was more distribution of authority amongst various departments of state, the measurement of the land points to a certain degree of care and skill in revenue management, and in many public arrangements we see traces of the great cleverness of the Marhatta Bráhmans in devising plans well fitted to last beyond the lifetime of an individual. In military affairs there was some similarity. If Sindhia had his disciplined battalions under French officers, his Perrons and his Bourquins, Ranjit Singh had in his service Court and Allard and Ventura and other Europeans, and organised his army more or less in a European style. But no Marhatta chieftain ever became without question supreme in the Marhatta confederacy in the same way as Ranjit Singh became supreme in the Punjab; no one Marhatta ever had the same command of the resources of the several Marhatta chiefships as the Sikh Maharaja had of the men and material of his own dominions. There was also in the Sikh army greater fighting power and a deeper enthusiasm derived from the militant Sikh faith. Soon after the death of Ranjit Singh the supremacy passed to the army, which, in Prætorian fashion, set up and deposed the nominal rulers at will. The formidable might of the army was due to the conquests of Ranjit Singh, because he gathered under one chiefship the whole military strength of the Sikh people in his own territories, which might otherwise have been frittered away amongst numerous petty states. For a second time the *Khálsa* found its embodiment, its *avatár*. The army now identified itself and was identified in popular opinion with the Sikh people; and it freely exercised its power by means of *pañcháyats*, committees of soldiers who determined the distribution of the troops and settled their relations to the nominal government.





It is possible that the success of these *pancháyats* and the strain that was put upon our strength by the two Sikh wars may have been amongst the incentives of the Sepoy mutiny. The Sepoys of Hindustan had seen how the Sikh soldiers had acquired and wielded political power, and some of their leaders may have thought their own chances of success not indifferent when victory over a worse disciplined army had cost the paramount power so dear.



## CHAPTER XIV

### NATIVE RULE UNDER MUHAMMADAN AND OTHER GOVERNMENTS

In the chapter on the annexation of Oudh and in the discussion of the sovereignty of the Moghals, I have anticipated a good deal that might be said on the subject of native rule under Muhammadan governments. It will be remembered, however, that the larger part of the dominions of the Nawáb Wazir of Oudh was annexed by Lord Wellesley in 1801, and that Lord Dalhousie in 1856 annexed the residue. Of districts annexed in 1801 which surround the present province of Oudh, something remains to be said in this place. The condition of these districts was probably worse than that of Bengal and Behar, as may be gathered from the well-known Fifth Report of the Select Committee on the affairs of the East India Company, dated July 28, 1812. Mr. H. C. Irwin, in the 'Garden of India,' gives good reasons for considering that Saadat Ali Khan, who was Nawáb of Oudh from 1798 to 1814, was a very capable ruler. He kept a strong hand on turbulent Rájput chiefs and successful revenue farmers, and indeed abolished the farming system, which was again established by his successors. But the cession of more than half his territory was made at the beginning of his career as Nawáb; and no doubt what is said in the Fifth Report must apply to the condition of the country before the introduction of his too short-lived reforms. After describing the internal administration of Bengal, the authors of the Report distinctly speak of the internal administration of Oudh as exhibiting the worst features which they had delineated as existing elsewhere. In support of this view they allude to the farming of the whole territory to the *ámils* or native collectors; to the complete authority, civil and military, committed to these men; and to the conduct to the tributary rajas, exercising absolute dominion, who frequently withheld the sums demanded of them till forced to pay or compromise the claim by the appearance





of a military force. So long, it may well be believed, as the *ámil* paid the revenue, he was in no danger of being called to account for abuses. Writing in 1808 of Allahabad, one of the ceded districts, the judge of Benares says: 'According to every account which I have heard of the Nawáb's government, its only object was the collection of money; all care of justice, civil or criminal, was utterly abandoned.'

In the Lower Provinces there appears to have been less turbulent resistance to the principal authority, and some slight pretensions to an administration of justice, which was, however, very corrupt. The Committee of Secrecy of 1773 reported, as the general sense of the accounts they had received of the old courts under native rule, 'that the administration of justice during the vigour of the ancient constitution was liable to great abuse and oppression; that the judges generally lay under the influence of interest, and often under that of corruption; and that the interposition of Government, from motives of favour and displeasure, was another frequent cause of the perversion of justice.' In the part of Oudh first annexed, there is good reason to believe that no one could get justice at all; the redress of injuries and the punishment of crimes depended on the tyranny and caprice of the *ámil*, who either entirely disregarded his duty in their behalf, or, by corruption and abuse, made it a source of profit.

The first appendix to the Fifth Report is the celebrated minute on the permanent settlement by Sir John Shore, afterwards Lord Teignmouth. His description of Muhammadan rule in India is very well known, but will bear repetition. 'The Moghal dominion,' he says, 'in the best of times and under the wisest princes, was a government of discretion. The safety of the people, the security of their property, and the prosperity of the country depended upon the personal character of the monarch. By this standard his delegates regulated their own demeanour; in proportion as he was wise, just, vigilant, and humane, the provincial viceroys discharged their *kists*' (that is, paid the periodical instalments of revenue due from them), 'with zeal and fidelity; and as they possessed or wanted the recited qualifications, the inferior agents conducted themselves with more or less diligence and honesty; a weak monarch and corrupt minister encouraged and produced every species of disorder, for there was no law paramount to the sovereign's will, few of the officers of Government were liberally paid,



and property was left to accumulate from breach of trust, abused patronage, perverted justice, or unrestrained oppression. This description I conceive to be applicable to all Muhammadan governments, where practice is for ever in opposition to the theory of morals; and a few remarkable instances of distinguished virtue or forbearance are exceptions which deduct little from the universality of the remark.'

It has long been a commonplace that the goodness or badness of an Indian native government depends on the personal character of the ruler of the day. The information collected in this book will, I trust, enable any one who looks into it to add something to the explanation of this well-known fact given by Sir John Shore. In the case of a small territory, a few square miles in extent, no explanation is necessary. In a very petty state the inhabitants are likely to thrive under a good chief, just as tenants are likely to thrive under a good landlord, and for much the same reasons. A good and able man, who attends to his business, will personally know all his important officials and the local peculiarities of every part of his little dominion. He will habitually seek its improvement; and his minute local knowledge will enable him to adjust his legitimate demands to the capabilities of the peasantry, varying with their caste or tribe or local history or the vicissitudes of the seasons.

The case of a large state or empire is not so clear. Why should the deputies of the chief or emperor regulate their demeanour by his? and why should weakness in the monarch produce every species of disorder? I think the answer is that Sir John Shore is speaking of native governments as yet quite unaffected by British influences; and that where we observe like facts nowadays they are probably due to the persistence of political habits and types of character formed under old conditions, changed, indeed, in some places, but in others still existing in considerable force. The effect, I take it, as observed in the old days, should be ascribed to the objects then practically acknowledged by native governments, and to the methods of administration and distribution of power which they usually adopted. In so far as the effect is observed now, it should be attributed to the survival of the old causes.

In the India of the Moghals, the Marhattas, and the Sikhs, I suppose the great objects of a chief were his own political security and a large revenue; he would commonly be careless, like Ranjít Singh, of everything that did not





directly touch his authority or his finances. To his agents he would farm out large tracts of many villages, to courtiers, it may be, or strong soldiers of fortune, or rich, sleek, calculating Hindu traders, with a much greater capacity for grinding money out of the poor than their obsequiousness of demeanour to their social superiors would suggest to a casual observer. Such men as these would agree to produce by a stipulated date a stipulated sum, or even pay in advance into the state treasury the revenue which they would proceed to collect from the peasantry, with additions and with that degree of harshness which was, in their judgment, required. Other tracts would be 'managed direct'—that is, the revenue would be collected by officials desired to account for all ostensible taxes, but allowed to supplement their slender salaries by various irregular practices and perquisites. Other lots of villages would be granted out in *jágir* to people whom the chief had reason to conciliate; or a half-subdued tribal chieftain, or raja, or *poligár*, or a set of sturdy villages, lying at the edge of the desert or away in the hills, not to be easily controlled without some risky use of steel and gunpowder, would be left in enjoyment of their hereditary claims, subject to some light quit-rent or tribute which the chieftain or the villages would alike refuse to pay at the earliest symptom of weakness in the central authority.

As regards dependent chieftains and revenue farmers and officials, there would be two tests of efficiency and the sort of loyalty expected. Will the revenue farmer or official make good the required sum? Are those whose tenures so prescribe prepared whenever summoned to attend the Durbár, or court of the chief, and to follow him into the field with the customary number of adherents? If so, questions would rarely be asked as to the manner in which these different sets of people kept order in their respective local charges, or gathered the taxes for which they were responsible or which they were permitted to enjoy. No doubt now and then the chief would coerce some refractory dependent, and perhaps resume the whole or part of his *jágir*, or move him and his assignment of revenue or part of it to some fresh place. But that meant war if the tributary chief dared risk it; and no such measure was to be attempted without troops to back it up. Officials, who had no following in the country, could be treated more cavalierly; the chief would fully expect to share the fruits of unusual exactions; or he might call for an account, and



then waive it, as a sort of pull at the reins, to assure himself and others that his team was well in hand.

In these ways there would be everywhere a large delegation of the powers of the chief, if such an expression can be applied to a loose irregular condition of things in which intermittent action depended on the expediency of the moment, and there was no written law or system of precedents defining the limits of authority, and even custom itself might be overridden by the caprice of the chief. Officials he would select himself; others, who practically discharged the functions of officials, might be forced upon him by pre-existing social conditions. As for officials, he would have no scruple in dismissing or imprisoning them, or, if necessary—I am speaking of the old days—flogging, torturing, or executing any whose obedience was suspected, or who failed in the prime duty of producing a sufficient revenue. In these circumstances even dependent and tributary chiefs and villages would readily feel the spell of bold, energetic, unscrupulous personal character. But the potency of this spell, where conduct was dictated not by moral principle but by personal ambition and desire of gain, would depend rather upon fear than upon any amiable disposition to imitate possible virtues. The penetration, the activity, the reputation of the chief for stern and prompt vengeance, would breed terror in his local deputies. He would usually be well served in proportion as he was feared. With the removal of this check a reasonably moderate course of conduct would speedily be reversed, and the well-known disorders would reappear. The opportunity for gain would be quickly seized whenever profitable misdeeds had a good chance of immunity. Such an opportunity might occur when a Ranjit Singh or Haidar Ali died, or when some weak boy succeeded to the chiefship and was seduced from all business by debauchery. In such a case, the junto of head-quarter officials who, in league with some of the women of the palace, had corrupted him for the sake of their own power, might fall out among themselves or might not have weight enough in the state to pursue the policy of a vigorous despot. Exactions might then be multiplied on every side; frauds in cash and grain, in the falsification of accounts, in the pay, supply, and muster of troops, in the construction of buildings, might become unusually frequent and unusually barefaced; old tribal chiefs in out-of-the-way places might set up for independence, which would mean that they





would appropriate for themselves all they were able to collect; perhaps their example might be followed by an official or two who had amassed a big sum with which he could pay horsemen; strong tribal villages might pluck up heart and refuse to render revenue to any authority whatsoever, prepare to resist any summons to pay by force of arms, and begin to levy blackmail on as wide an extent of country as was within fair reach of their depredations. Presently peasants of weak villages ruined by oppression, soldiers with their pay months in arrears, and generally hundreds of sturdy loons who might be either cultivators or graziers and cattle lifters or mere freebooters according to circumstances, might gather in bands under venturesome desperadoes; and in no long time there would be literal anarchy, fire and sword being rife in the land, fields falling out of tillage for dread of raids, and no man being able to call any more of his few chattels, his cattle, his grain, his silver ornaments, or even his land his own, than he was able, with his brethren, to defend at any hour from any plunderers.

Lest I be thought to exaggerate this description I will produce two vivid pictures of native life where conditions had not been changed by British pacification. One is from Southern India. I take it from a note at pages 191-2 of Lieutenant-Colonel Mark Wilks's 'History of Mysore.' 'On the approach,' he says, 'of a hostile army the unfortunate inhabitants of India bury underground their most cumbrous effects, and each individual man, woman, and child above six years of age (the infant children being carried by their mothers), with a load of grain proportioned to their strength, issue from their beloved homes, and take the direction of a country (if such can be found) exempted from the miseries of war, sometimes of a strong fortress, but more generally of the most unfrequented hills and woods, where they prolong a miserable existence till the departure of the enemy; and if this should be protracted beyond the time for which they have provided food, a large portion necessarily dies of hunger. The people of a district thus deserting their homes are called the *Wulsa* of the district. A state of habitual misery, involving precautions against habitual war and unpitying depredations of so peculiar a description as to require in any of the languages of Europe a long circumlocution, is expressed in *all the languages of the Deccan and the South of India* by a single word. No proofs,' he adds, 'can



be accumulated from the most profound research which shall describe the immemorial condition of the people of India with more authentic precision than this single word.'

The other picture is a more recent one, drawn from the life on the north-west frontier. In March 1871, Mr. Fryer, lately Financial Commissioner in Burma, accompanied an expedition across the frontier of the Dera Gházi Khan district into a part of the country which, as a consequence of the Afghán War and the career of Sir Robert Sandeman, has now been greatly pacified. Amongst other places, he visited the Khetran village of Mat, and I extract the following passage from his report: 'The Khetráns are a peaceable and un-aggressive tribe, but are kept in a constant state of anxiety by the Marris. As we approached Mat through a gorge which leads into the small valley in which it is situated, we saw the gleam of swords from a small look-out tower situated on a rock at the end of the gorge. We sent on those Khetráns who were with us to reassure the garrison of the little tower, who were blowing the fuses of their matchlocks and making ready for an onslaught from a supposed party of Marri raiders. Only three months before the date of our visit to Mat, twelve Khetráns belonging to that village were grazing cattle in a valley behind the village. The Marris surprised and killed the graziers, and carried off 180 head of cattle in sight of the village. The villagers were too few in number to venture down from the ridge on which the village stands to the assistance of their sons and brothers, who were butchered before their eyes.'

It may be objected that this is an account of an ordinary frontier raid; and that occurrences more or less similar have been reported in numbers from half a dozen British frontier districts since annexation. I admit it; but go to the heart of British territory, to the Karnál district, near Delhi. The scene that Mr. Fryer saw at Mat was a daily scene in the Karnál district at the end of the last century, when, in the dissolution of the authority of the Delhi emperors, the overlordship was seized by Sikhs and Marhattas and anyone else who was able to strike in. A few years ago the territory in the neighbourhood of Ferozepore, also in the heart of British territory, was still dotted with the remains of mud or brick towers built by the wells as watch-towers against invaders, and as places of refuge against small predatory bands.

If history be an account of the growth and mutual





relations of progressive communities, then in primitive times, among societies that are apparently stationary, or where progress is so slow that it is ordinarily imperceptible, there is no history, but there are many typical events—events, that is, typical of the stage in the advance towards civilisation which the particular society has reached, and at which it seems to have paused awaiting some internal or external stimulus to further development. On the smaller scale, for instance, if we look at the tribal societies on the north-west frontier, we see that one frontier raid resembles another; and that there is a common, continuous round of acts of bloodshed which civilisation treats as heinous crimes; there is cattle-lifting by armed men and, as the villagers swarm out on the hue and cry, firing by pursuers and pursued; there is perhaps a pitched battle between tribe and tribe on account of some disputed right to the water of a hill stream; there are murders to avenge the seduction or punish the unchastity of women, murders of paramours, of wives by husbands, of daughters by fathers; there are murders of headmen by smaller leaders seeking the headship for themselves, or of any member of a hostile family from which a life is due by the *vendetta* handed on from generation to generation. In all these cases each crime in its essential features closely resembles most of the others where the motive is of the same class. So also in the larger contests of primitive states, the establishment of one big chieftaincy, of a state founded by a Sívaji, a Haidar Ali, a Ranjít Singh, very much resembles the establishment of any other, the usual foundations of political power being laid in wholesale pillage. Or if we look to the political superiority of race over race rather than to the rise of individuals, each movement of armed hordes upon rich plains where plunder can be had recalls former instances of ravaging invasion; and a Mahmúd of Ghazni, a Báber, a Nádir Shah, an Ahmad Shah Duráni appears each to tread in the actual footsteps of his predecessor. Again and again, as we read what, for want of a better word, we must call Indian history, we see the familiar scenes repeating themselves; it is only the names and places, sometimes only the names and dates, that are changed. For purposes of narrative, for efforts of literary skill, this sameness diminishes the interest and narrows the opportunity; but it possesses, in the scientific analysis of social progress and in the practical business of government, this great advantage—that it teaches both the