above a year; three of them died; the rest were proved innocent at trial and acquitted. In the District of Nadiya, 2071 persons were arrested on suspicion between November 1808 and May 1809. In six months forty-eight had died in jail, 278 were still under inquiry, and 1477 were not yet examined. "Such shocking cruelty," says Sir Henry, "such a monstrous perversion of justice, committed with our eyes open and with deliberation, the imprisonment of multitudes, the harassing, the subornation of perjury, the plunder, the death of innocent men in jail, these scenes I conceive to be most discreditable to those who permitted them. They ought not, under any circumstances, to have been endured. Dacoity itself, dreadful as it is, cannot be compared in its quantum of mischief to what was produced by this horrid system." 1

We now turn to the opinions of Thomas Munro, which are equally significant.

"In a civilised, populous country like India, justice can be well dispensed only through the agency of the Natives themselves. . . . Most European Governments have deemed it advisable to purchase integrity in high public officers by honours and emoluments. If we want it in India, we must adopt the same means, and if we pay the same price, we shall find it among the Natives of that country as readily, I am afraid, as among Europeans. Under the sway of every Mahomedan conqueror, the Natives of India have been admitted to all the highest dignities of the State, it is only under the British Government that they have been excluded from this advantage, and held in a condition, even when employed in the public department, little superior to that of menial servants." 2

In another Memorandum, Thomas Munro wrote of the ancient Hindu system of dispensing justice through

1 East India Papers (London, 1820), vol. ii. p. 70.
2 Ibid., pp. 105, 110. The italics are ours.
Village Panchyets, with all their merits and all their defects.

"The strong attachment of the Natives to trial by Panchyet has, no doubt, in some degree arisen from the dread of the venality of their rulers; but it has probably been increased and confirmed by the conviction, resulting from experience, that no Judge, however upright or active, was so competent as such a body to dispense justly, correctly, and expeditiously."

Contrasting this old system with the system introduced under the British Rule, he made some thoughtful remarks.

"It is evident that our present system is not only most expensive and vexatious, but totally inefficient. There is, under the Bengal Government, about one hundred and thirty thousand suits in arrear. These suits will, on a moderate calculation, require a million of witnesses; and if we consider the expense, the distance, and the time they must be absent from their homes, it will not be easy to estimate the amount of injury which the country thereby sustains. But the evil, it has been asserted, is unavoidable, and springs from the litigious spirit of the people of India. Had this been their real character, it would have appeared when they paid nothing for trials. I have had ample opportunity of observing them in every situation, and I can affirm that they are not litigious. I have often been astonished at the facility with which suits among them were settled, and at the fairness with which the losing party acknowledged the claim against him. But when irritated by expense and by delay, it is not surprising that litigation should grow with the progress of the suit through its tedious stages. . . . Our system produces the litigation which we groundlessly impute to the character of the people."

of Bombay, who wrote with a commendable moderation and impartiality on the excellence as well as on the defects of the judicial system introduced in India under the British Rule.

"The excellence of the British judicial system has been often acknowledged and recorded with the fervour of national pride. The system has been dictated by the purest philanthropy, and is administered with the most honourable and scrupulous integrity. Justice is, in fact, administered with exactness to all ranks of subjects; and, allowing for the weakness of human nature, with strict and uniform impartiality. The disadvantages of the system may be principally ascribed to the great difference of manners, and the unfavourable situation of strangers in administering justice to a foreign people. This is a great disadvantage, which never can be effectually removed, but might be softened by admitting the Natives to a share in the administration. . . . The greatest defect of the present system, perhaps, is the employment of strangers to the total exclusion of the Natives of the country." ¹

To this subject Colonel Walker reverted again and again in his reply to the ninth question set by the Directors, in respect of the integrity and diligence of the natives of India.

"The most prominent feature in the civil government of the Company is the almost entire exclusion of native agency. The offices held by Natives are only those of the lowest description—such as could not be the object of ambition to any European; and the salary attached to these appointments is such as barely affords to themselves and families the means of subsistence. To Natives of rank and liberal education no temptation is held out which can induce them to engage in the service of the Company. Not only are the emoluments offered scanty, but the want of confidence reposed in

them, the general light in which they are received, cannot fail to inspire them with insurmountable disgust.

"The admission of the Natives to offices of honour and profit is the only mode by which they can be effectually conciliated. It is vain to expect that men will ever be satisfied with merely having their property secured, while all the paths of honourable ambition are shut against them. This mortifying exclusion stifles talents, humbles family pride, and depresses all but the weak and worthless. By the higher classes of society it is considered as a severe injustice; but these are the men of influence and consideration in the country, the men by whom the public opinion is formed. So long as this source of hostility remains, the British administration will always be regarded as imposing a yoke.

"The Romans, whose business was conquest, and who extended their yoke over the greatest part of the civilised world, may be safely taken as guides in the art of holding nations in subjection, that wise people always left a great share of the administration of the countries they subdued in the hands of the natives." ¹

It is remarkable that a wide survey of historical antecedents suggested to Colonel Munro and to Colonel Walker the same conclusions. Colonel Munro pointed to the Mahomedan conquerors who ruled Northern India for five hundred years by admitting the Hindu natives of India "to all the highest dignities of state;" and Colonel Walker pointed to the Roman conquerors who held the Western world under their sway for a similar period by leaving "a great share of the administration of the countries they subdued in the hands of the natives." Those who are most keenly conscious of the blessings of England’s Rule in India—and the educated people of India are the foremost among them

¹ East India Papers (London, 1820), vol. ii. pp. 185, 186.
ADMINISTRATIVE FAILURES

—are, nevertheless, painfully aware how the virtual exclusion of Indians from the higher services and the control of the administration makes the British Rule needlessly unpopular and weakens the Empire.

And this exclusion is often justified by a misrepresentation of the Indian character which Colonel Walker guardedly refers to towards the end of his letter.

"There is no source of deception against which it would behove the Company to guard than the reports which they receive concerning the capacities of their native subjects. They are, of course, transmitted through the medium of Europeans holding employments in that country, but they often undervalue the qualifications of the Natives from motives of prejudice or interest. There are many, indeed, who would be superior to such motives, and few, perhaps, who would act upon them deliberately. But still the principle is secretly active, and will always have a powerful effect, though perhaps unfelt influence, on men's views and opinions."  

1 East India Papers (London, 1820), vol. ii. p. 188. The italics are our own
CHAPTER XIX

ADMINISTRATIVE REFORMS AND LORD W BENTINCK
(1815-1835)

The opinions recorded by men like Sir Henry Strachey, Colonel Munro, and Colonel Walker, the famous Fifth Report submitted by the Select Committee of the House of Commons of 1812, and lastly, the evidence given by Munro and Malcolm before the House of Commons in 1813, had their effect on public opinion in England, and compelled the Court of Directors to take some measures to reform the judicial administration of India. They appointed a Special Commission to inquire into and reform the judicial system, and Colonel Munro was appointed President of the Commission.

Munro left England in June 1814, and arrived at Madras in September, after a quick voyage of eighteen weeks. Without any loss of time he entered into his work with his accustomed ardour, and on Christmas Eve of the same year he placed before the Government of Madras his suggestions under six heads. He proposed (1) that the Collector should be vested with the authority of Magistrate, and the management of the village police should be restored to the heads of villages; (2) that Village Panchyets should be reconstructed; (3) that Native District Judges or Commissioners should be appointed; (4) that Collectors should be empowered to enforce Pottah Regulations; (5) that the power of Zemindars to distrain should be restricted;
and (5) that cases of disputed boundaries should be decided by Collectors.¹

It is impossible not to remark in these preliminary suggestions two predominating ideas which actuated Thomas Munro. In the first place, he insisted on placing all judicial work, as far as possible, in the hands of the people of India, appointed as Village Heads, District Judges, and Commissioners. In the second place, he desired to centralise all executive power—revenue, magisterial, and police—in the hands of a single official, the District Collector. His first idea has only been partially carried into execution, and the post of District Judge is, to the present time, virtually reserved for Europeans. His second idea, probably justified in an age of disorder and misrule, has unfortunately been acted upon down to the present time.

It is impossible within our limits to narrate the work of the Commission during the subsequent two years, and the vast amount of correspondence which ensued, and which fill nearly 500 folio pages of the East India Papers.² It is enough to state that the Commission at first prepared drafts of seven Regulations and submitted them to the Chief Civil and Criminal Courts of Madras for revision. A letter from the Court of Directors, dated 20th December 1815, was then received and forwarded to the Commission. Various alterations and additions to the original drafts were made in accordance with the suggestions of the Madras Government and of the Chief Courts. Finally a series of Fifteen Regulations were passed at different dates in 1816.

The immediate result of these Regulations was to largely extend the employment of the people of Madras

¹ Colonel Munro to the Madras Government, Letter dated 24th December 1814, para. 6.
in responsible posts, and the transference of much of
the judicial work to their hands. It was a reform
which the most thoughtful of the Company's servants
had advocated for years past, a reform which was
needed in the interests of good administration. It
fell to Thomas Munro to be the first to give effect to
this needed reform.

"The most important and laborious part of that
duty," wrote the Court of Directors to the Govern-
ment of Madras, "fell on Colonel Munro, the first
Commissioner, in whose commendation it would be
superfluous for us to speak, were it not for the purpose
of assuring you, for your information and that of the
Civil Service in general, that we consider the services
which he has rendered to the Company and to the
natives, as Chief of the Commission, to be as deserving
of our hearty acknowledgments as any act of his long
and honourable public life." 1

This encomium was well deserved, and has been
endorsed by public opinion in India. Nevertheless,
it is necessary to state that some of the objects aimed
at by Munro in his Regulations have not been fulfilled.
Theendeavourtoplacevillagepoliceundervillage
heads has been abandoned, and the Police now forms
a separate force all over India. And theendeavour
toreconstructvillagePanchyets has also failed, for
reasons which have been explained elsewhere. The
time to construct Village Unions under wiser regula-
tions has now come, and the Government in India will
never be in touch with the mass of the people till this
is effected.

On the other hand, the mistake made by Thomas
Munro in combining the duties of the Collector, the
Magistrate, and the Police, in the same hands has
been perpetuated. The mistake was committed, not
without a strong protest from the Madras Government.

1 Judicial Letter to Madras, dated 12th May 1819.
even in 1815 and 1816. Mr. Fullerton, a Member of the Madras Government, stated the cardinal objections to that combination of duties fully and clearly.

"The transfer of Magisterial duties to Collectors, also, I do certainly think must involve a departure that may go far to counteract the benefit of the judicial system, by arming the executive with too much power, and lessening that faith and confidence the people now begin to feel in the protection of the Judicial Department."¹

The Madras Government was of the same opinion, and held that while the Collector might be vested with the superintendence of the Police, he should not be armed with magisterial powers. The question went up to the Court of Directors, and the Directors overruled the Madras Government, and directed the combination of revenue and magisterial duties in the same officers.

"The point on which a difference of sentiment has arisen between you and Colonel Munro regards that part of our despatch in which we enjoined the transfer of magisterial functions to the Collector, Colonel Munro thinking that we meant to include in the transfer not merely the superintendence and control of the police, but the whole duties of magistrate, and our Governor in Council, on the other hand, conceiving that we intended to confine the transfer to the superintendence and control of the police establishment.

"We have no hesitation in declaring our intention to have been that the transfer should take place in the sense and to the extent supposed by Colonel Munro."²

The Government of Madras submitted to this

¹ Minute, dated 1st January 1816.
² Judicial Letter from the Court of Directors to the Government of Madras, dated 20th December 1815, paras. 12 and 14.
decision with ill-grace. Robert Fullerton wrote again: "However much I must lament that the sentiments I had previously recorded should have proved at variance with the orders and opinions since received from superior authority, I cannot conscientiously recall them. Intermediate reflection, and the consideration of various public documents since received, have added strength to the belief that the whole and sole magisterial authority of the district, vested in the Collector, much of which must be delegated to Native Revenue officers, uncontrolled except by the occasional visits of the Judge of Circuit, will establish a degree of power in the Revenue Department, against the abuse of which no legal appeal can effectually be made."

We now turn to the affairs of Bombay. No reference to Bombay has been made in preceding chapters, because the greater portion of the Province came under British Rule more than half a century after Bengal and Madras. British influence was firmly established in Bengal after the battle of Plassey in 1757, and in Madras after the battle of Wandewash in 1761, but the Mahrattas held their own in the west of India in spite of the wars of Warren Hastings and Lord Wellesley. The last of the Peshwas was seated on the throne of Poona by the help of British arms in 1802, and maintained a British subsidiary force within his dominions by the terms of his treaty with the British. This was the beginning of the end. He soon discovered the formidable power of his new allies, and chafed under the restraint he had placed on himself. At last he threw off the mask; he fought one battle and lost, and his dominions were annexed to British territory in 1817.

Mountstuart Elphinstone's name is as intimately

1 Minute of 13th September 1816. Robert Fullerton might have been aware that the main concern of the Directors was their revenue, and the main purpose of their policy was to vest the utmost degree of power in the Revenue Department.
connected with the building up of British administration in Bombay as the name of Thomas Munro is connected with Madras. Elphinstone went out to India in 1796, a young lad of seventeen. Seven years after he had the good fortune of serving in the capacity of a private secretary under Arthur Wellesley, afterwards the famous Duke of Wellington. He rode by the Duke's side in the great battle of Assaye in 1803, and he first acquired his intimate knowledge of Mahratta affairs and administration as Resident at Nagpur from 1804 to 1808. A mission to Kabul enabled him to write a very readable work on the people and institutions of that unknown country, and on his return he was, in 1811, appointed Resident at Poona, where he was destined to play an important part in the revolution which followed within a few years. The revolution came, as stated before, in 1817; the rule of Baji Rao, the last Peshwa, was swept away, and the Deccan was annexed to the British Empire.

Elphinstone's unequalled experience in Mahratta affairs marked him out as the most capable man for settling the conquered territory. He was appointed Commissioner of the Deccan in January 1818, and the work performed by him in this capacity will be referred to in the following chapter. In 1819 he was appointed Governor of Bombay, and during the eight years that he held this high appointment, he laid the foundations of British administration in Western India.

His fame as a liberal administrator rests mainly on his work in three directions. His first endeavour was to codify the law. His second great object was to confer on the people of India as large a share in the work of administration as was then possible. His third and last purpose was to spread a sound education among the people, so as to enable them to take
a higher and more responsible share in the future in the management of their own concerns.

The first task was well and satisfactorily done. "The whole of the Bombay Regulations were formed into a code, regularly arranged according to their subject-matter. This code consists of twenty-seven Regulations, subdivided into chapters and sections. It refers to the same subjects as the Bengal Regulations, but differs from them in the circumstance that it contains a body of substantial criminal law."¹ Beyond this, Elphinstone endeavoured to prepare a digest of the laws, customs, and usages of the people themselves. "What we call Hindu law," he wrote, "applies to Brahmans only; each caste has separate laws and customs;" and Elphinstone's idea was to compile a complete digest of these varying customs of all castes and tribes. Such an idea was worthy of him, but was impossible of execution, and the work remained unaccomplished.

How intimate the best administrators in India have always been with the highest thought and culture of England will appear from the fact that while Elphinstone was seeking to compile a digest of Hindu usages and laws, he was studiously applying himself to the works of Jeremy Bentham. He wrote of him to Strachey:

"I was greatly delighted with your account of Jeremy Bentham. I had a great curiosity about him, which was fully gratified. He is certainly a man of first-rate talents, but also of first-rate eccentricity, which, both in his doctrines and his personal habits, probably arises from his little intercourse with the world. I was extremely flattered by his present of books, and knew no author from whom I should so highly have valued such a distinction. When I last

¹ Sir James Stephen. Proceedings of the National Association for the Promotion of Social Science for 1872-73.
wrote to you at length, I was thinking of employing the Bengal counsellors whom I expected to get at Poona to form a code from the Hindoo law as administered under the Brahmans and the customs of the Mahratta country, corrected in some cases by our own; but I got no counsellors, and the more I contemplated the undertaking the more formidable it seemed."  

Historians of India have not always made it sufficiently clear that British administration in India during the last 150 years has been always shaped by European influences. The wars of Frederick the Great fostered those wars between the English and the French in the eighteenth century which ended in the effacement of the latter in India; and the Napoleonic wars inspired the ambitious conquests of Lord Wellesley and Lord Hastings. The endeavour after judicial, civil, and domestic reforms which followed, and which culminated in England in the Reform Act of 1832, led to similar reforms in India, and admitted the people into a larger share of administrative work in Madras, Bombay, and Bengal. And during the seventy years which have elapsed since, every period of peace and reforms in England has been marked by some tangible reforms in India; and every wave of the war feeling in England has inspired ambitious projects and often foolish wars in India. The want of any popular representation in India makes that country dependent on England in more senses than one; and the people of India have often had to endure unwise and retrograde administration, and to pay for unwise and foolish wars, during periods of England’s temporary madness!  

At the period of which we are speaking in this chapter the English influences were of the healthiest kind, and induced Munro, Elphinstone, and Bentinck not only to reform the laws of India, but to regard

favourably the claims of the people to a legitimate share in the administration. Elphinstone was as thorough in this opinion as Munro, and gave expression to it in all his correspondence and minutes in which the question came up for consideration. The following extract from a letter to Sir Thomas Munro, dated 1822, will serve as an example:

"I hear you have instituted something like a Native Board at Madras, and I should be much obliged if you would inform me of the nature of the plan. It seems to be one great advantage of the arrangement that it opens a door to the employment of natives in high and efficient situations. I should be happy to know if you think the plan can be extended to the judicial or any other line. Besides the necessity for having good native advisers in governing natives, it is necessary that we should pave the way for the introduction of the natives to some share in the government of their own country. It may be half a century before we are obliged to do so, but the system of government and of education which we have already established must some time or other work such a change in the people of this country that it will be impossible to confine them to subordinate employment; and if we have not previously opened vents for their ambition and ability, we may expect an explosion which will overturn our Government."¹

Four years later, in a letter to Henry Ellis, Elphinstone expressed his matured opinion on the subject still more emphatically.

"It has always been a favourite notion of mine that our object ought to be to place ourselves in the same relation to the natives as the Tartars are to the Chinese: retaining the government and military power, but gradually relinquishing all share in the

civil administration, except that degree of control which is necessary to give the whole an impulse and direction. This operation must be so gradual that it need not even alarm the Directors, as you suppose, for their civil patronage; but it ought to be kept in mind, and all our measures ought to tend to that object."\(^1\)

Elphinstone always upheld and preached this idea to the end of his life. Over twenty years after his retirement from India, when he was living a retired life among his books in his quiet country house at Surrey—esteemed by all as the highest authority on Indian affairs, and pressed more than once to go out to India as Governor-General—he still entertained and expressed the same opinion in his correspondence.

"We... must apply ourselves to bring the natives into a state that will admit of their governing themselves in a manner that may be beneficial to our interest as well as their own and that of the rest of the world, and to take the glory of the achievement and the sense of having done our duty for the chief reward of our exertions."\(^2\)

It remains to add that Elphinstone did all he could to give effect to this policy during his administration; and the example set in Madras by Sir Thomas Munro enabled him to place a large share of the judicial work of Bombay in the hands of Indian Civil Judges of different grades.

The third and last great object of Elphinstone’s administration was the promotion of education among the people. Bombay was, then probably the most

---

\(^1\) Life of the Hon. Mountstuart Elphinstone, by Sir J. E. Colebrooks (1884), vol. ii. p. 186. Letter dated 30th October 1826. The Directors and their civil patronage have ceased to exist, but the desire to find a career for English boys in India has still kept the door to the higher services virtually closed to the sons of the soil.

\(^2\) Cameron’s Address to Parliament on the Duties of Great Britain to India (1853). Quoted in J. S. Cotton’s Mountstuart Elphinstone and the Making of South-Western India (1896), p. 190.
backward of all the Presidencies in point of education. The chaplains of the East India Company supervised a few charity schools, and missionary effort was almost confined to a small body of American missionaries who came to Bombay in 1814.

Elphinstone presided at a public meeting in 1820, and a Society for the promotion of the Education of the Poor was formed. He obtained a grant of £5000 for this Society for printing works and purchasing prizes, and all education in the vernacular languages was conducted during the next sixteen years through the agency of this Society. Elaborate inquiries were also conducted into the system of primary instruction, and the result of these inquiries, published in 1832, disclosed a total of 1705 schools with 35,143 scholars in the Bombay Province, with its population of nearly five millions.¹

In his endeavour to spread higher education, Elphinstone met with opposition from his own Council, and also from the Court of Directors. Elphinstone desired to found a College at Bombay for young civilians with a special department for the training of native officials; the latter part of the scheme was opposed by his Council; and the whole project failed to obtain the sanction of the Directors.

For the spread of general education Elphinstone proposed (1) to improve and increase the native schools; (2) to supply them with school-books; (3) to encourage the lower classes to obtain education; (4) to establish new schools for the teaching of European sciences; (5) to prepare books of moral and physical science in the vernaculars; (6) to establish new schools for teaching English; (7) to hold forth encouragement to the people. To conciliate the Directors, Elphinstone pointed out that the cost

¹ J. S. Cotton’s Mountstuart Elphinstone and the Making of South-Western India, 1896, p. 193.
of the schools to the Company would be small, and would be largely borne by villages. Nevertheless no sanction to his scheme was received before he left India. The first English school was opened in Bombay in 1828, the year after Elphinstone's departure; an English department was attached to the Sanscrit college at Poona in the same year; and the great Elphinstone Institution of Bombay was not opened till 1834.

We conclude this brief account of Elphinstone's educational work in India by making one or two extracts from his Minutes of 1824.

"It has been urged against our Indian Government that we have subverted the States of the East, and shut up all the sources from which the magnificence of the country was derived, and that we have not ourselves constructed a single work, either of utility or of splendour. It may be alleged with more justice that we have dried up the fountains of native talent, and that from the nature of our conquest, not only all encouragement to the advancement of knowledge is withdrawn, but even the actual learning of the nation is likely to be lost and the productions of former genius to be forgotten. Something should surely be done to remove this reproach." 1

And he wrote in the same year:

"If care were taken to qualify the natives for the public service, and afterwards to encourage their employment, the picture would be soon reversed. At no very distant day we might see natives engaged in superintending a portion of a District as the European Assistants are doing now. In a more advanced stage, they might sometimes be Registrars and Sub.Collectors, or even Collectors and Judges;

1 Forrest's Selections from the Minutes and other Official Writings of the Hon. Mountstuart Elphinstone (1884), p. 102.
and it may not be too visionary to suppose a period at which they might bear to the English nearly the relation which the Chinese do to the Tartars, the Europeans retaining the government and the military power, while the natives filled a large portion of the civil stations, and many of the subordinate employments in the army.” ¹

The two greatest administrators of their time were removed from India in the same year. Sir Thomas Munro died in July 1827, and Mountstuart Elphinstone left India four months after. In the same year Lord William Bentinck was appointed Governor-General of India, and it fell to him to complete the work which Munro and Elphinstone had so happily begun.

No administrator went out to India under stronger influences of that healthy public opinion which was forming itself in Europe after the Napoleonic Wars. He had been Governor of Madras early in the nineteenth century, had been removed from the post on the occurrence of a mutiny, and had then plunged into European politics. He was in Sicily and in Italy, planning with the Duke of Orleans (afterwards Louis Philippe, King of France) for the emancipation of Italy; and after the capture of Genoa in 1814, he restored to the Genoese their old constitution, and called on the Italians to struggle and be a free nation. The victorious Allies, however, wanted to keep up the old order of things, and the Congress of Vienna forced Italy under the hated rule of Austria. Thirteen years after this, when France was on the eve of the revolution of 1830, when England was already agitating for a Reform Act, Lord William Bentinck arrived in India as Governor-General in 1828.

The administrative and educational reforms effected by Lord William Bentinck were on the lines laid down by Munro and Elphinstone. A larger share of judicial

¹ Quoted in J. S. Cotton’s work, cited before.
work was given to qualified Indian officials, and a higher grade of Indian judges was created under the name of Sudder-Ameens. Some executive and revenue work was also entrusted to them, and a higher grade was created for them under the name of Deputy-Collectors. During a period of over seventy years, the educated people of India have proved their ability, integrity, and fitness for the most difficult and responsible administrative work.

The Land Settlements of 1822 in Northern India, under which the State claimed more than three-fourths of the rental as the Land-Tax, had proved oppressive in the extreme. Lord William Bentinck changed the system, and reduced the State demand to two-thirds of the rental. A new settlement commenced in 1833, and effected by R. M. Bird, gave much relief to the people, while it actually increased the revenue from the soil. We shall speak of this new settlement in a subsequent chapter.

Raja Ram Mohan Roy, the most advanced among the educated Hindus, gave the Governor-General his support in abolishing that cruel custom of permitting Hindu widows to burn themselves on the funeral pyre of their deceased husbands, known under the name of Sati. And Sleeman’s name stands prominent in connection with the suppression of the class of criminals known as Thugs or wayside murderers, who infested various parts of India.

The Company’s Charter was renewed in 1833, and the Company’s trade was abolished. They stood forth henceforward as administrators of India, not as traders; and they found in Lord William Bentinck the most efficient helper in the cause of good administration. The post of a Legal Member of the Governor-General’s Council was created, and the illustrious Macaulay went out to India as the first Legal Member.

Never had any Governor-General more enthusiastic
colleagues. Trevelyan, as has been stated in the preceding chapter, took the first decisive step in abolishing the Inland Duties which had so long impeded trade in India. Macaulay helped in all legal work, and made the first draft of that celebrated Penal Code of India which is still one of the finest penal laws in the world. And Metcalfe followed out Lord William's policy after his retirement, and granted liberty to the Press of India during his short administration.

True reforms always lead to retrenchment, and Lord William Bentinck changed the chronic deficit in the Indian budget into a surplus. The total deficit during fifteen years, from 1814 to 1828, was nearly twenty millions sterling, while the deficit during the last six years of this period amounted to nearly three millions a year. Lord William Bentinck's administration changed this into a surplus of two millions.

No true reformer in Indian administration has escaped obloquy and censure. The extension of the civil powers of the Indian officials gave offence to the Europeans in India; and the Act which withdrew from them their privilege of bringing civil appeals before the Supreme Court at Calcutta was called the Black Act, and brought upon Macaulay and Lord William Bentinck a torrent of abuse. The historian Thornton was himself carried away by this race prejudice, and wrote of Bentinck that he "added the treachery of the Italian to the caution of the Dutchman." Such is the fate which has overtaken, not once or twice, those British administrators who have laboured to work in the interests of the unrepresented people. Canning and Ripon are more recent instancces.

1 Macaulay refers to this European agitation in these words: "That Public Opinion means the opinion of five hundred persons who have no interest, feeling, or taste in common with the fifty millions among whom they live; that the Love of Liberty means the strong objection which the five hundred feel to every measure which can prevent them from acting as they choose towards the fifty millions."—Trevelyan's Life and Letters of Lord Macaulay.
English education had made more progress in Calcutta than in Bombay. David Hare, a watchmaker of Calcutta, started an English school, and his name is remembered in Bengal to this day as the Father of English education. Subsequently, in 1817, the Marquis of Hastings founded the Hindu College of Calcutta. The question soon arose whether education should be imparted in India through the English language, or through the Sanscrit and Arabic and the vernacular languages of India. Oriental scholars, with a generous appreciation of all that was great and noble in the Oriental classics, urged that education should be imparted to the people through their own language. But more practical men, like Macaulay and Trevelyan, thought that no true education in modern knowledge and sciences could be imparted except through the medium of a modern language. Macaulay's masterly Minute, which has become a historical document, virtually decided the controversy. With a very imperfect appreciation of Sanscrit literature, he nevertheless came to a conclusion which was correct—that modern education could only be imparted through a modern language.

"Suppose that the Pasha of Egypt, a country once superior in knowledge to the nations of Europe, but now sunk far below them, were to appropriate a sum for the purpose of reviving and promoting literature, and encouraging learned natives of Egypt, would anybody infer that he meant the youth of his Pashalic to give years to the study of hieroglyphics, to search into all the doctrines disguised under the fables of Osiris, and to ascertain with all possible accuracy the ritual with which cats and onions were anciently adored? Would he be justly charged with inconsistency if, instead of employing his young subjects in deciphering obelisks, he were to order them to be instructed in the English and French languages, and in all the sciences to which those languages are the chief keys? . . .
"We have to educate a people who cannot at present be educated by means of their mother tongue. We must teach them some foreign tongue. The claims of our own language it is hardly necessary to recapitulate. It stands pre-eminent even among the languages of the West. . . . Nor is this all. In India, English is the language spoken by the ruling class. It is spoken by the higher class of natives at the seats of Government. It is likely to become the language of commerce throughout the seas of the East. It is the language of two great European communities which are rising, the one in the south of Africa, the other in Australasia, communities which are every day becoming more important and more closely connected with our Indian Empire. Whether we look at the intrinsic value of our literature or at the particular situation of this country, we shall see the strongest reason to think that, of all foreign tongues, the English tongue is that which would be most useful to our native subjects."¹

The Orientalists were routed by the irresistible logic and the matchless power of Macaulay's Minute. It was decided that education should be imparted to the people of India through the medium of the English language. Nineteen years after, this decision was supplemented by the famous Education Despatch of 1854, which provided that primary education should be imparted in Indian schools through the Indian vernaculars, and should lead up to higher education in English. This is the educational policy of India to the present day.

On the 20th March 1835, Lord William Bentinck left India after a benevolent and successful rule of seven years. In the graphic words of Macaulay, inscribed on the pedestal of Bentinck's statue in

¹ Macaulay's Minute, dated 2nd February 1835.
Calcutta, he "never forgot that the end of government is the happiness of the governed."

After his retirement from India, Lord William Bentinck was elected Member of Parliament in the Liberal interest for the city of Glasgow in 1837; but he spent a good deal of his time in France, where his friend Louis Philippe was then king, and he died in Paris in June 1839. The calumnies and censure with which privileged classes had assailed him in India passed away, and fourteen years after his death, Sir Charles Trevelyan, who had been his colleague in India, spoke of Bentinck's administration in his evidence before the Lords' Committee in words which have received universal assent from the people of India.

"I must bear my testimony to Lord William Bentinck, that although the honour of having established our dominion in India belongs to others, to Lord William Bentinck belongs the great praise of having placed our dominion in India on its proper foundation in the recognition of the great principle that India is to be governed for the benefit of the Indians, and that the advantages which we derive from it should only be such as are incidental and inferential from that course of proceeding." ¹

There is no doubt that men like Munro, Elphinstone, and Bentinck, Trevelyan, Metcalfe, and Macaulay, set this high ideal before them in their administration of India; and if it had been possible for one nation to work in the interests of another, India to-day would have been governed "for the benefit of the Indians." But it is not in human nature for one race to work for another; and it were idle to ignore the fact that all Indian interests, commercial, industrial, economic, and financial, have been subordinated to the interests of

¹ Trevelyan's Evidence. Second Report from the Select Committee of the House of Lords, 1853, p. 159.
England down to the present time. Mankind has yet discovered no method of ruling a subject nation for the benefit of that nation except by conceding to them some hand in the administration of their own concerns, some degree of representation and self-government. And until this policy is adopted in India, the words that "India is to be governed for the benefit of the Indians" will remain an idle maxim, if not a cruel satire.
CHAPTER XX

ELPHINSTONE IN BOMBAY (1817–1827)

The dominions of Baji Rao, the last of the Mahratta Peshwas, were annexed in 1817, and he himself was captured, after a long pursuit, in the following year. He retired on a pension, and his extensive territory now forms the most important portion of the Province of Bombay.

The duty of settling this wide tract of country fell on one of the ablest and best servants of the Company. Mountstuart Elphinstone, son of the eleventh Lord Elphinstone, had come out to India in 1796, as has been stated in the last chapter, and after varied experience had been appointed to Poona in 1811. In 1818 he was appointed Commissioner of the territories annexed from Baji Rao.

No better selection could have been made. Junior to Thomas Munro by nearly twenty years, Elphinstone had the same capacity for revenue work, the same sympathy with the people, the same literary instincts, the same broad and statesmanlike desire to promote the prosperity of the Indian Empire. The first half of the nineteenth century produced a number of great administrators in India, distinguished no less by their sympathy with the people than by their capacity for organisation and work. But it is perhaps no injustice to the other meritorious servants of the East India Company of this period to acknowledge that Munro of Madras and Elphinstone of Bombay stand a head and shoulders above the rest. It is a
melancholy reflection which forces itself on all thoughtful observers that this class of sympathetic administrators became rarer in the latter half of the nineteenth century; and that a desire to repress the political advance of the people, rather than to promote their progress and self-government, has often influenced later administration.

Elphinstone's "Report on the Territories Conquered from the Peshwa," submitted to the Governor-General in October 1819, is a masterly account of the country and of the measures adopted for its settlement. It is a voluminous paper, and covers nearly seventy folio pages of the fourth volume of "East India Papers," and all that we can do here is to make a few extracts.

Village Communities.

"In whatever point of view we examine the Native Government in the Deccan, the first and most important feature is, the division into villages or townships. These Communities contain in miniature all the materials of a State within themselves, and are almost sufficient to protect their members, if all other governments are withdrawn. Though probably not compatible with a very good form of government, they are an excellent remedy for the imperfections of a bad one; they prevent the bad effects of its negligence and weakness, and even present some barrier against its tyranny and rapacity.

"Each village has a portion of ground attached to it, which is committed to the management of the inhabitants. The boundaries are carefully marked and jealously guarded. They are divided into fields, the limits of which are exactly known, each field has a name and is kept distinct, even when the cultivation of it has long been abandoned. The villagers are almost entirely cultivators of the ground, with the
addition of the few traders and artisans that are required to supply their wants. The head of each village is the Patil, who has under him an assistant, called a Chaugulla, and a clerk called a Kulkarni. There are, besides, twelve village officers, well known by the name of the Bara Baloti. These are the astrologer, the priest, the carpenter, barber, &c., but the only ones who are concerned in the administration of the government are the Sonar or Potdar, who is silversmith and assayer of money, and the Mhar, who, in addition to various other important duties, acts as watchman to the village. Each of these classes consists of one or more individuals, according as their original families have branched out. The Mhars are seldom fewer than four or five, and there are besides, where those tribes are numerous, very frequently several Phils or Ramoshis, employed also as watchmen, but performing none of the other duties of the Mhar.

"The Patils are the most important functionaries in the villages, and perhaps the most important class in the country. They hold office by a grant from the Government (generally from that of the Moguls), are entitled by virtue of it to land and fees, and have various little privileges and distinctions, of which they are as tenacious as of their land. Their office and emoluments are hereditary, and salable with the consent of the Government, but are seldom sold, except in cases of extreme necessity, though a partner is sometimes admitted, with a careful reservation of the superiority of the old possessor. The Patil is head of the police and of the administration of justice in his village, but he need only be mentioned here as an officer of revenue. In that capacity he performs on a small scale what a Mamlatdar or a Collector does on a large; he allots the land to such cultivators as have no landed property of their own, and fixes the rent
which each has to pay; he collects the revenue for Government from all the Rayats; conducts all its arrangements with them, and exerts himself to promote the cultivation and the prosperity of the village. Though originally the agent of the Government, he is now regarded as equally the representative of the Rayats, and is not less useful in executing the orders of the Government than in asserting the rights, or at least in making known the wrongs, of the people."

**MIRASDARS OR PEASANT PROPRIETORS.**

"A large portion of the Rayats are the proprietors of their estates, subject to the payment of a fixed Land-Tax to Government; that their property is hereditary and saleable, and they are never dispossessed while they pay their tax, and even then they have for a long period (at least thirty years) the right of reclaiming their estate on paying the dues of Government. Their Land-Tax is fixed, but the late Mahratta Government loaded it with other impositions, which reduced that advantage to a mere name, yet so far, however, was this from destroying the value of their estates, that although the Government took advantage of their attachment to make them pay considerably more than an Upri, and though all the Mirasdars were, in ordinary cases, obliged to make up for failures in the payment of each of their body, yet their lands were saleable, and generally at ten years' purchase. . . .

"An opinion prevails throughout the Mahratta country, that under the old Hindu Government all the land was held by Mirasis, and that the Upris were introduced as the old proprietors sank under the tyranny of the Mohammedans. This opinion is supported by the fact that the greater part of the fields now cultivated by Upris are recorded in the village books as belonging to absent proprietors; and affords,
when combined with circumstances observed in other parts of the peninsula, and with the light Land-Tax authorised by Manu, a strong presumption that the revenue system under the Hindus (if they had a uniform system) was founded on private property in the soil."

Changes under the British Rule.

"The outline of the revenue system adopted since our acquisition of the country is contained in my letter dated July 10th, conveying instructions to the Collectors, and in that dated July 14th, enclosing instructions for Mamlatdars. The leading principles are to abolish farming, but otherwise to maintain the native system; to levy the revenue according to the actual cultivation, to make the assessment light, to impose no new taxes, and to do none away unless obviously unjust; and, above all, to make no innovations. Many innovations were, however, the result of the introduction of foreign rulers and foreign maxims of government; but in the revenue department most of them were beneficial. The country, which had been under many Mamlatdars, with very unequal extent of territory and power, was placed under five principal officers (I include Satara), with much superior weight and respectability. The chief authority now resided in the District, and devoted his whole time to its affairs, and all subordinate agents were obliged to follow his example. The straggling revenue divisions of the Mahrattas were formed into compact districts, each yielding from Rs.50 to Rs.70,000 a year, and placed under a Mamlatdar."

Evils of a Foreign Government.

"Many of the evils from which this country has hitherto been exempt are inseparable from the introduction of a foreign Government; but perhaps the
greater may be avoided by proper precautions. Many of the upper classes must sink into comparative poverty, and many of those who were employed in the court and army must absolutely lose their bread. Both of these misfortunes happened to a certain extent in the commencement of Baji Rao's reign; but as the frame of Government was entire, the bad effect of these partial evils was surmounted. Whether we can equally maintain the frame of Government is a question that is yet to be examined. The present system of police, as far as relates to the villages, may be easily kept up; but I doubt whether it is enough that the village establishment be maintained and the whole put under a Mamlatdar. The Patil's respectability and influence in his village must be kept up, by allowing him some latitude both in the expenditure of the village expenses, and in restraining petty disorders in his village. So far from wishing that it were possible for the European Officers to hear all complaints on such subjects, I think it fortunate that they have not time to investigate them, and think it desirable that the Mamlatdars also should leave them to the Patils, and thus preserve a power on the aid of which we must, in all branches of the Government, greatly depend. Zealous co-operation of the Patils is as essential to the Collector of the revenue, and to the administration of civil justice, as to the police; and it ought, therefore, by all means to be secured. Too much care cannot be taken to prevent their duty becoming irksome and their influence impaired by bringing their conduct too often under the correction of their superiors. I would lend a ready ear to all complaints against them for oppression, but I would not disturb them for inattention to forms; and I would leave them at liberty to settle petty complaints their own way, provided no serious punishment were inflicted on either party."
ELPHINSTONE IN BOMBAY

EDUCATION.

"Books are scarce, and the common ones probably ill chosen, but there exist in the Hindu languages many tales and fables that would be generally read, and that would circulate sound morals. There must be religious books tending more directly to the same end. If many of these were printed and distributed cheaply or gratuitously, the effect would, without doubt, be great and beneficial. It would, however, be indispensable that they should be purely Hindu. We might silently omit all precepts of questionable morality, but the slightest infusion of religious controversy would secure the failure of the design.

"It would be better to call the prejudices of the Hindus to our aid in reforming them, and to control their vices by the ties of religion, which are stronger than those of law. By maintaining and purifying their present tenets, at the same time that we enlighten their understandings, we shall bring them nearer to that standard of perfection at which all concur in desiring that they should arrive; while any attack on their faith, if successful, might be expected in theory, as is found in practice, to shake their reverence for all religion, and to set them free from those useful restraints which even a superstitious doctrine imposes on the passions."

VILLAGE PANCHYETS.

"But with all these defects, the Mahratta country flourished, and the people seem to have been exempt from some of the evils which exist under our more perfect Government. There must, therefore, have been some advantages in the system to counterbalance its obvious defects, and most of them appear to me to have originated in one fact, that the Government, although it did little to obtain justice for the people, left them
the means of procuring it for themselves. The advantage of this was particularly felt among the lower orders, who are most out of reach of their rulers, and most apt to be neglected under all Governments. By means of the Panchayat, they were enabled to effect a tolerable dispensation of justice among themselves; and it happens that most of the objections above stated to that institution do not apply in their case. . . .

"I propose, therefore, that the native system should still be preserved, and means taken to remove its abuses and revive its energy. Such a course will be more welcome to the natives than any entire change, and if it should fail entirely, it is never too late to introduce the Adalat. . . .

"Our principal instrument must continue to be the Panchayat, and that must continue to be exempt from all new forms, interference, and regulation on our part."¹

It will appear from the preceding extracts that the great aim of Elphinstone was to conserve what was good in the old institutions of the Mahrattas. It were well for the country if Elphinstone's successors were as cautious in introducing innovations. But under the administration of succeeding generations of rulers, Village Communities have disappeared, and the right of peasant proprietors to hold their lands at fixed rates has been crushed under increasing revenue demands.

Elphinstone's great ability marked him out as the most suitable head of the Government, and he was appointed Governor of Bombay in 1819, a year before Sir Thomas Munro was appointed Governor of Madras. It is necessary now to describe briefly his endeavours to arrive at a proper land settlement in Bombay within the eight years of his administration.

¹ Report on the Territories conquered from the Peshwa, dated 25th October 1819.
ELPHINSTONE IN BOMBAY

Broach.

In 1821 the Governor recorded a Minute on the land revenue arrangements at Broach, and did not contemplate with pleasure the increase in the Land-Tax which had already commenced under the British Rule.

"The assessment is made entirely by villages, without any inquiry into the circumstances of individuals. One of the hereditary revenue officers is sent to inspect the crops of each harvest. He makes a statement of the quantity of land cultivated with each sort of produce by each Ryot, and calculates the quantity of each sort that will be produced in each field. The sum of these gives the whole amount of each sort of grain produced in the village. . . . The general principle is to take half of the money produced by the sale of the crops, and leave the rest to the Ryot. . . ."

"It is always difficult to guess whether the assessment is light or heavy. On the plan here adopted it is utterly impossible. An increase of four lakhs and a half [£45,000] has taken place this year: a circumstance which I cannot contemplate with pleasure." 1

Ahmedabad.

On the same date Elphinstone recorded another Minute on the land revenue operations in Ahmedabad and Kaira, and his remarks betray the same caution and hesitation.

"In the Ahmedabad Zilla, the number of villages that have been let to the highest bidder, the consequent detection of all sources of revenue, and in some cases the raising of the Bigoties by Panchyats granted

1 Minute dated 15th August 1821.
at the suggestion of the farmer, have a tendency to strain the revenue to the highest pitch.”

SURAT.

In May 1821 Elphinstone recorded a Minute on Surat, in which he once more deplored the heaviness of the land assessment.

“If I were to decide on the present condition of the people in this Collectorship, I should pronounce it to be very much depressed. The Ryots seem to be ill-clothed and ill-lodged, and although some parts of the District are highly productive, I should think that in others the cultivation was very imperfect. . . . These evils are by no means to be ascribed to the present system. On the contrary, I am persuaded that the measures now in progress will go far to relieve us from the system which we inherited from our predecessors. The great obstacle will be the extreme heaviness and perhaps the inequality of the assessment.”

THE CONCAN.

The state of things in the Northern Concan was unsettled. The Collector recommended “that the demand of the Government be fixed at one-third of the gross produce, and at a reduced ratio on the inferior kinds of soil, to be divided into three, or at the utmost into four classes of land; that no rent be paid in kind, which is a system expensive to Government and offers opportunities of peculation to the inferior native officers; that the commuted money-payment be fixed for six years; that the rate of assessment be not fixed in perpetuity, but that a settlement be made for twelve years.”

1 Minute dated 15th August 1821.
2 Minute dated 6th May 1821.
3 Revenue Letter from Bombay to the Court of Directors, dated 19th April 1822.
A separate letter was recorded in the same year in reference to Southern Concan, which gives us some information with regard to the Khotes and the rights of cultivators generally.

"The villages are either termed Kulargee or Khotegee. In the former, each cultivator is understood to stand assessed at a certain fixed rental on the public records, beyond which nothing can be properly levied from him; whilst in the Khotegee villages, though a Khote or head of the village can only levy a particular sum from one particular class of Ryots, yet with others, either occupying new lands or renting the Khote's own, he may make what bargain he pleases. And this naturally leads to an explanation of the only two descriptions of tenures prevalent in this Zilla, viz., the first Dharekari, and the second Ardheli.

"The former of these seems very nearly to correspond with the Mirasi of the Deccan, for he cannot be dispossessed as long as he makes good his payments according to the custom of the country; and if he cannot actually sell, he may unquestionably mortgage his property, though it is generally believed he may even dispose of it. . . .

"The Ardheli Ryot is on the footing with the Upri elsewhere. He is the tenant of the Khote, or of some other holder of land, as the case may be. He cannot either sell or mortgage what he occupies, because it, of right, belongs to another, and he only holds it by sufferance. He may be dispossessed either by the owner choosing to take the land into his own hands, or to assign it to some one else, though this latter course would be considered a hardship if the Ryot regularly fulfilled his engagements. These engagements are, however, mostly annual, and it is therefore obvious the owner of the land might easily effect an ejectment by raising his demands till the land would not be worth the cultivation. The Ardheli Ryot who may cultivate
rice-land generally pays his landlord half the produce in kind. . . .

"From the foregoing description, your Honourable Court will perceive that the Khotes very much resemble the smaller class of zemindars in Bengal."  

THE DECCAN.

We have so far referred to the reports of experimental Settlements in the Western Coast, from Broach to the Concan. We turn now once more to the Deccan. Mr. Chaplin had succeeded Elphinstone as Commissioner of the Deccan, and his lucid reports of November 1821 and August 1822 cover, with their enclosures, over five hundred folio pages of the East India Papers.

The population of the newly acquired territory, including Poona, Ahmadnagar, Khandesh, Dharwar, Satara, and the Southern Jaigirs, was estimated at nearly four millions. An endeavour was made, in the early land settlement, to combine the Ryotwari system, which had been introduced in Madras by Sir Thomas Munro, with the village system, which had been so strongly advocated by the Madras Board of Revenue. The settlement made was professedly the Ryotwari, and was so essentially; but the individual distribution was left with a good deal of latitude to the village officers. The new system did not at first essentially differ from that which had been followed under the Mahratta Rule at the time of their renowned minister, Nana Farnavis, except that the Mamlatdars or district officers had less power in increasing or decreasing the revenue. The payments of the Ryots were fixed by the Company's servants with reference to their cultivation and the receipts of former times, and the levy of the State demand was more rigorous than before. In 1817 the

1 Revenue Letter from Bengal to the Court of Directors, dated 23rd February 1822.
revenue of the newly acquired territory was £800,000; in 1818 it was raised to £1,150,000, and in a few more years to £1,500,000. The village officials were allowed less and less power of interference; the Company’s servants liked to come in closer contact with each individual cultivator; and the Village Communities virtually disappeared in a few years in Bombay, as they had disappeared in Madras.

Khandesh.

The district of Khandesh was under the administration of Captain Briggs, who distinguished himself in later years by his great work on the Land-Tax of India, and his translation of Ferishta’s History of India, and who with Elphinstone and Malcolm Grant Duff, Todd, and Horace Hayman Wilson, stands foremost among the Anglo-Indian writers and historians of the first half of the nineteenth century. He found in Khandesh “the dilapidated remains of more than one hundred substantially built dams for diverting the water into channels for irrigation, many of them constructed at prodigious expense,” which attested “the liberal and enlightened policy of the early Mahomedan monarchs.” But Khandesh in his time was desolated and impoverished. Frequent wars, the incursion of the Bheels, and the havoc caused by tigers, which in three months had destroyed 500 men, and 20,000 head of cattle, added to the miseries of the district. And Captain Briggs experienced “the difficulty of drawing the line between a moderate and a high assessment in the absence of all authentic records of the resources.”

Poona.

The District of Poona was under the administration of Captain Robertson, and his answers to queries put
to him by the Commissioners throw a flood of light on the institutions and the condition of the cultivators of the Deccan. The Mirasi tenant in the Deccan was virtually a peasant proprietor, subject to the payment of a Land-Tax to the Government. "He is in no way inferior," wrote Captain Robertson, "in point of tenure on its original basis, as described in the quotation, to the holder of the most undisputed freehold estate in England. The ancestors of many of the present occupants of the lands of the Deccan were probably holders of land antecedent to the Musalman conquest of their country, on the condition of paying a redendium equal to a sixth part of the produce of the land they hold." "If I were to make any such distinction respecting the payment made by the Thalkaris [Mirasi tenants] of the Deccan, I should term it a tax and not a rent."¹ Modern administrators who speak of the cultivators' rights to the soil in Southern India, and the Zemindars' rights to the soil in Northern India, as the creation of British legislation, will find from the voluminous reports of early British administrators that private property in the soil, heritable and transferable, was stronger in India before the British conquest than under modern revenue settlements. The soil belonged to the nation and not to the State, and the State was never entitled to anything except a Tax—a fixed Tax—from the Mirasdars.

Captain Robertson's remarks on the common possession of villages by families of cultivators are equally instructive.

"Every original paper relating to Thalkaris [Mirasi tenants] and their occupation of land, every return I have obtained from the districts concerning them and the ancient distribution of land, proves beyond

¹ Paragraphs 19, 20, and 22 of Robertson's Report, dated 10th October 1821.
a shadow of doubt that at a former time the whole of the arable land of each village was apportioned out among a certain number of families. . . . Their descendants collectively are termed a Jutha; they are inferred to possess the whole of the original estate among them; they are responsible as a body corporate for the payment of whatever is due to Government and others for the whole estate. . . . One Jutha appears to have been selected, either by Government or the other Juthas, to perform, through the representation of its elder branch, the duty of collective from all other Juthas, and to be responsible for the claims of Government on them all; thus collectively rendered under one head a body corporate for the discharge of certain obligations and for the enjoyment of certain privileges. The members of the Jutha thus selected have the distinguishing appellation of Patils, and probably always had that or some other distinguishing name, and a person of the elder branch of it actually in officio as its head is styled Mukaddam. . . . He was and is still a Magistrate, by the will of the community as well as by the appointment of Government; he enforces the observance of what in England would be termed the bye-laws of the Corporation; he formerly raised by contribution a sum of money for the expenses of the Corporation as such, and for the support of his own dignity as its head; he suggested improvements for the benefit of the association, and marshalled the members to aid him in maintaining the public peace; he dispensed, and still dispenses, civil justice as a patriarch to those who choose to submit to his decision as referee or arbitrator; or he presides over the proceedings of others whom either he himself or the parties might nominate as arbitrators on their disputes.”

For the rest, Captain Robertson proved the heritable

---

1 Paragraphs 26, 27, 30, and 32 of Robertson’s Report.
and transferable nature of the Mirasi tenure by many documents, and added that “the Mirasi tenure may be said to have existed in all villages in this Collectorship. There are not many in which it does not now exist.”¹ This was written in 1821, and gives us some idea of the status and rights of Bombay cultivators under Mahratta rule.

**Ahmadnagar.**

Captain Pottinger administered the District of Ahmadnagar, and reported that “those Ryots who are Mirasdars can dispose of or mortgage their lands when they like.” “The Mirasi tenure has existed in this part of India (in common, I believe, with all others) from time immemorial; and when I have asked about the period of its establishment, I have been told I might as well inquire when the soil was made. I observe that Mr. Ellis, in his numerous replies on Mirasi, states in a note, ‘the fact is, that the thing (Mirasi) existed in India when the lawgivers of the land wrote;’ and his authority is, in my humble judgment, quite definitive.”²

**Dharwar.**

The District of Dharwar was under the administration of Mr. St. John Thackeray. He was an experienced revenue officer, mixed much with the cultivators, and gave some characteristic replies to the queries sent to him. “With respect to the personal exertions of revenue officers,” he wrote, “in promoting agriculture, I have generally found them more inclined to bully than to encourage the Ryots; and their object is rather to display their zeal by showing an increase of cultivation on paper, than to augment the resources

¹ Robertson’s Report, para. 132.
² Pottinger’s Report, dated 31st July 1822, Answer to Query 37.
of the country. . . . The Ryot cultivates for his profit and when this is adequate, he needs no spur.”

THE DECCAN.

Enclosing these and other District Reports, the Commissioner Chaplin submitted his own exhaustive Report on the revenue settlements of the Deccan. He referred to the previous settlement of Malik Ambar, which was as famous in the Deccan as the settlement of Todar Mall was in Northern India. Malik Ambar's settlement was in the nature of a fixed money demand for each village, and his policy was greatly to encourage the ancient Mirasi tenure, by which the arable land of the country “acquired most of the substantial qualities of private property.”

Passing on to the subject of the assessment of the soil under the newly established British Rule, Chaplin assumed that a cultivator of middling circumstances held ten acres of dry land and probably one-third acre of garden land, and had two ploughs and four bullocks, and made an income of £12 in the year. His expenditure is thus estimated:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land-Tax</td>
<td>£4 4 0</td>
</tr>
<tr>
<td>Proportionate annual cost of bullocks,</td>
<td></td>
</tr>
<tr>
<td>assuming each pair to be serviceable for eight years</td>
<td>1 5 0</td>
</tr>
<tr>
<td>Cost of ploughs and occasionally hired labour</td>
<td>0 16 0</td>
</tr>
<tr>
<td>Seed for dry lands and garden</td>
<td>0 19 0</td>
</tr>
<tr>
<td>Fees of officers and village dues</td>
<td>0 12 0</td>
</tr>
<tr>
<td>Grain for the cultivator and his family's daily food</td>
<td>2 4 0</td>
</tr>
<tr>
<td>Clothes for cultivator and family</td>
<td>1 10 0</td>
</tr>
<tr>
<td>Sundry necessary expenses</td>
<td>0 12 0</td>
</tr>
</tbody>
</table>

Total: £12 2 0

1 Mr. Thackeray's Report, para. 51.
2 Mr. Chaplin's Report, dated 20th August 1822, para. 105. There is an error in the totalling of the figures in the original report.
It will be seen that a State demand of £4, 4s. out of an estimated income of £12 is less than 45 or 50 per cent. of the gross produce which the Government originally demanded both in Madras and Bombay from the peasantry. But even this tax of £4, 4s. out of £12 left the cultivator no savings and no resources. It is quite clear that the Ryotwari system found favour with the Directors of the Company for this very reason, viz., that there were no intermediate landlords or Village Communities to intercept a part of the profits. The Company had as good a grip over the cultivators as a slave-owner has over his slaves, and could take away all that was not needed to keep them alive. "It cannot be concealed or denied, I think," said one Director, "that the object of this [Ryotwari] system is to obtain for Government the utmost that the land will yield in the shape of rent." ¹

With regard to the Mirasi tenure, Chaplin wrote that it "is very general throughout the whole of that part of the conquered territory which extends from the Krishna to the range of Ghats that divide Gung-terre from Khandesh." That "a Ryot having once acquired the hereditary right of occupancy is, together with his heirs, entitled to hold it by sale, gift, or mortgage, and according to the usage of the Deccan, without previously obtaining the permission of the Government." That a Mirasdar "has a voice in all the village councils, has a right of pasture on the village commons, can build a house or dispose of it by sale." That in Poona the proportion of Mirasdars to Upris or tenants at will "may be about three to one." That to the north, beyond the Godavari, "the existence of the Miras right becomes less general, and

Chaplin also thinks the dairy produce brought 14s. annually to the cultivator.

the difference between it and the Upri tenure more faint and indistinct.” That in the Southern Mahratta country, “Miras does not exist at all,” but “permanent occupancy is, however, recognised.” That “the privileges of Miras in Satara are the same as in other parts of the Deccan.”

“The Collector [of Poona] is very properly an advocate,” Chaplin wrote, “for preserving the rights of Mirasdars, a line of policy which he strenuously recommends in several places; but as nobody, I trust, has ever thought of invading their rights, the discussion of the question at any length would be superfluous.” Mr. Chaplin did not anticipate that later British administration would virtually enfranchise the ancient Mirasi rights of the Deccan cultivators.

Chaplin’s long report ended with an exhortation to English officials to observe forms of civil intercourse with the people of India.

“It ought to be recollected that since the change of Government has inevitably deprived them of so much consequence, it is the more incumbent on us to continue to them the forms of civil intercourse which are yet in our power; and that although we may be apt to consider them as far beneath us, yet that they held a respectable rank under their native prince, which, as we now occupy his place, we ought to preserve to them as far as lies in our power.

“Young men on their first arrival in India, and their first appointment to office, are so prone to form opinions entirely at variance with those which I have just expressed, and to act on notions so diametrically opposite, that I have deemed it proper to inculcate these principles to the assistants who have been appointed to the Deccan; and I lately circulated for their guidance the judicious instructions of Sir John

---

1 Mr. Chaplin’s Report, paragraphs 107, 114, 125, 131, 133, 135, 136.
2 Ibid., para. 143.
Malcolm on this subject. It would, I think, be attended with good effect if a code of this kind were given as a sort of manual for every one newly arrived from England. The motto of it might be in the words of Shakespeare:

'O but man, proud man,
Drest in a little brief authority,
Most ignorant of what he's most assured,
His glassy essence
Plays such fantastic tricks before high Heaven
As make the angels weep.'

On receipt of this valuable and exhaustive report with its many enclosures, the Governor of Bombay, Mountstuart Elphinstone, directed a gradual survey and assessment of the whole of the conquered territories. He also insisted on the preservation of the Patil's authority in each village; recommended that the assessment should be light and equally distributed; and urged on the Commissioner the importance of preserving the rights of the cultivators under every species of tenure in use. The Court of Directors also expressed their satisfaction with the proposal of a general survey.

The Commissioner of the Deccan submitted one set of survey rules in September 1824, and a modified set of rules in February 1825. Sir Thomas Munro had reduced the Land-Tax in Madras to about one-third of the field produce; and Chaplin adopted the same standard for the Deccan in paragraph 7 of his Circular issued with the revised Survey Rules. This severe State demand has been the ruin of agricultural prosperity in Southern India. In Madras the rule is still maintained as the maximum of the Government demand; in Bombay, while all endeavour to fix any specific share of the produce has been abandoned, the

---

1 Mr. Chaplin's Report, paragraphs 392, 393.
2 Revenue Letter from Bombay to the Directors, dated 5th November 1823; and Revenue Letter from the Directors to Bombay, dated 4th May 1825.
actual Land-Tax levied often approximates to or exceeds one-third of the field produce. Thus Henry St. John Tucker's shrewd remark, quoted above, as to the cause of the extension of the Ryotwari system, is justified by facts.

The proposal of a general survey still hung fire. Mountstuart Elphinstone endeavoured to keep the village system untouched in the Deccan. His idea, as stated before, was to combine the principle of the Ryotwari system with the principle of the village system. His object was to settle, after a Survey, what each cultivator should pay to the State, and then to realise this from each village through its Patil. "The Survey will fix the rights and the payment of each Ryot, after which the village may be farmed for a certain number of years to the Patil."¹

It must be admitted there was an initial weakness in this proposal. If the village Patil and the village Council were to be deprived by the proposed Survey of all their power of distributing the collective village assessment among the cultivators forming the village, what was the good of keeping up the Patil and his Council at all? If the functions which they had discharged in past centuries of assessing the Ryots of the village in order to make up the collective State demand was to be taken away from them, where was the necessity of maintaining them only as farmers of revenue?

The question had been fought out in Madras on first principles. The Madras Board of Revenue were out and out "Collectivists," and desired to maintain the village institutions and their authority unimpaired. Thomas Munro was an out and out "Individualist," and insisted on direct relations between the State and each individual cultivator, without any interference from the village authorities so far as the Land-Tax

¹ Revenue Letter from Bombay to the Court of Directors, dated 5th November 1823, para. 452.
was concerned. Thomas Munro had his way, and the Village Communities of Madras at once lost their vitality, in spite of Munro's own endeavours to keep them up by bestowing upon them other powers.

These experiments and results carried their own lesson. Village Communities could only be maintained in India, as they had been maintained for centuries, by leaving the work of internal assessment to the Village Councils and Panchyets. A few rules might have been framed against excessive assessment in view of the produce of lands, and subject to these rules the village elders might have been permitted to continue their work of separate assessments and realisations, and their collective payment to the State. Such an arrangement would have had the obvious advantage of a continuity of the ancient system of India, as well as of leaving an organised popular body in every Indian village. But such an arrangement was against the very spirit of the Company's rule. The Company's policy was to deal individually with every taxpayer in the land, and to levy as much tax as he could pay. Elphinstone himself was so far carried away by this spirit as to approve of a Survey which would fix the liability of each individual cultivator. And after this, when he still desired to deal with villages collectively through the headman, his plan was open to the obvious criticism that the headman's occupation was gone!

Elphinstone left India in 1827, and in the same year the Court of Directors found out the weak point in Elphinstone's plan, and took advantage of it.

"If the survey should really fix the rights and payments of each Ryot, and if the Ryot has immediate access to redress on account of any infringement of his rights, the Patil may be usefully employed in the manner adverted to in a preceding paragraph of this despatch. The experience which you have had of
the evils produced by the system of revenue-farming during the administration of the late Peshwa ought to make you extremely cautious in confiding powers to individuals which their previous habits and practice must render them liable to abuse. Nor can we place any confidence in the security which a moderate assessment, payable by the village contractor to Government, would afford against exaction."  

This was the beginning of the end of the Village System.

1 Revenue Letter from the Court of Directors to Bombay, dated 23rd May 1827, para. 87.
CHAPTER XXI

WINGATE AND THE RYOTWARI SETTLEMENT IN BOMBAY (1827–1835)

We have brought our narration to the year of the departure of Mountstuart Elphinstone from India. The land assessment in every Province of India was felt at that time to be excessive, not only by the people, but also by the Company's servants and revenue officers. In Madras, the revenue officers had told Dr. Francis Buchanan, as we have seen in Chapter XII., that the heavy Land-Tax impeded agriculture and the prosperity of the people, and Sir Thomas Munro gradually reduced the rate from one-half to one-third the gross produce, which last was still an excessive tax. In Northern India, Sir Edward Colebrooke and successive Governor-Generals had implored the Court of Directors, in vain, to redeem the pledge given by the British Government, and to permanently settle the Land-Tax, so as to make it possible for the people to accumulate wealth and improve their own condition. And in Bombay, Elphinstone had viewed with concern the rapid growth of revenue in several Districts, and Chaplin's decision to fix it at one-third the gross produce was calculated to give little relief. Throughout the continent of India, except where the Land-Tax had been permanently fixed, the people groaned under the assessments of the new rulers of the country. The Directors were deaf to representations, and the servants of the Company, who felt the injustice done to the people,
expressed their opinions with bated breath, and were powerless to afford relief.

One of the most distinguished Englishmen then in India was Bishop Heber. He made a tour through India in 1824, 1825, and 1826, and during this extensive tour he inquired with great care into the condition of the people in the different provinces through which he travelled. What created the saddest impression on him was the poverty of the people, and the heavy Land-Tax which was levied by the East India Company in their dominions. He did not mention this explicitly in his Journal, which was recorded with an eye to publication, but in his private letters he opened his mind and stated his opinions more freely. His letter to the Right Honourable Charles Williams Wynn, dated Karnatic, March 1826, will serve as an example.

"Neither Native nor European agriculturist, I think can thrive at the present rate of taxation. Half the gross produce of the soil is demanded by Government, and this, which is nearly the average rate wherever there is not a Permanent Settlement, is sadly too much to leave an adequate provision for the present, even with the usual frugal habits of the Indians, and the very inartificial and cheap manner in which they cultivate the land. Still more is it an effective bar to anything like improvement; it keeps the people, even in favourable years, in a state of abject penury; and when the crop fails in even a slight degree, it involves a necessity on the part of the Government of enormous outlays in the way of remission and distribution, which, after all, do not prevent men, women, and children dying in the streets in droves, and the roads being strewn with carcasses. In Bengal, where, independent of its exuberant fertility, there is a Permanent Assessment, famine is unknown. In Hindustan [Northern India], on the other hand, I found a general
feeling among the King's officers, and I myself was led from some circumstances to agree with them, that the peasantry in the Company's Provinces are, on the whole, worse off, poorer, and more dispirited, than the subjects of the Native Princes; and here in Madras, where the soil is, generally speaking, poor, the difference is said to be still more marked. The fact is, no Native Prince demands the rent which we do, and making every allowance for the superior regularity of our system, &c., I met with very few men who will not, in confidence, own their belief that the people are overtaxed, and that the country is in a gradual state of impoverishment. The Collectors do not like to make this avowal officially. Indeed, now and then, a very able Collector succeeds in lowering the rate to the people, while by diligence he increases it to the State. But, in general, all gloomy pictures are avoided by them as reflecting on themselves, and drawing on them censure from the Secretaries at Madras or Calcutta, while these, in their turn, plead the earnestness with which the Directors at home press for more money.

"I am convinced that it is only necessary to draw less money from the peasants, and to spend more of what is drawn within the country, to open some door to Indian industry in Europe, and to admit the natives to some greater share in the magistracy of their own people, to make the Empire as durable as it would be happy."

It will appear from the above account, that while there were few officials in India who did not know the

---

1 Bishop Heber's *Memoirs and Correspondence*, by his Widow, London, 1830, vol. ii. p. 413. The italics are our own. There has been some reduction in the Land-Tax in Bombay and Madras since Bishop Heber's time; but it is still excessive, and, what is worse, uncertain; and it still "keeps the people, even in favourable years, in a state of abject penury." "To draw less money from the peasants, and to spend more of what is drawn within the country," are the remedies against poverty and famines in India, more needed to-day than they were seventy-five years ago.
people to be overtaxed, they were unwilling to make the avowal openly. It is, however, to the honour of the Service that, when questioned on the subject openly in England, some of them stated their opinions in the most emphatic manner. Robert Richards was one of them; and some of his replies given to the Committee of the House of Commons deserve to be quoted.

"Where the revenue is collected, as it is in India, on the principle of the Government being entitled to one half of the gross produce of the soil, and vast numbers of officers, whose acts it is impossible to control, are also employed in the realisation of this revenue, it is a moral impossibility for any people whatever to live or prosper so as to admit of a very extensive commercial intercourse being carried on with them. . . .

"It may be done [i.e. manufacture of articles for foreign exportation] in lands not subject to the aforementioned exorbitant tax. It may also be the case in Bengal, where the Permanent Settlement has been enforced for many years, and where its original ruinous pressure is no longer so severely felt; but it would be quite impossible in lands, for example, subject to the Ryotwari Tax, or from lands where from 45 per cent. to 50 per cent. of the gross produce is actually levied as revenue. . . .

"I am personally acquainted with instances where the revenue assessed upon certain lands has actually exceeded the gross produce. I have also known other lands in India where a revenue has been assessed as being specifically derivable from rice lands, plantations of fruit trees, pepper, vines, and other articles, and each portion particularly described, but on comparing the assessment with the lands in question, those very lands have been found to have been nothing but jungle within the memory of man."¹

The general feeling of the officers engaged in land

¹ Answers to Queries 2825, 2828, and 2829.
assessments in India at last found expression in a great and memorable work. To Lieutenant-Colonel Briggs belongs the credit of expounding for the first time the true nature of the Land-Tax in India, after an exhaustive inquiry into the laws and usages of ancient and modern times. The East India Company had so far regarded India as their estate, and had sought to derive from it the utmost possible land revenue, in disregard of ancient rights and customs. Against this practice John Briggs took his stand. In his great and epoch-making work on the subject, he explained to Englishmen of his time, and of all succeeding time, that land in India had never been the property of the State, that the soil was private property in India, as among all other civilised nations; and that the State was only entitled to impose a tax on this form of private property, as on other private properties.

It is not possible, within our limits, to give an analysis of this great work of nearly five hundred pages; but it is necessary to place before the reader a few of the conclusions arrived at, which have their value at the present time as they had seventy years ago. John Briggs pointed out that among ancient nations—the Greeks, the Romans, the Persians, and the Chinese—the right of the State consisted in levying a tax of one-tenth of the produce. Among the ancient Hindus the right of the King or the State was to levy of grain one-eighth part, a sixth, or a twelfth, according to the difference of the soil and the labour necessary to cultivate it." And Briggs showed, after an exhaustive inquiry into the practice of succeeding ages,—

“That the occupant of the land alone was its sole proprietor; that the demand on him for contributing to the support of the State was a sort of income-tax, viz., a limited portion of the produce of his estate; and

---

2 Quoted from Manu's Institutes, in p. 31 of Briggs' work.
that this portion was fixed in time of peace, but liable to increase in time of war; and that, under all circumstances, it left a certain surplus profit to the owner, equivalent to a rent. Moreover, I hope I have established that the Sovereign never claimed to be the proprietor of the soil, but of the Land-Tax.”

The disregard of this cardinal principle by the East India Company, and their endeavours to sweep away the entire profits from the land, leaving to cultivators barely enough to support their lives, were regarded by John Briggs as the main causes of the poverty of India under British rule.

“The flourishing condition of the country under the Moghal Emperors is recorded by all European travellers who have visited the East within the last three centuries, and the wealth, the population, and the national prosperity of India, far surpassing what they had seen in Europe, filled them with astonishment. That the condition of the people and the country under our Government presents no such spectacle, is every day proclaimed by ourselves, and we may therefore assume it to be true. . . .

“If I have proved that we have departed from the practice of our predecessors, that we have established a system far exceeding theirs in rigour, even in the worst of their regular governments, then indeed there is some reason to call for a reform, and to hope at least for investigation. . . .

“I conscientiously believe that under no Government whatever, Hindu or Mahomedan, professing to be actuated by law, was any system so subversive of the prosperity of the people at large as that which has marked our administration. . . .

“Although we have everywhere confessed that the heavy pressure of taxation was the most cruel injury they sustained, we have in no instance alleviated that

pressure. So far from it, we have applied a false measure for fixing the impost, that of money instead of produce; we have pretended to abolish minor taxes on other classes, but have laid the amount on the landholder; and by minute scrutiny into every individual’s concerns, have, under the plea of justice to ourselves, in many instances deprived the cultivators of the means they enjoyed of paying the heavy taxes from which they sought relief under us, till by rigid exactions we have increased our own revenue and reduced the people to the condition of mere labourers. This is the professed maxim of our rule, the certain and inevitable result of taking the whole surplus profit of land. . . .

“Having assumed that the Government is the sole landlord, it [the present Government] considers the land to be the most profitable source of all revenue; it employs a host of public servants to superintend the cultivator; and it professes to take all the profit. A Land-Tax like that which now exists in India, professing to absorb the whole of the landlord’s rent, was never known under any Government in Europe or Asia.”

A great and thoughtful work like this would have created a revolution in any other country in the world. In India it did not produce the slightest change in the procedure of the Bombay revenue officials. The Survey Settlements, recommended by Elphinstone, had already been commenced by Pringle of the Bombay Civil Service in 1824–28, and the Settlements were conducted on untrue and exaggerated estimates of the produce of the soil, and therefore led to disastrous results.

“His [Pringle’s] assessment was based on a measurement of fields, and an estimate of the yield of various

1 The Present Land Tax in India, by John Briggs, pp. 393, 410, 414, 416.
soils, as well as of the cost of cultivation; the principle adopted being to fix the Government demand at 55 per cent. of the net produce. ... The preliminary work of measurement was grossly faulty, and the estimates of produce which formed such an important element in the determination of the assessment, and which had been prepared in the most elaborate manner, were so erroneous as to be worse than useless. But meanwhile the Settlement had been introduced, and with the result of aggravating the evils it had been designed to remove. From the outset it was found impossible to collect anything approaching to the full revenue. In some districts not one half could be realised. Things now went rapidly from bad to worse. Every year brought its addition to the accumulated arrears of revenue, and the necessity for remission or modification of rates. ... Every effort, lawful and unlawful, was made to get the utmost out of the wretched peasantry, who were subjected to torture, in some instances, cruel and revolting beyond all description, if they would not or could not yield what was demanded. Numbers abandoned their homes, and fled into the neighbouring Native States. Large tracts of land were thrown out of cultivation, and in some Districts no more than a third of the cultivable area remained in occupation."

The system was eventually abandoned. A resurvey was commenced in 1835 by Goldsmid of the Bombay Civil Service and Lieutenant Wingate, afterwards Sir George Wingate.

"Abandoning all attempts to arrive at a theoretical ideal of assessment by endeavouring to discover the yield of soils and assigning a certain proportion of them as the Government demand, the Survey officers adopted the simple expedient of ascertaining the average character and depth of soil in each field, and classing it accordingly; no more than nine gradations

1 Bombay Administration Report of 1872-73, p. 41.
of valuation being employed for the purpose. In fixing the rates of assessment they were guided by purely practical considerations as to the capability of the land and the general circumstances of the District." ¹

In spite of the official approval of this latter system, the reader will perceive that the new method was wrong in principle. The principle of fixing the assessment on the basis of the average produce of the fields was the ancient and correct principle; though Pringle failed because he worked it badly. The new method of fixing the assessment by "ascertaining the average character and depth of soil" was absurd on the face of it; though Wingate succeeded because he worked it with that moderation and leniency which was a part of his nature. A geological examination of the soil is not a safe basis for an estimate of its produce; and the continuous increase in the land revenue in later settlements, made on this unreliable basis, has led to impoverishment and widespread distress in the Province.

The Survey, which commenced in 1835, is the commencement of the present land revenue system of Bombay; and the first Regular Settlement in that Province was commenced in the following year, on the eve of the accession of Queen Victoria. It is necessary to examine this Settlement somewhat minutely, because it is virtually the system which is followed in Bombay down to the present time.

The Settlement operations were carried on for many years, and were gradually extended to the whole of the Province. As experience widened, it was thought necessary to gather up the results and to formulate rules for future guidance. This was done in 1847 by what is known as the Joint Report, signed by H. E. Goldsmid, Captain Wingate, and Captain Davidson.²

¹ Bombay Administration Report of 1872–73, p. 42.
² Joint Report, dated 2nd August 1847.
The principles of the Settlement, as explained in the Joint Report, were, *Firstly*, that it was based on the assessment of each field separately, and not of holdings or villages collectively; *Secondly*, that it granted long leases for thirty years instead of the short leases which had preceded; and *Thirdly*, that it abandoned the basis of produce-estimates, and substituted the estimated value of lands as the basis of assessment. A few extracts from the Joint Report will make this clear.

"The cultivator's title to the occupation of the fields is indestructible while he continues to discharge the assessment laid upon them, though his engagement for each be annually renewed, and by placing the assessment upon each field, instead of on his whole holding, he is enabled, when circumstances make the course desirable, to relinquish any of the former or take up others which may be unoccupied, so as to accommodate the extent of his liabilities to his means to meet them. The fixed field assessment for the term of thirty years, introduced by our surveys, thus secures to the cultivator the full advantages of a thirty years' lease without burdening him with any condition beyond that of discharging the assessment for the single year to which his engagement extends."

"We have retained the practice of referring every variety of soil to one of nine classes which experience has proved to afford a sufficiently minute classification for all practical purposes. But in preference to trusting entirely to the judgment of the Classer for determining to what class any particular soil should be referred, we have formed a set of rules for the purpose of determining the soils which should fall into any class. The fertility of a soil in this country, or at least in all parts of it to which our operations have yet extended, being chiefly dependent on its power of imbibing and retaining moisture, and as this quality is
mainly affected by depth, we have chosen the latter peculiarity as the principal regulating influence in the formation of our estimates."

"If all soils of the same depth were of uniform fertility the depth alone would suffice to determine their class, but this is not the case. . . . We deem it sufficient for the purpose of valuation to range them [the soils of different degrees of fertility] under three orders, which again are distributed among the nine classes of our scale on a consideration of their depth, as will be readily understood from the following table:

<table>
<thead>
<tr>
<th>Class</th>
<th>Relative value of class in annas or 10ths of a rupee</th>
<th>Soils of the</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>First Order</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Of a fine uniform texture, varying in colour from deep black to dark brown</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Depth in cubits (1 cubit = 1 ft.)</td>
</tr>
<tr>
<td>1</td>
<td>16</td>
<td>1 1/2</td>
</tr>
<tr>
<td>2</td>
<td>14</td>
<td>1 1/2</td>
</tr>
<tr>
<td>3</td>
<td>12</td>
<td>1 1/2</td>
</tr>
<tr>
<td>4</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>8</td>
<td>1/2</td>
</tr>
<tr>
<td>6</td>
<td>6</td>
<td>1/2</td>
</tr>
<tr>
<td>7</td>
<td>4 1/2</td>
<td>1/2</td>
</tr>
<tr>
<td>8</td>
<td>3</td>
<td>1/2</td>
</tr>
<tr>
<td>9</td>
<td>2</td>
<td>1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Second Order.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Of uniform but coarser texture than the preceding and lighter also in colour, which is generally red</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Depth in cubits (1 cubit = 1 1/2 ft.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Depth in cubits</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Depth in cubits (1 cubit = 1 1/2 ft.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1/2</td>
</tr>
</tbody>
</table>

"The first column of this table contains 'the nine classes of our scale; the second, the relative values of these, estimating the highest at sixteen annas or one rupee, which is the mode of valuation most familiar to natives."
"Detailed figured statements should be furnished, exhibiting the source and amount of every item of revenue hitherto derived from land of every description."

"The information thus collected and exhibited with that obtained by local inquiries into the past history of the District will generally enable us to trace the causes which have affected its past condition; and a knowledge of these, aided by a comparison of the capabilities of the District with those of others in its neighbourhood, will lead to a satisfactory conclusion regarding the assessment to be imposed."

"But instead of a particular sum at which a District should be assessed, it amounts to the same thing, and is more convenient to determine the rates to be imposed on the several descriptions of soil and culture contained within its limits, so as to produce the amount in question. And to do this it is only requisite to fix the maximum rates for the different descriptions of cultivation, when of course all the inferior rates will be at once deducible from the relative values of our classification scales." 1

The above extracts give us the substance of the famous Joint Report, the basis of the Bombay Land Revenue system. It recognised the transferable and heritable right of the cultivator to his field, but it finally swept away the equally ancient right to a fixed Land-Tax which the Mirasi cultivator had enjoyed under the Mahratta rule. It made an elaborate scale for the distribution of the District revenue demand among a million of fields contained in the District, but it prescribed no limit to that demand. It substituted for the equitable basis of the field produce an impracticable geological basis for the purposes of assessment. And it let loose swarms of Classers, on a pay of ten or twelve shillings a month, to determine the depth and nature of the soil in each field in order to fix its

1 Joint Report, paras. 9, 41, 42, 43, 75, 76, and 77.
relative value! The total District demand was to be distributed among the fields according to their relative values thus determined, but the District demand itself was to be vaguely determined from "the past history of the District" and the past condition of the people. Thus on the one point on which the people looked up to the Government for some assurance after thirty years of British rule in the Province, they received none; the East India Company and their servants would prescribe no limits to their own demand; they retained the power to shape the demand, to vary it, to increase it, at each recurring settlement, according to the condition of the people. No system could be devised by human ingenuity better calculated to keep an agricultural nation permanently poor and resourceless than the system which left to the revenue officials the absolute and unrestricted power to increase the revenue demand at each recurring settlement. The cultivator had no voice in the settlement of the Land-Tax, he was not consulted in fixing that tax; he was called upon, after the demand was settled, to pay it or to quit his ancestral land and starve.

That we are not exaggerating the evils of the new system will appear from the testimony of those who took a part in the making of the Settlement. The Company's charter came up for renewal in 1853, and, as usual, there was a Parliamentary inquiry into all branches of the Company's Indian administration before the charter was renewed. Select Committees of the Houses of Lords and Commons recorded evidence in 1852 and framed their Reports. They recorded further evidence in 1853, and the Lords submitted three Reports and the Commons six. From this voluminous mass of evidence we will select that of a young officer, Goldfinch, who had himself done Settlement work in Bombay, and described it on the 20th June 1853.
"6714. After the survey was finished, when you found a field, say No. 11, of five Bighas [about two acres] of land, in the possession of some particular person, did the Collector assess the revenue upon it arbitrarily, or did he ask the occupant or proprietor whether he was willing to pay the amount?

"The assessment was fixed by the Superintendent of Survey, without any reference to the cultivator; and when those new rates were introduced, the holder of each field was summoned to the Collector and informed of the rate at which his land would be assessed in future, and if he chose to retain it on those terms, he did; if he did not choose, he threw it up."

"6720. Does the assessment bear the same proportion to the nett produce of all the villages in that District, or does it vary?

"I cannot answer that question; I can only give a guess as to what proportion the assessment bears to the nett produce of the land."

"6722. Is there one officer superintending the survey for the whole District?

"Yes.

"6723. Therefore the principle of assessment is uniform throughout the Presidency?

"Certainly.

"6724. What service does the Superintendent of Survey belong to?

"He belongs to the Engineers—Captain Wingate."¹

To Goldfinch it appeared that to fix the Land-Tax "without any reference to the cultivator," and then to ask him to accept the assessment or to throw up his land, was a fair and equitable procedure. It did not strike him that the land belonged to the cultivator,

¹ Fourth Report from the Commons' Select Committee, 1853, p. 141.
and had been held by his ancestors at a fixed Land-Tax; and that the option of throwing up the land meant a confiscation of his hereditary property. A fuller account of the results of this settlement will be given in another work,—India in the Victorian Age.

It is fair to Captain Wingate to state that he worked this bad system with moderation and leniency. And it is fair to the East India Company to state that they saw the iniquity of the system, and endeavour to prescribe some general limits to the assessment. Three years after the renewal of the charter they recorded their famous Despatch of the 17th December 1856, in which they laid down that the "right of the Government is not a rent which consists of all the surplus produce after paying the cost of cultivation and the profits of agricultural stocks, but a land revenue only." And after the abolition of the East India Company, Sir Charles Wood (afterwards Lord Halifax), then Secretary of State for India, recorded in his equally famous Despatch of 1864 that he desired only to take a share, and only a half share of the rent as Land-Tax.

But these were pious wishes which could not be carried into effect when, under the Bombay system, the produce of the field and its economic rent were never ascertained, and the Land-Tax in each District was fixed by an examination into what the people had paid in the past, and what they could pay in the future. Under such a system, where the cultivators were not consulted, and could appeal to no Land Courts, the revenue demand was increased at each recurring Settlement, and the peasantry remained resourceless and poor.

Lord Canning, who was Viceroy of India from 1858 to 1862, proposed to permanently settle the land revenue of Bombay as of other Provinces of India; but the proposal was rejected by the India
Office in London in 1883. The Marquis of Ripon, who was Viceroy of India from 1880 to 1884, proposed that the increase of land revenue should be limited to the reasonable ground of an increase in prices; but that proposal too was rejected by the India Office in 1885.

All equitable and intelligible limits to the Land-Tax, proposed from time to time, have thus been ignored or rejected; and the present system is as well calculated to keep the Bombay cultivator permanently resourceless as any system that the wit of man could devise. The cultivator has accordingly sunk more and more under the thraldom of the money-lender; and the nineteenth century closed in Bombay with the worst and most widespread famine that has ever afflicted India.
CHAPTER XXII

BIRD AND THE NEW SETTLEMENT IN NORTHERN INDIA (1822–1835)

The Settlement of Northern India, commenced in 1822, and described in Chapter XI. of this work, was a failure. Inquiries needed for the preparation of a Record of Rights made no progress. Minute investigations relating to the produce of fields proved vexatious and futile. The Government demand of over 80 per cent. of the rent was severe and impracticable. The system broke down through its own harshness. A reform was needed, and a true reformer appeared on the scene.

Lord William Bentinck had come to India as Governor-General in 1828, and the East India Company never sent out a truer friend of the people. He made a tour in Northern India, and he described what he saw in a letter to the Court of Directors.

"2. Your Honourable Court is already aware that my visit to the Western Provinces was in a great measure prompted by my anxiety to satisfy myself by personal observation of the progress which was making in the work of Settlements under the operation of the provisions of Regulation VII. of 1822, and to ascertain whether it might not be practicable to expedite the progress, or to adopt other measures equally adapted to secure the objects contemplated by your Honourable Court to promote the prosperity of the country."

"4. Among the officers whom I consulted, I found
no deficiency of zeal, and no want of intelligence; but it is nevertheless my duty to assure your Honourable Court that, to whatever cause the failure may be attributable, little or nothing has been effected towards a Settlement of these Provinces.

"8. It is with sincere gratification that I perused the remarks contained in the 58th paragraph of your Honourable Court's despatch dated the 9th February last, which evince your sense of the necessity of long leases, and which detail your views, so nearly corresponding with my own, as to the mode by which the process of settlement may be expedited, and the rights of the subordinate tenantry protected." 1

In a letter addressed to the Board of Revenue in the same year, Lord William Bentinck pointed out the main causes of the failure of the scheme of 1822. He condemned the exorbitant Government demand of over 80 per cent. of the rental, and he had the courage to suggest that this should be reduced.

The Regulation prescribes, he wrote, "that where an increase may be demanded, the assessment shall be so regulated as to leave the Zemindars and others a nett profit of 20 per cent. on the amount of the Jumma [Government demand] payable by or through them respectively, while his Lordship understands it to be a prevalent notion among revenue officers whose opinions are entitled to respect, that the allowance in favour of the Zemindars should in no instance fall short of 30 or 35 per cent. of the Government Jumma; and after all may not this be considered as the capital by which improvement is to be accomplished?

"This however is exclusive of charges of collection, and is calculated upon the nett rental. The deductions to be made in favour of the Zemindar or other

1 Letter from the Governor General to the Court of Directors, dated 15th September 1831.
propriety from the gross rental on every account is that which his Lordship is desirous of having fixed; and whatever may be the proper rate, his Lordship desires me to suggest for your consideration whether it would not be more practicable to consolidate the whole of the deducted allowances to be made in favour of Zemindars from the gross rental, and 'o fix it so that it shall operate uniformly and universally, instead of being assigned, as appears to have been hitherto the custom, at the discretion of individual officers.'

It will appear from these extracts that as early as 1831 Lord William Bentinck had grasped the cardinal principles of the New Settlement which was to follow, viz., long leases, which would give landlords and tenants a motive for improvement, and a moderate Government demand, which would leave with them some portion of the profits from the soil.

Another matter which also received the attention of the Governor-General was the preservation of the Village Communities of Northern India. This was forcibly laid down by Sir Charles Metcalfe, then a member of the Governor-General's Council, and afterwards Acting Governor-General of India, in his famous Minute of 1830, which has often been quoted.

"The Village Communities are little Republics, having nearly everything that they want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds to revolution; Hindu, Pathan, Moghal, Mahratta, Sikh, English, are masters in turn; but the Village Communities remain the same. In times of trouble they arm and fortify themselves; a hostile army passes

1 Letter to the Board of Revenue, dated 7th April 1831, paragraphs 106 and 107.
through the country; the Village Community collect their cattle within their walls, and let the enemy pass unprovoked. If plunder and devastation be directed against themselves and the force employed be irresistible, they fly to friendly villages at a distance, but when the storm has passed over they return and resume their occupations. If a country remain for a series of years the scene of continued pillage and massacre, so that the villages cannot be inhabited, the scattered villagers nevertheless return whenever the power of peaceable possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the places of their fathers, the same site for the village, the same position for the houses, the same lands, will be reoccupied by the descendants of those who were driven out when the village was depopulated, and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbance and convulsion, and acquire strength sufficient to resist pillage and oppression with success.

"The union of the Village Communities, each one forming a separate little State in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India through all revolutions and changes which they have suffered, and it is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence. I wish, therefore, that the Village Constitutions may never be disturbed, and I dread everything that has a tendency to break them up. I am fearful that a Revenue Settlement with each individual cultivator, as is the practice in the Ryotwari Settlement, instead of one with the Village Community through their representatives, the headmen, might have such a tendency. For this reason, and for this only, I do not desire to
see the Ryotwari Settlement generally introduced into the Western Provinces."¹

Sir Charles Metcalfe was correct in ascribing the disappearance of Village Communities in Madras and in Bombay to the introduction of the Ryotwari Settlement. When a settlement is made with each individual cultivator, the raison d’être of Village Communities ceases. The endeavours of Munro and Elphinstone to keep the Communities alive, after depriving them of their chief function, failed. In Northern India too, the Village Communities have virtually disappeared within the last seventy years through similar causes. The British Government, in obedience to Western ideas, endeavoured to fix the responsibility of the Land-Tax on particular men—zemindars or headmen—until they became the responsible revenue payers and landlords, and the Communities declined. And in trying also to centralise all judicial and executive powers in the hands of its own officers in the spirit of Western institutions, the Government withdrew or weakened the ancient powers of the Communities, until they fell like trees whose roots had been severed. With the most sincere desire to preserve this ancient form of self-government—a desire earnestly and eloquently felt and expressed by Munro, Elphinstone, and Metcalfe—they nevertheless failed in their object because they withdrew the powers of Self-Government from the little republics, because they centred all powers in their own civil courts and executive officers, because they reposed no real trust in the old institutions of the people. One of the saddest results of British rule in India is the effacement of that system of village Self-Government which was developed earliest and preserved longest in India among all the countries of the earth.

¹ Sir Charles T. Metcalfe’s Minute, dated 7th November 1830.
Lord William Bentinck had now completed his scheme in consultation with his Councillors, his Board of Revenue, and the Court of Directors; and he convened a conference of officers at Allahabad in 1833, over which he presided in person. The result was the passing of Regulation IX. of 1833, which is the true basis of Land Settlements in Northern India. By this Regulation the majority of judicial cases were transferred from the Courts of Settlement Officers, estimates of produce and of rents were simplified, and the system of average rents for different classes of soil was introduced. The general use of the field map and the field register was prescribed for the first time. The Government demand was reduced to two-thirds of the gross rental; and the settlements which took sixteen years to complete, from 1833 to 1849, were made for a period of thirty years.

The direction of this vast operation fell on a man who was worthy of the work. This man was Robert Merttins Bird, the Father of Land Settlements in Northern India. He was originally a judicial officer, and the training he had received in the discharge of his judicial work rendered him better qualified as a great revenue administrator.

"The greater part of the measures," he wrote in 1842, "which have now been carried through, had been many years before planned and elaborated by me, as measures of a purely judicial character, when I was holding a judicial office, and had no prospect of ever being employed in the Revenue Department. . . .

"A judicial officer has no official facilities for bringing plans of general usefulness into practical operation. I embraced therefore with avidity the offer of the appointment of Revenue Commissioner to conduct the settlements of the Goruckpur Division, as affording the ready means of carrying out my purposes
and testing both the soundness and the practicability of my views by actual experiment.

"I saw no reason to doubt the assessment of a fair and moderate revenue on the land might be so combined with the ascertainment of private rights and the cultivation of the Village Communities, that such records might be framed, such principles fixed, and such sanitary processes put in action, as would correct the evils which had eaten like a canker into the very vitals of landed property and agricultural prosperity.

"On these principles I commenced operations at Goruckpur. The late Lord William Bentinck, having visited that district in the following year, communicated fully with me on my plans, and by his command I maintained a constant correspondence with him on the subject; the result was his calling me in the year 1832 to the office in which the superintendence of the settlements of the North-Western Provinces had devolved principally on me.

"On the whole, there is, I think, just reason to consider that a moderate, fair, and equal demand on the land, such as can and ought to be collected without interfering with the accumulation of property, and the march of agricultural prosperity, has, generally speaking, been fixed."¹

It is not necessary in the present work to go through the history of the settlements in the different divisions and districts in Northern India; but the results of the assessments may be seen from the following figures taken from a statement appended to Bird’s Report.²

² The statement excludes tracts permanently settled. One mistake in calculation about Hariana District has been corrected. Fractions of acres and pies have been omitted.
<table>
<thead>
<tr>
<th>Name of Division and District</th>
<th>Total Area in Acres</th>
<th>Cultivated Area in Acres</th>
<th>Rate of Government Revenue per Acre of the Land in Cultivation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delhi Division—</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Hariana</td>
<td>1,657,975</td>
<td>696,147</td>
<td>Rupees 0 Annas 14 Pies 4</td>
</tr>
<tr>
<td>&quot; Delhi</td>
<td>364,534</td>
<td>174,605</td>
<td>2 1 3</td>
</tr>
<tr>
<td>&quot; Rohtuck</td>
<td>844,666</td>
<td>474,465</td>
<td>1 5 2</td>
</tr>
<tr>
<td>&quot; Gurgaon</td>
<td>1,160,437</td>
<td>647,353</td>
<td>1 9 0</td>
</tr>
<tr>
<td><strong>Meerut Division—</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Saharanpur</td>
<td>1,018,705</td>
<td>606,847</td>
<td>1 10 6</td>
</tr>
<tr>
<td>&quot; Muzaffarnagar</td>
<td>691,706</td>
<td>392,377</td>
<td>1 11 2</td>
</tr>
<tr>
<td>&quot; Meerut</td>
<td>1,776,431</td>
<td>1,034,016</td>
<td>2 1 9</td>
</tr>
<tr>
<td>&quot; Bulandshahar</td>
<td>1,025,096</td>
<td>592,530</td>
<td>1 9 8</td>
</tr>
<tr>
<td>&quot; Aligarh</td>
<td>1,119,235</td>
<td>900,562</td>
<td>1 4 0</td>
</tr>
<tr>
<td><strong>Rohilkhand Division—</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Bijnaur</td>
<td>1,027,533</td>
<td>459,409</td>
<td>2 2 10</td>
</tr>
<tr>
<td>&quot; Moradabad</td>
<td>Not stated</td>
<td>Not stated</td>
<td>Not stated</td>
</tr>
<tr>
<td>&quot; Budaon</td>
<td>1,450,418</td>
<td>752,103</td>
<td>1 7 6</td>
</tr>
<tr>
<td>&quot; Pilibhit</td>
<td>Not stated</td>
<td>Not stated</td>
<td>2 0 1</td>
</tr>
<tr>
<td>&quot; Bareli</td>
<td>1,116,174</td>
<td>639,579</td>
<td>1 15 7</td>
</tr>
<tr>
<td>&quot; Shajehanpur</td>
<td>1,309,211</td>
<td>651,549</td>
<td>1 9 0</td>
</tr>
<tr>
<td><strong>Agra Division—</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Muttra</td>
<td>Not stated</td>
<td>Not stated</td>
<td>Not stated</td>
</tr>
<tr>
<td>&quot; Agra</td>
<td>935,815</td>
<td>646,818</td>
<td>2 2 5</td>
</tr>
<tr>
<td>&quot; Farakakabad</td>
<td>1,247,288</td>
<td>614,253</td>
<td>2 6 0</td>
</tr>
<tr>
<td>&quot; Mynpur</td>
<td>1,280,927</td>
<td>613,422</td>
<td>2 4 0</td>
</tr>
<tr>
<td>&quot; Etawa</td>
<td>1,071,756</td>
<td>477,901</td>
<td>2 11 10</td>
</tr>
<tr>
<td><strong>Allahabad Division—</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Cawnpur</td>
<td>1,497,795</td>
<td>782,276</td>
<td>2 1 3</td>
</tr>
<tr>
<td>&quot; Fatehpur</td>
<td>990,584</td>
<td>506,905</td>
<td>2 12 9</td>
</tr>
<tr>
<td>&quot; Allahabad</td>
<td>1,790,244</td>
<td>997,508</td>
<td>2 2 6</td>
</tr>
<tr>
<td><strong>Benares Division—</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Goruckpur</td>
<td>4,115,214</td>
<td>1,927,234</td>
<td>1 1 3</td>
</tr>
<tr>
<td>&quot; Azimgar</td>
<td>1,652,293</td>
<td>773,016</td>
<td>1 15 4</td>
</tr>
</tbody>
</table>

These were the general results of Robert Bird's work up to the date of his leaving India. Ten years after, when he was examined as a witness before the Select Committee of the House of Commons, he explained clearly and lucidly the procedure he had followed in India.

"I first of all proceeded to make a survey of all the land. . . . . The next process was to make a map,
including every field, exactly in the same manner as the English tithe commutation maps. . . . Then the next thing was the professional survey of the boundary made by an educated officer, that shows the cultivated and the uncultivated land, and the real shape of the village as taken by a regular survey. . . . We then proceeded to investigate the assessment of the Government Land-Tax upon that tract. . . . As soon as that was ascertained, we fixed the amount of the Government tax we should require upon the whole of that tract, and then we proceeded to set down the amount that we should require upon each village. . . . The people then came forward and met the Collector. They generally met, as is our way of doing business in India, under the shade of a tree or in an open field. . . . In many instances objections were made: they said, 'This is too high; my village will not pay this; it is a poor village.' They were then told that we intended to have that amount of revenue from the whole tract, and that, therefore, if there was any objection regarding that village, they must point out who could pay more; and this set them to discuss the matter among themselves. . . . The assessment upon the whole tract was not strictly maintained; it was not our object to do so; we were ready to reduce it if we found cause to do so; but the object of demanding this first in a lump was to induce them to look into their own concerns, and to come to such an adjustment as they should find to be satisfactory."

This procedure, as described by Robert Bird himself, was by no means perfect: but it was far better than that of Bombay, where, according to Goldfinch, each cultivator was called upon to take his field on the revenue fixed by Government, or to throw it up.

Asked what was the proportion of the Government revenue assessed by him on the produce of the soil, Robert Bird replied: "My general impression is that
it was not above a tenth of the produce." And he added that "in Madras and other places it is a matter notorious now that the error is that the revenue was fixed too high at the beginning, and impoverishes the people."  

A fuller account of Robert Bird's Settlement will be given in another work,—India in the Victorian Age. In the present chapter we will only add a few words to complete the land revenue history of Northern India.

When Robert Merttins Bird left India, the work he had commenced, and almost completed, passed under the control and supervision of a worthy successor, James Thomason was the Lieutenant-Governor of the North-Western Provinces from 1843 to 1853, and a more kind-hearted and benevolent Englishman never went out to India. His "Directions for Settlement Officers," drawn up in 1844, was the first complete Code of Land Settlement compiled in India. These, with the "Directions for Collectors," were published five years after under the name of "Directions for Revenue Officers," and continued for many years to be the standard of official reference. The underlying principles of the Land System of Northern India are enunciated in a Preface to these Directions.

"First, All the inhabited part of the country is divided into portions with fixed boundaries called Mahals or estates; on each Mahal a sum is assessed for the term of twenty or thirty years, calculated so as to leave a fair surplus profit over and above the

---

1 Fourth Report from the Select Committee, 1853. The italics are our own. A tenth of the produce is consistent with the ancient Hindu law of Mapu and the Mahometdan law of the Hadaya, and ought to be the maximum limit of the Government Revenue where it is not permanently settled. In Madras and Bombay the Government revenue is still too high and impoverishes the people. The percentage of the revenue on the gross produce is between 12 and 31 in Madras, according to the Board of Revenue's Statement submitted to the Famine Commission of 1890 (Appendix III. p. 394), and the percentage is 20 in some parts of Bombay, according to the Famine Commission's Report of 1901.
nett produce of the land, and for the punctual payment of that sum the land is held to be perpetually hypothecated to the Government.

"Secondly, It is determined who are the person or persons entitled to receive this surplus profit. The right thus determined is declared to be heritable and transferable, and the persons entitled to it are considered the proprietors of the land, from whom the engagements for the annual payment of the sum assessed by the Government on the Mahal are taken.

"Thirdly, All the proprietors of a Mahal are, severally and jointly, responsible in their persons and property for the payment of the sum assessed by the Government on the Mahal." ¹

Thomason laboured for ten years to complete the great work initiated in Northern India by Lord William Bentinck. And if Bentinck had able and distinguished colleagues in Metcalfe, Trevelyan, and Macaulay, Thomason too trained up under him a school of no less distinguished administrators, such as John Lawrence, Robert Montgomery, and William Muir. They were inspired by that practical desire to work in the interests of the people which animated Lord William Bentinck; a desire which unfortunately became less conspicuous in the last decades of the century. Thomason's good work of ten years was recognised in England; and on the 27th September 1853 an order was signed by Her Majesty's command appointing the wise and able administrator of Northern India to the higher post of Governor of Madras. The reward came too late: on that very day, the 27th September 1853, James Thomason died in the country in which he had passed the best part of his life in the service of its people.

Two years after, Bentinck's wise policy of reducing

¹ Selection of Papers relating to Revenue Survey and Assessment in the North-Western Provinces, 1853, pp. 4, 5.
the Government demand was more than vindicated. He had reduced that demand to two-thirds of the rental, but in practice, even this was found to be harsh and unworkable. Under the administration of Lord Dalhousie it was decided by the famous Saharanpur Rules of 1855 that the Government demand should be limited to one-half the rental.

"The assets of an estate can seldom be minutely ascertained, but more certain information as to the average nett assets can be obtained now than was formerly the case. This may lead to over-assessment, for there is little doubt that two-thirds, or 66 per cent., is a larger proportion of the real average assets than can ordinarily be paid by proprietors or communities in a long course of years. For this reason the Government have determined so far to modify the rules laid down in paragraph 52 of the Directions to Settlement Officers as to limit the demand of the State to 50 per cent. of the average nett assets. By this it is not meant that the Junuma [Government revenue] of each estate is to be fixed at one-half of the nett average assets, but in taking these assets, with other data, into consideration, the Collector will bear in mind that about one-half, and not two-thirds as heretofore, of the ascertained nett assets should be the Government demand. The Collectors should observe the cautions given in paragraphs 47 to 51 of the treatise quoted, and not waste time in minute and probably fruitless attempts to ascertain exactly the average nett assets of the estates under settlement."¹

¹ Rule XXXVI. of the Saharanpur Rules of 1855. It will help the reader's memory to note that the great land reforms in Northern India were effected, curiously, once in every eleven years. The first great Land Act was Regulation VII. of 1822. Regulation IX. of 1833 reduced the Government demand to two-thirds the rental, and saw the commencement of the New Settlement by R. M. Bird. In 1844 Thomason's Directions to Settlement Officers were promulgated. In 1855 the Saharanpur Rules were passed, reducing the Government demand to half the rental.
Thus after the persistent blunders of half a century, the Government at last decided to limit its demand to one-half the rent. This is now the recognised principle all over India, where the revenue has not been permanently fixed. In Madras and Bombay the Land-Tax is fixed at one-half the economic rent by Sir Charles Wood’s despatch of 1864, in Northern India it has been fixed at one-half the rental by the Saharanpur Rules of 1855. It would be a distinct gain to the cause of good government in India if this principle were strictly and honestly adhered to.

But it is the unavoidable result of a system of administration in which Revenue Collectors dictate the revenue policy, and the people have no voice whatever, that the clearest and most unmistakable rules are strained, misinterpreted, and evaded. How this was done in Madras and Bombay has been described elsewhere. How this was done in Northern India, it is painful to note. Lord Canning’s recommendation for a Permanent Settlement of the land revenue all over India, made in 1862, and supported by Lord Lawrence, Sir Charles Wood, and Sir Stafford Northcote, was rejected in 1883. Even the Saharanpur Rules, which were still binding on revenue collectors, were virtually evaded in practice. The purport of the Saharanpur Rules is unmistakable. The rule quoted above limits the Government demand to one-half of “the average nett assets,” “the real average assets.” But in later settlements the Government interpreted this to mean one-half of “the prospective and potential” rental of estates. If an estate had a rental of £1200 a year, the claim of the Government was to a revenue of £650, or might be £700, on the ground that the rental might rise hereafter to £1300 or £1400. More than this, while the Land-Tax is still theoretically one-half the rental, a number of new taxes for education, post-office, &c., have been introduced and assessed on
the rent, adding to the share of the Government on the produce of the soil. Is this not paltering with the people of India in a double sense, keeping the word of promise to their ear, and breaking it to their hope?
CHAPTER XXIII

FINANCE AND THE ECONOMIC DRAIN (1793–1837)

The East India Company’s Charter was renewed in 1833 for twenty years, dating from April 1834. The financial arrangements which were effected by this Act deserve our attention in the present chapter.

It was provided that the East India Company should henceforth “discontinue and abstain from all commercial business,” and stand forth only as Administrators and Rulers of India. It was enacted that all the territorial and other debts of the Company “shall be charged and chargeable upon the revenues of the said territories” of India. It was declared that out of the revenues of India there should be paid to the Company “a yearly dividend after the rate of £10, 10s. per annum on their capital stock.” It was further provided that the Company’s dividend should be subject to be redeemed by Parliament after 1874 on payment to the Company of £200 sterling for every £100 of the capital stock.” And lastly, it was enacted that if the Company ceased to exist after 1854, or was deprived of the possession and government of India by the authority of Parliament, they would be entitled to demand the redemption of the said dividend within one year, “and provision shall be made for redeeming the said dividend, after the rate aforesaid, within three years after such demand.”

Comments on these arrangements are superfluous. The British nation had spent millions of their own
money in acquiring dominions in other parts of the world; but in India an empire had been acquired, wars had been waged, and the administration had been carried on, at the cost of the Indian people; the British nation had not contributed a shilling. The trading Company which had acquired this empire had also drawn their dividends and made their profits out of the revenues of the empire for two generations. When they ceased to be traders in 1834, it was provided that the dividends on their stock should continue to be paid out of the taxes imposed on the Indian people. And when, finally, the Company ceased to exist in 1858, their stock was paid off by loans which were made into an Indian Debt. The empire was thus transferred from the Company to the Crown, but the Indian people paid the purchase-money. And the Indian people are thus virtually paying dividends to this day, on the stock of an extinct Company, in the shape of interest on Debt!

It is necessary here to place before the reader the Indian revenue and expenditure of the Company year by year from 1792 to the year of the Queen's accession.  

<table>
<thead>
<tr>
<th></th>
<th>Land Revenue</th>
<th>Gross Revenue</th>
<th>Gross Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£</td>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td>1792-93.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,091,616</td>
<td>5,512,761</td>
<td>3,873,359</td>
</tr>
<tr>
<td>Madras</td>
<td>742,760</td>
<td>2,476,312</td>
<td>2,222,878</td>
</tr>
<tr>
<td>Bombay</td>
<td>79,025</td>
<td>236,555</td>
<td>844,096</td>
</tr>
<tr>
<td>Total</td>
<td>3,913,401</td>
<td>8,225,628</td>
<td>6,940,833</td>
</tr>
<tr>
<td>1793-94.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,177,028</td>
<td>5,871,945</td>
<td>3,714,160</td>
</tr>
<tr>
<td>Madras</td>
<td>789,050</td>
<td>2,110,089</td>
<td>1,972,224</td>
</tr>
<tr>
<td>Bombay</td>
<td>82,050</td>
<td>294,736</td>
<td>906,745</td>
</tr>
<tr>
<td>Total</td>
<td>4,048,128</td>
<td>8,276,770</td>
<td>6,593,129</td>
</tr>
</tbody>
</table>

1 Returns of the Gross Revenue, &c., in India since 1792. Ordered by the House of Commons to be printed, 22nd June 1855.
<table>
<thead>
<tr>
<th></th>
<th>Land Revenue</th>
<th>Gross Revenue</th>
<th>Gross Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£</td>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td>1794–95</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,235,259</td>
<td>5,937,931</td>
<td>3,863,566</td>
</tr>
<tr>
<td>Madras</td>
<td>891,640</td>
<td>1,775,782</td>
<td>1,880,332</td>
</tr>
<tr>
<td>Bombay</td>
<td>70,238</td>
<td>312,480</td>
<td>823,910</td>
</tr>
<tr>
<td>Total</td>
<td>4,197,137</td>
<td>8,026,193</td>
<td>6,567,808</td>
</tr>
<tr>
<td>1795–96</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,130,697</td>
<td>5,694,194</td>
<td>3,986,744</td>
</tr>
<tr>
<td>Madras</td>
<td>929,200</td>
<td>1,894,304</td>
<td>2,119,196</td>
</tr>
<tr>
<td>Bombay</td>
<td>64,085</td>
<td>277,596</td>
<td>783,057</td>
</tr>
<tr>
<td>Total</td>
<td>4,123,982</td>
<td>7,866,094</td>
<td>6,888,997</td>
</tr>
<tr>
<td>1796–97</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,118,556</td>
<td>5,703,906</td>
<td>4,126,644</td>
</tr>
<tr>
<td>Madras</td>
<td>900,534</td>
<td>1,996,328</td>
<td>2,449,060</td>
</tr>
<tr>
<td>Bombay</td>
<td>39,724</td>
<td>315,937</td>
<td>933,394</td>
</tr>
<tr>
<td>Total</td>
<td>4,058,814</td>
<td>8,016,171</td>
<td>7,508,038</td>
</tr>
<tr>
<td>1797–98</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,097,443</td>
<td>5,782,741</td>
<td>4,351,926</td>
</tr>
<tr>
<td>Madras</td>
<td>732,983</td>
<td>1,938,950</td>
<td>2,665,232</td>
</tr>
<tr>
<td>Bombay</td>
<td>38,872</td>
<td>338,189</td>
<td>998,169</td>
</tr>
<tr>
<td>Total</td>
<td>3,869,298</td>
<td>8,059,880</td>
<td>8,015,327</td>
</tr>
<tr>
<td>1798–99</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,072,743</td>
<td>6,153,615</td>
<td>4,416,054</td>
</tr>
<tr>
<td>Madras</td>
<td>856,666</td>
<td>2,123,831</td>
<td>3,442,094</td>
</tr>
<tr>
<td>Bombay</td>
<td>37,007</td>
<td>374,587</td>
<td>1,280,315</td>
</tr>
<tr>
<td>Total</td>
<td>3,966,416</td>
<td>8,652,033</td>
<td>9,139,363</td>
</tr>
<tr>
<td>1799–1800</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,213,230</td>
<td>6,498,473</td>
<td>5,058,661</td>
</tr>
<tr>
<td>Madras</td>
<td>883,539</td>
<td>2,822,536</td>
<td>3,319,547</td>
</tr>
<tr>
<td>Bombay</td>
<td>31,364</td>
<td>415,663</td>
<td>1,577,182</td>
</tr>
<tr>
<td>Total</td>
<td>4,128,133</td>
<td>9,736,672</td>
<td>9,955,390</td>
</tr>
<tr>
<td>1800–1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,218,766</td>
<td>6,658,334</td>
<td>5,420,966</td>
</tr>
<tr>
<td>Madras</td>
<td>957,799</td>
<td>3,540,268</td>
<td>4,614,387</td>
</tr>
<tr>
<td>Bombay</td>
<td>45,130</td>
<td>286,457</td>
<td>1,432,832</td>
</tr>
<tr>
<td>Total</td>
<td>4,221,695</td>
<td>10,485,059</td>
<td>11,468,185</td>
</tr>
<tr>
<td>1801–2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bengal</td>
<td>3,296,303</td>
<td>7,127,988</td>
<td>5,647,415</td>
</tr>
<tr>
<td>Madras</td>
<td>1,095,972</td>
<td>4,789,609</td>
<td>5,347,805</td>
</tr>
<tr>
<td>Bombay</td>
<td>54,571</td>
<td>305,992</td>
<td>1,414,825</td>
</tr>
<tr>
<td>Total</td>
<td>4,446,846</td>
<td>12,163,589</td>
<td>12,410,045</td>
</tr>
</tbody>
</table>