

CHAPTER- I

THE MAHALWARI SYSTEM

The *Mahalwari* system was one of the three major land revenue settlements of British colonial India introduced under the administration of East India Company. It was the last land settlement experimented by the company administration and expected to be an improvement over both the previous working settlements. The other two major settlements were *Zamindari* (in Bengal presidency) and *Ryotwari* (in Madras and Bombay Presidency). It was a settlement for the estates of proprietary bodies¹, first introduced in the region of North-Western Provinces* under the regulation VIII of 1822. Further, it was extended up to areas of the Central Provinces* and the British

¹ B. H Baden Powell, *Administration of land Revenue and Tenures of British India*, Ess Ess Publication, New Delhi, 1907, p. 149

* North Western Provinces have been created in 1836 when ceded and conquered provinces (1801 and 1803 respectively) got merged with the western provinces. Oudh came under the administration of the North Western Provinces on the recommendation of T.C Robertson in 1843-44 and from that time it has been named as North Western Provinces and Oudh. This fertile tract called as heartland of Northern India which was full of gardens and beautiful scenery. Its name had been changed to United Provinces in 1901 -2. It includes the whole portion of present Uttar Pradesh with some portion of Madhya Pradesh, Haryana, and also includes the whole area of Uttarakhand and Delhi.

* The whole areas of present Madhya Pradesh including the Chhattisgarh with some portion of present Gujarat and Nagpur division of then Bombay presidency.

* Undivided Punjab of India and Pakistan. This province had been divided into two parts when Pakistan separated from India on 14th August, 1947. One portion of the province goes to dominion of Pakistan, and other remained with India.

Punjab*. It was an intermediary type of the land settlement, first implemented in the Ceded* and Conquered* provinces which Lord Wellesly had acquired between 1801 and 1802.² The settlement under the Mahalwari operation was directly made with the villages or estates or *Mahals* by the instruction of the settlement officers, who fixed the rent with the consultation of ‘*lambardar*’ and the rent to be paid by the cultivating peasants. The settlement possesses a mixture of Bengal *Zamindari* as well as Madras *Rayotwari*. Here, the settlements had neither been with great hereditary revenue farmers like the Bengal `Zamindars nor with the humble cultivators as in madras, but generally with the co-sharing village brotherhood called as “*village community*”.³ Most of the historians placed the new system as a modified version of Permanent *Zamindari* of Bengal which was usually made with the ‘body of co-sharers’. In all *Mahalwari* regions, the land revenue was revised periodically.

The *Mahalwari* system of land revenue was of temporary in nature and implemented with the provision that the assessment should be revised after certain fixed period of time usually after **30**

* Allahabad and some adjoining districts were ceded by the *Nawab of Awadh*, Vizier Ali, in 1801 to then Governor- General, Lord Wellesley under ‘*Subsidiary Alliances*’

* Agra and its adjoining districts were conquered by Lord Lake from Sindhia family of Marathas in 1803.

² E. Stokes, *The English Utilitarian and India*, Oxford University Press, London, 1959, pp. 84-85

³ *Ibid.*, p. 85

years.⁴ In few cases, the assessment of land revenue should be revised only after a period of **20** years and even at some occasions it was revised after a marginal gap of **10** years. In a simple revenue language, the *Mahalwari* settlement was famous as a ‘*mauzawar*’ settlement where ‘*mauza*’ stands for a village or a unit of assessment. The foundation of entire land revenue assessment and realization in the *Mahalwari* operated region was based on the records of ‘*shajra*’ or field map and “*khasra*” or field register.⁵ Under the system, the settlement was made directly with Mahals or estates in which a recognized landlord or proprietor of some kind declared responsible for the payment of land revenue to the government.⁶ The collection of land revenue amount in *Mahalwari* settlement was directly connected to the existing *Mahals* or *mauzas*.

Mahal

The term “*Mahal*” may be used for any local area held under a separate engagement for the payment of the land revenue and for which separate records of rights had been formed and framed.⁷ A “*Mahal*” was unit of assessment or a fiscal unit standing for compact

⁴ B. H. Baden Powell, *A Short Account of Land Revenue and its Administration in British India: With a Sketch of the Land Tenure*, Clarendon Press, London, 1894, p. 169

⁵ B. H. Baden Powell, *Land System of British India*, Oxford at Clarendon Press, Vol -II, London, 1892, p. 38

⁶ Powell; *A Short Account*, op. cit., p. 169

⁷ Powell; *Land System.*, op. cit., p. 30

allocable area, demarcated geographically, often coinciding with a village or forms a part of villages or includes several villages or parts of them⁸ Any local area for which the revenue task had been assigned to the settlement officers and “*Lamberdars*” was known as a separate “*Mahal*”. The term ‘*Mahal*’ also denotes a group of cultivation of permanent character with a particular place name mentioned in the village field map.

There were different local terms used at different localities or places for *Mahals* or estates like *mauzas, deh, gaun, gam, patti* and *gramam*.⁹ There were a lot of common affixes used for *Mahals* or estates as place- names. These affixes were *pur, pura, nagar, gaun, and shahar*, etc. used either for village or town.¹⁰ The affixes like “*patti*” means share of land and “*abad*” stands for inhabited or settled area were also used.

The concept of *Mahal* was not appeared for the first time during the British rule but already existed in Mughal India as a term for a proper assessed area of land revenue. In fact, *Mahal* was a technical term used for an assessed area as a unit of land revenue. Its meaning had been extended by the definition changed according to the revenue

⁸ H. R Nevil; *Imperial Gazetteer of India*, Provincial Series, Uttar Pradesh, Government Press, Vol -I, 1907, p. 111

⁹ *Gorakhpur Settlement Report*, Mr. Rose, 1892, p. 61, National Archives of India, New Delhi,

¹⁰ Nevil, *Imperial Gazetteer*, Vol. I, op. cit., p. 51

acts which also includes the land held free of revenue as a *Mahal*.¹¹ A *mahal* or a group of holdings may not always be treated as a fiscal unit or unit of revenue assessment on the basis of geographical demarcations only. But generally a group of holdings controlled by a single owner or a single community or proprietary body was termed as *mahal*.¹² In this unit of assessment, each field or individual holdings were assessed separately on the basis of locally existing features of the soil/land. At several occasions, a single ‘*mahal*’ may be divided into two or more revenue units for the convenience of collection and realization procedure.

The new land revenue settlement had different varieties and operated with different names at different places. It introduced with great care of local information and existing conditions. The new settlement of North Western Provinces was working under the title of ‘*mauzawar*’. In the region of the Central Provinces it operated with the name of ‘*malguzari*’ system where ‘*Patel*’ was the chief of a village. The settlement operated as a village-wise system of land tenure in the Punjab also called as *mahli settlement*.¹³

Neil Charlesworth, a noted economic historian of imperialist school, tagged it a communal tenure which propagates caste based

¹¹ W.H Moreland; *The Revenue Administration of United Provinces*, Renaissance Publishing House, First Published 1911 (Allahabad), Reprinted 1984 (Delhi), , p. 34

¹² Powell, *Land System*, op. cit., p. 30

¹³ Powell, *Administration of land Revenue*, op. cit., p. 149

occupation or possession of land in India. However, most of the imperialist historians declared it as a social system appeared very friendly to the peasants. The body of co-sharers was inter-connected and inter-dependent worked as proprietary bodies of the villages. These proprietary bodies may consist of a group of twenty of fifty or more co-sharers belonging to a single community or having common descendents.¹⁴

The management of the co-sharing bodies and its concerns were originally affected by a *panchayat* or council of family chief or head.¹⁵ Usually, a village was divided into various *Pattis* or sections and each of them had its own representatives. Each section and portion of the village was administered by a chief or head of the household or family usually a male eldest called '*Lambardar*'.¹⁶ The institution *Lambardari* was an important administrative tool and machinery of the Mahalwari operation. The institution of '*patwaris*' and '*qanungoes*' were the two important officials in the *Mahalwari* mechanism of revenue collections carried the work or duty of revenue assessment on the advice of the *lambardars*.

¹⁴ *Gorakhpur Settlement Report*, op. cit.,

¹⁵ *Parliamentary Papers*, Select Committee, Mackenzie's Speech in Parliament, House of Commons, 1831- 1832

¹⁶ Powell; *Land System*, op. cit., p. 24

Implementation and Evolution

The idea and proposal of Mahalwari system was first given by Holt Mackenzie,* then the territorial secretary of the Board of Revenue, in his famous and detailed minute of 1st July 1819.¹⁷ The minute had proposed and laid the foundation of village -wise system of land revenue which later became popular as *mahali* or *Mahalwari settlement*. The commencement of the new land settlement under the minute of 1819 was considered as the starting point of modern knowledge about the North Indian land tenures. Mackenzie declared *Permanent Zamindari settlement* as a ‘**loose bargain**’ with a careful extensive research of the area.¹⁸ When he declared *Zamindari* system as a ‘loose bargain’ it means that the settlement was neither proved profitable to the British Government, nor to the Indian peasants as well as other agricultural communities. Finally, on the basis of local existing conditions, Mackenzie advocated for the *village or ‘Mahal’* based land revenue system. In the minute, he complained about the

* Arrived India in 1808. In 1817, he was appointed Secretary to Bengal Government in Territorial Department. What John Shore did for Bengal permanent settlement, he did that for the North Indian Land Tenures. Presented the famous Minute of July 1819 in which he recommended for a village-wise settlement in Doab region on the basis of detailed local information he acquired by a detailed survey. The Mahalwari System was implemented in the region on the basis of Mackenzie’s Minute of 1819. He left India in 1831, made Privy Councilor and Commissioner of Board of Control.

¹⁷ J. C Joshi, *Lord William Bentinck: His Economic, Administrative, Social, and Educational Reforms*, Deep and Deep Publication, New Delhi, 1988, pp. 46-47

¹⁸ *Minute of 1st July 1819*, Holt Mackenzie, Para, 270, p. 67, in Revenue Selection, 1818 -20, North Western Provinces, Government Press, Calcutta, 1866

words ‘possession’ and ‘property’ which was commonly used without any established nature of possession or the sort of property.¹⁹ This minute proposed a number of measures related to the land revenue administration which was not avoided if success could be attained. The advice of Mackenzie’s minute was finally incorporated in the regulation VII of 1822 and became the basis of *Mahalwari system*. The regulation marked a revolutionary beginning in the improvement of land revenue administration under the Company rule. It provided a basis of detailed field-to-field survey for revenue assessment.

By the introduction of *Mahalwari system*, the Colonial government of the Company tried to divert the attention from ‘*Tallukdars*’ to *Khudkasht* or primary resident Zamindars and the village communities.²⁰ In *Mahalwari* mode of land revenue settlement, the groups of cultivated holdings were shared among themselves and the payments which *Biswadars* or inferior cultivators made to them as overlords for the right of occupying the remaining lands of village. In most of the instances, however, the settlement had been made with single individuals –either temporary revenue farmers or more established local magnets termed as *tallukdars* who

¹⁹ *Minute of 1st July 1819*. Op. cit., Para- 270

²⁰ Sekhar Bandopadhyaya, *From Plassey to Partition: A History of Modern India*, Orient Longman, London, 2004, p. 94

contracted the whole group of villages or *mahals* for the revenue payment.²¹

The framework of Mahalwari system was not a sudden outcome of Holt Mackenzie's genius brain, but it came into operation in a slow and steady process. Its evolution began when Jonathan Duncan* in 1795 appointed as British official resident at Banaras with a special duty to look after the land revenue administration. It was 'Danconian settlement' of land revenue system, based on the Regulation I of 1795²², wanted the direct engagement of local people in the process of land revenue assessment and collection. He was perhaps been the first British, who tried to involve the institution of village communities in the mechanism of land revenue administration and management. The paramount need of British government to secure a good amount through the land revenue system may have prevented him giving this effective recognition.²³

The early settlements of land revenue were obviously of summary nature and generally lasting from three to five years. In all

²¹ Stokes; op. cit., p. 85

* A British official resident at Banaras appointed as a representative of company government to look after the running of Land revenue administration. In 1795 permanent zamindari settlement had been implemented on Bengal pattern by his special recommendation.

²² *Regulation I of 1795*, Preamble Section, in *Revenue Law Report*, North Western Provinces, November 1867, Government Press, National Archives of India, New Delhi, f. 94a

²³ Dharma Kumar; *The Cambridge Economic History of India*, Vol. II, Orient Longman with Cambridge University Press, Hyderabad, 1982, p. 41; also see Moreland, op. cit., p. 31

summary settlements, the collectors have the duty to assess land revenue with the help of *patwaris* and *qanungoes*. They were responsible to maintain the field register and keep the records of revenue payment.²⁴ The rental demand of state was based on the expected estimation of *tallukdars* or the village body of co-sharers. Most of the times, these engagements resulted into default and realization of land revenue proved to be inadequate, insufficient and unsatisfactory. In case of default, the security of state rental demand was automatically transferred to solvent holders. Land revenue arrears would be realized through the public sale of proprietary rights or claims. The British officials tried to discover the true rate of payment made by immediate cultivators.²⁵ The earlier regulations from 1802-1805 were still under the influence of the single-landlord ideas derived from Bengal and Europe.²⁶ Most of the villages were settled with one revenue farmer or with some other single leading person.

In the ceded provinces, Lt. Governor announced the following plan for the future settlement by the incorporation of Regulation XXV 1803:-²⁷

²⁴ Powell; *Land System*, op. cit., p. 273; also see Moreland, op. cit., p. 31

²⁵ Stokes, op. cit., p. 85

²⁶ Powell; *Administration of Land*, op. cit., p. 172

²⁷ *Minute of 1819*, Mackenzie, op. cit., para-5

1. A triennial settlement from 1802-03(F.1210) to 1804-05(F.1212) inclusive

2. A triennial settlement with the same persons from 1805-06(F.1213) to 1807-8(F.1215)

3. A quartennial settlement with the same persons from 1808-09(F.1216) to 1811-12(F.1219) Settlement from 1811-12, (1219) to 1814-15 (F.1222)

At the expiration of the above period of 10 years permanent settlement was to be concluded with the same person, if he willing to engage.²⁸

A similar plan was prescribed for the conquered provinces under the Regulation IX of 1805 only with some necessary variations as noted below:²⁹

1. A triennial settlement from 1805-06, (F.1213) to 1807-08. (F.1215)

2. A triennial settlement from 1808-09, (F.1216) to 1810-11. (F.1218)

3. A quartennial settlement from 1811-12, (1219) to 1814-15. (F.1222)

²⁸ *Minute of 1819*, op. cit., para-7

²⁹ *Ibid*, para-9

In Bundelkhand, the first settlement was confined to the *Fasli* year 1213, after which three triennial settlements were to follow within a short span of nine years from F.1214 to F.1222.³⁰

Consequently, the settlement of F.1216 to F.1219 in the ceded provinces and of F.1217 to F.1219 in Bundelkhand, were thus to be provisionally made permanent, and a special commission was appointed to superintend the conclusion of them.³¹

By 1807, a special commission was appointed under the supervision of R.W. Cox and Henry George Tucker to judge and supervise the performance of summary settlements.³² In 1807, the 2nd year of the second triennial settlement of the Ceded provinces, and the 2nd year of the 1st triennial settlement of the Conquered provinces and also of *Bundelkhand* region, government resolved to anticipate the period originally fixed for the conclusion of a permanent settlement.³³ After a prolonged and detailed local inspection, the commission of Cox and Tucker favoured the implementation of Permanent Settlement and advocated to conclude the operation of summary settlements which was running throughout the North-Western Provinces.

From there, a controversial debate and discussion were started between the members of special commission and officials of the Court of Directors. The

³⁰ *Minute of 1819*, op. cit., para-9

³¹ *Ibid.*, para-12

³² I. Hussain, *Land Revenue Policy in North India: The Ceded and Conquered Provinces, 1801 - 33*, New Age Publishers, New Delhi, 1967, p. 67; also see *Regulation X of 1807*, Sections, 1 to 3

³³ *Minute of 1819*, Mackenzie, op. cit., para-11, p. 18

officials of the court of Directors were in the favour of summary settlement and they wanted the immediate conclusion of permanent settlement from the region of Ceded and Conquered provinces.³⁴ On the other hand, special commission wanted the continuation of permanent settlement and demanded the immediate withdrawal of the operation of summary settlement from the region which created panic through its harsh collection procedure. Therefore, at last, this commission advocated for the implementation of Bengal type permanent zamindari settlement with some minor modification according to information about the local existing conditions and variations.³⁵ The new land settlement started its operation as a permanent zamindari system with the summary basis of collection and operated without any hindrances till 1815. The collectors claimed that the administrations of land revenue collection were on improving path with the implication of new land settlement.³⁶

In 1818, again a special commission was appointed to know the existing local conditions of Ceded and Conquered Provinces under the secretary ship of Holt Mackenzie, who is rightly regarded as John Shore for the land revenue system of North-Western Provinces. The commission ordered for a complete survey of the region and given the duty to provide full information about the weather, climate and soil condition. Even after a long discussion, the commission

³⁴ *Bengal Revenue Consultancy*, 1817, commissioner of Board of Revenue to Bengal Presidency, Sections- 6 to 11

³⁵ *Report; Board of Revenue*, 31st April 1808, in East India Papers, Vol- I, Paras- 6 to 44

³⁶ S. C Ray; *Land Revenue Administration of India*, R. P. Publication, Calcutta, 1915, Reprinted 1984 (Delhi), p. 123

was not reached on any permanent conclusion that what type of settlement should be fit for the region. Again, the commission not ready to end the permanent settlement completely from this region but fall into ambiguity³⁷. However, at last, they finally proposed a village wise land revenue system for the whole region of northern India.

The final proposal about a village based system came only after the presentation of famous minute of 1st July, 1819 by Holt Mackenzie.³⁸ According to minute's proposal, the collectors and settlement officers were required to precede the estate under settlement with the help of subordinate native officials and bound to produce detailed knowledge about the fiscal capabilities of *mahals* on the basis of soils classification and peculiarities, their extent and outcome, the value of that produce, the cost of production and the particular interest about the land.³⁹ Baden Powell believes that the operation of Mahalwari System in North-Western Provinces was continuously on improving path till the attainment of its final form under the care of James Thomason.⁴⁰ However, that claimed not looked accurate because of its worst impact on cultivating class due to government excessive rental demand.

The proposal and plan of Mackenzie for a new detailed land revenue settlement in this whole region were incorporated as a law under the Regulation

³⁷ Hussain; op. cit., p. 138

³⁸ Bandopadhyaya; op. cit., p. 94

³⁹ Joshi, op. cit., p. 46

⁴⁰ Powell; *Administration of Land Revenue*, op. cit., p. 172

VII of 1822 after the complete inspection of local existing conditions.⁴¹ It only gives a practical shape to the memorandum of 1st July, 1819. It laid the foundation of new improved system of land revenue settlement at the regular basis. This Regulation introduced an elaborative scheme of land survey and detailed valuations. Under the Regulation, the settlement was directly engaged with the village community of cultivating peasants where land held in common and also with the big *zamindars* or *taluqdars* of the estates or *taluqas* where they controlled the land easily.⁴² In the Regulation, there were no concern about the actual produce of the estate or *mahal* but inducted the law as a preliminary step to assess the actual revenue only. The law of 1822 opposed the arbitrary and assured process of assessment.⁴³ The extent and produce of land and the amount of 'Jama'* was mentioned and demanded properly in the Regulation. The final provision of new land settlement was declared only after the expiry of *fasli** year 1234. The Regulation fixed the state demand up to 83 per cent of the rental value of the gross produce of the estates, and permitted the settlement revision from time to time when urged need.⁴⁴ In the Regulation, the court of Directors urged the necessity of avoiding any sudden enhancement of government rental

⁴¹ Joshi, op. cit., p. 47

⁴² Moreland, op. cit., pp. 32-33, also see Powell; *The land System*, op. cit., p. 25

⁴³ *Regulation VII of 1822*, Section 9, in *Revenue Law Report*, North Western Provinces, 1867, f. 126a

* Total assessed rent

* Agricultural year started by the Mughal emperor Akbar.

⁴⁴ Romesh C. Dutt; *The Economic History of India: In The Victorian Age 1837-1900*, Publication Division, Ministry of Information and Broadcasting, Government of India, Vol. II, Delhi, 1963, p. 22

demand.⁴⁵ The Regulation was successful at reasonable extent because it brought a new revolutionary era in the land revenue administration of northern India.

Under the new settlement, there were distinctly surviving traditional institutions of the village communities under the banner of big *zamindars*. This institution was one of the most important and striking feature of then existing north Indian villages. It had given protection as '*Muffassali Settlement*' in the Regulation VII of 1822.⁴⁶ Regulation described '*Muffassal Settlement*' as a means of revenue payment by the landlord to the company government. A '*Muffassal Settlement*' was also called a 'sub-settlement' with the village occupants.⁴⁷ This Regulation also determines the annual land revenue payment to the landlord by the body of co-sharers. At some occasion, the settlement should be settled with the chief of the village called *Muqaddam* of the 'inferior proprietary body' or '*Biswadars*', and the *talukdars* would get only a fixed percentage of cash allowance or share of the land revenue.⁴⁸ In most cases *Lamberdar* of a village being the representative of the jointly responsible body of co-sharers.⁴⁹ The Regulation sought to explain a far more exact reckoning of the actual and potential value of each unit by the cadastral survey of the field and region. What proportion of the total produce should be demanded as land revenue by the state? Was a

⁴⁵ *Regulation VII of 1822*, Section -7, Clause-II, in *Revenue Law Report*, North Western Provinces, 1867, op. cit., f. 124a

⁴⁶ *Minute of 1819*, Mackenzie, op. cit., Para 747

⁴⁷ Powell; *Administration of Land Revenue*, op. cit., p. 174; also see Joshi; op. cit., p. 47

⁴⁸ Powell; *Land System*, op. cit., Vol. II, p. 24

⁴⁹ *Ibid.*, pp. 24-25

question of confusion because no where in the Regulation clearly mentioned the state share in the total produce.⁵⁰

There was some ‘ownerless village’ where the settlement would be made directly with the farmers called ‘*Mustagir*’ in revenue language.⁵¹ ‘*Mustajir*’ was a term given to the cultivating peasants who were recognized as the actual proprietors of land. The Regulation VII of 1822 was first applied to the region present Agra and it’s adjacent. This Regulation tried to inculcate the James Mill’s utilitarian principle of net rent or produce. The object to ascertain fiscal record of the different *mahals* or estates, their extent and produce, and the value of that produce and the cost of production was of prime concern under Mahalwari System.⁵² In the Mahalwari System state was free to determine its demand guided solely by its own discretion; and in any case a general principle like that of the Emperor Akbar, stipulating the state share of the produce to be one-third, stood convicted of harmfulness by the laws of political economy. However, in the settlement of 1822, no clear directions have been given to the settlement or revenue officers.

The Regulation contemplated that the settlement would either with the residential ‘*zamindars*’ or persons acknowledges as the ‘actual proprietors’ or ‘revenue farmers’ who possesses permanent interest in mahals.⁵³ The proper

⁵⁰ Asia Siddiqui; *Agrarian Change in Northern Indian State*, Uttar Pradesh, 1819 -33, Oxford at Clarendon Press, 1973, p.68

⁵¹ Powell; *Land System*, op. cit., p. 24

⁵² Stokes, op. cit., pp. 95-96

⁵³ *Regulation VII of 1822*, section-II, Clause-I, in Revenue Law Report, op. cit., f. 118a

principle of assessment should fall only upon the element of rent, or upon the surplus or net produce i.e. the basic utilitarian principle of political economy, remained constant after defraying from the gross produce, the wages of labour and the normal profits of capital.⁵⁴ In some *Mahals* where the proprietor was absent or unwilling to engage, the settlements were engaged directly with *muqaddams*, *pradhans* or respectable *ryots*. The persons engaging for revenue according to the regulation was to be of two classes either are proprietors or revenue farmers.⁵⁵ In the settlement of 1822, the cultivated area would need to be accurately measured with the help of *shajra* and *khasra* records, and where the payments was made in by means of a division of the crop, the gross produce would have to be ascertained and an estimate made of the value of the share of produce allotted to the state in local village practice.⁵⁶

The new settlement of 1822 appeared well in theory and principle but failed practically at all front and did not worked properly⁵⁷. The settlement officers faced a lot of practical difficulties in its modus-operandi which became the reason of settlement broke down. Robert Marttins Bird, a member of the board of revenue realized that “the land revenue as fixed in accordance with the Regulation VII of 1822 was very high, too excessive and beyond the capacity of the

⁵⁴ Stokes, op. cit., p. 93

⁵⁵ S. C. Gupta, *Agrarian Relation and Early British Rule in India: A Case Study of Ceded and Conquered Provinces, (Uttar Pradesh), 1801-1833*, Asia Publishing House, Calcutta & New Delhi, 1963, p. 103

⁵⁶ Stokes., op. cit., p. 97

⁵⁷ Joshi; op. cit., p.48

agriculturists".⁵⁸ They faced problems in assessing the land and its revenue as well as in the process of revenue collections. The system not proved to be satisfactory because it not implemented with the desire of Holt Mackenzie who wanted an immediate safeguards against the two evils which had hitherto afflicted the land revenue settlement of the Ceded and Conquered provinces i.e., over-assessment and unintentional interference with the existing landed rights.⁵⁹ The profit and loss calculation of government would vary greatly not only because of the nature of the soil but also due to other causes like its infinite variation and Net- produce criterion.⁶⁰ No clear directions and defined duties given to the settlement officer proved harmful for the settlement operation. The system failed and proved too harsh for the peasants because of high rental share demanded regularly by the company administration.

By the implementation of Regulation VII of 1822, the British tried to establish a permanent solution of the company's financial irregularities. East India Company tried to restore equilibrium between revenue and expenditure which was the pressing need of the time.⁶¹ They tried to end the severe strain of the financial resources faced after the Burmese war through the introduction of the new land revenue settlement. The main purpose of the settlement made under the Regulation

⁵⁸ *Minute of Robert .M. Bird*, 25th September 1832, Section- IX, in *Revenue Selection*, North-Western Provinces, (1822-33), Allahabad, 1872, p. 336

⁵⁹ Stokes, op. cit., p. 96

⁶⁰ *Ibid.*, p.96

⁶¹ Joshi, op. cit., p. 37

VII of 1822 was to improve the economic condition and generate the new means of resources for the English East India Company.

Further, the interest and concern of the introduction of new land revenue system in India was not only because of Company's financial irregularities and shattered economy but the occurrence of Industrial Revolution in England which raised the demand of raw materials to run Birmingham and Manchester industries without any pause.⁶² As Industrial Revolution got pace by the coming of 19th century, England made a drastic shift in their land revenue policy and management. They shaped it accordingly to the need and necessities of their industries. The end of the monopoly of opium trade with China and exigency to introduce railways in India under the different guarantee system was also a big concern for the introduction of new land revenue settlement.⁶³ The administration of East India Company could not able to devise a sound land revenue system even after utilizing all the skills and experiences of their officials which promisingly fulfilled all the pressing need. Introduction of a sound land revenue system in the region of Western Provinces* proved a daunting task for the Company administration. However, at some extent, they got success in that task by the year of 1822 when Regulation VII of 1822 was incorporated as a law for new land revenue system.

⁶² Gupta, *Agrarian Relation and Early British Rule*, op. cit., p. 129

⁶³ Joshi, op. cit., pp. 35-40

* Name of North Western Provinces till 1836.

This Regulation gave full attention to local administrative set-up and did nothing except to depict the existing structure of agrarian society.⁶⁴ The fiscal demand of the settlement operation made under the Regulation was more than the approximate revenue figures from the prospective bidders.⁶⁵ The system was very much similar to the *ijarahdari* or revenue farming system and so that the preference were always be given to highest bidders amongst the local inhabitants. The Regulation gives a comprehensive and detailed scheme of local inspection. Under the Regulation, the rent-rates should be fixed on the basis of fiscal capabilities of the field.⁶⁶ When Lord William Bentinck became governor-general of India, he found a depressed and shattered economy in the region of Western provinces and so he gave full attention to the improvement of existing land revenue settlement. Lord William Bentinck made a tour of the North-Western provinces to examine the revenue administration and its progress made since the implication of the Regulation VII of 1822. He noted that the settlements were not working smoothly because “different officers had adopted different practices”.⁶⁷ For example, in one district, “the practice seems to have been assessing with reference to the produce of the land alone, by fixing rates for each description of crop, while in other, the capacities of the land alone looked into, and then the soil being classed and assessed accordingly”.⁶⁸

⁶⁴ *Regulation VII of 1822*, Preamble Section, in Revenue Law Report, op. cit., f.117a

⁶⁵ Siddiqui, op. cit., p. 67

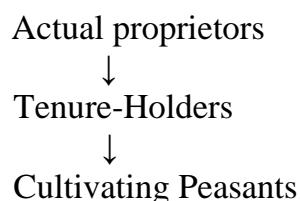
⁶⁶ Stokes, op. cit., p. 95

⁶⁷ *Resolution of 20th July 1830*, in *Home Public Consultation*, File No. 5, NAI, New Delhi

⁶⁸ *Ibid.*,

The Regulation VII of 1822 was also applied to the Orissa districts which ceded in 1803. The Orissa settlement introduced under the new Regulation was exactly not like that of North Western Province settlement but has some difference. It was neither a *Zamindari* nor a village or mahali settlement, even not a *Rayotwari* type⁶⁹ but a settlement of typical characteristics came to fore when the survey and details of any holdings were ascertained. The settlement officers bound to respect the existing old actual facts what they recorded, and secured all the records -of- right of the existing locality.⁷⁰ It made with no reference of middleman between the government and immediate cultivator, a surprising happening in the history of land revenue administration because no settlements in British India were launched without the reference of intermediary class.

In all Mahalwari regions, there were a chain of acts and duties in which ‘proprietors’ placed at top and the cultivating peasants at bottom. The settlement covered the large tract of the country, village by village, and recorded the rights of every cultivator, tenure-holders and proprietors in detail. Mahalwari chain of working could be depicted in the following chart:



The settlement’s failure lies in its process of land revenue collections and assessment which usually appeared to be defiant. The burden of too much work

⁶⁹ Powell; *Administration of Land Revenue*, op. cit., p. 173

⁷⁰ Powell, *Administration of Land Revenue*, p.173

and distinct duties at one time on the settlement officers proved to be exhaustive and they were not remaining fit to their excellence. They were not fulfilling both the duties to investigate into the process of revenue collection and assessment and also because they accurately did not finalized its records-of-rights. It failed totally because of its corrupt local machinery at *pargana* and village level.⁷¹ It proved too harsh for peasants because of excessive state demands. The settlement failed also because it tried to impose double task at a single time on the settlement officers. The system proved uneconomical for the company and unpopular for the natives and so placed as the most oppressive land settlement among all British settlement in colonial India.

The working and operation of 1822 settlement of land revenue came under review when Holt Mackenzie passed an amending Regulation IX of 1825. He believed that the settlement officers had ignored the net produce criterion and their ground work being no more than various estimates of the actual payments made by the immediate cultivators.⁷² The aim appears to have been more strongly pursued when Mackenzie presented a new memorandum of October 1826 about the land revenue management. In this minute, Mackenzie suggesting amendments to the statistical record compiled by settlement officers by which he proposed that

⁷¹ C. J. Connell, *Land Revenue Policy: Northern India*, Neeraj Publishing House, New Delhi, 1983, p. 32

⁷² Stokes, *op. cit.*, p. 97; also see Siddiqui, *op. cit.*, p.76

enquiries should be carried out into the yields and the costs of production on the lands of a native cultivators.⁷³

The most significant and notable amendments regarding the land revenue system of northern India was made, when the Regulation IX of 1833 had been passed under the supervision of Robert Martins Bird*, a member of the Sudder Board of Revenue with a view to evolve a practicable scheme of land revenue assessment. This Regulation abolished the supposed legal necessity of lands and cost of production as the basis of all assessments. In the new settlement evolved under the new Regulation, the assessment was to be fixed with the reference to the produce and capabilities of the land as ascertained at the time when the revision was made.⁷⁴ The Regulation would not alter and overthrew all the principles completely that were laid down under the Regulation VII of 1822, but modified it in an efficient way to rendered work possible.⁷⁵ However, the Regulation started a new beginning in the land revenue administration of northern India, regarded as the best land revenue system for the region introduced by the Company administration. Under the Regulation, the majority of judicial cases was transferred from the settlement officers' courts and the estimates of produce and

⁷³ *Mackenzie's Memorandum of 19th October 1826*, Appendix Part, in Revenue Selection, (1832-33), Allahabad, 1872, Paras.658-664,

* He was arrived India in 1808 with H. Mackenzie and appointed land Revenue Commissioner of Gorakhpur Division. He became a Member of Sadar Board of Revenue, North Western Provinces in 1832 under the governorship of Lord W. Bentinck. He was in charge of revenue settlement operation of North Western Provinces from 1833 to1841. He returned to England in 1842 and took active part in missionary work. He laid the foundation of modern land revenue assessment procedure in northern India.

⁷⁴ *Regulation IX of 1833*, Section- II & III, in *Revenue Law Report*, op. cit., f. 156a

⁷⁵ *Ibid.*, Preamble Section, f. 156a

its value, and of rent, was made easier.⁷⁶ On the other hand, the system of average rent and revenue rates, actual or assumed, for different classes of soil, was introduced.

The Regulation had been passed on the basis of all the inquiries and discussions as well as the experiences of Madras, Bombay and Bengal revenue administration. The main purpose of passing the Regulation IX of 1833 was to abbreviate and simplify the business of land revenue administration.⁷⁷ Bentinck realized that the accurate adjustment of land revenue settlement materially depend on the welfare of the whole agricultural class community.⁷⁸ By the implication of this regulation, the Mahalwari system attained its final stage of maturity and laid the basis of first regular land settlement in North-Western provinces. The Regulation provided all the basic principles for an established land revenue settlement with a fair success. Under new Regulation, the land revenue engagements were made with the body of co-parceners instead of dealing separately with individual households and villages.

The Regulation did away with the rule that the assessment was to be based on the calculation of actual produce. Under the Regulation, the assessment was fixed in the light of payments over the previous twenty years, the relative growth or contraction of the cultivated area, and the general state of prosperity which the

⁷⁶ Powell, *Land System*, op. cit., p. 27

⁷⁷ *Calcutta Review*, October 1833, cf. Stokes, op. cit., p.103

⁷⁸ Joshi, op. cit., p. 51

villages exhibited.⁷⁹ The method of land revenue assessment and collection made liberal with the context of previous settlement of 1822. The professional survey has been substituted at the place of native *ameen* establishment⁸⁰ where a proper cadastral based survey of every individual holding have outlined and each field classified minutely for soil/Land quality. This cadastral survey was planned skillfully and carefully carried down with the use of statistics and accounts in place of assumed survey based on rough empiricism techniques under the settlement of 1822. The assessment had been made on an ascertained rate of the cultivated area with a general acquaintance of each village's fertility, geographical location and inhabited population.

In the Regulation, there was a provision that not to interfere in the matters of ryots' existing rights.⁸¹ Though, the responsibility of conducting a survey was still remained with the native surveyors but guided directly by the European superintendence which was totally different from the survey conducted under the former settlement.⁸² The new land revenue settlement under the Regulation IX of 1833 embodied many features of the Regulation VII of 1822.⁸³ For the first time,

⁷⁹ Stokes, op. cit., p. 103

⁸⁰ Joshi, op. cit., p. 54

⁸¹ Ibid., p. 56

⁸² Wilson, H. H., *The History of British India*, London, 1865, Vol. II, p. 205

⁸³ *Calcutta Review*, October 1833, No. XXII; Also See Bhanu, D., *History and Administration of the North Western Provinces*, Agra, 1957, p. 166

in the history of Company administration, a Native Deputy Collector was appointed in order to furnish the settlement in due period.⁸⁴

This cadastral survey specified the percentage of cultivated, cultivable and waste lands. Here, the amount of the revenue assessment was to be fixed by the collector. The regulation also tried to determine and solved the disputes regarding the settlements boundaries on spot by the collector or his assistants with the *panchayat* or assembly, a body chosen by the local inhabitants.⁸⁵ Robert Martins Bird, under whom supervision the Regulation IX of 1833 had been passed, observed that *Talukdars* did not have original rights to hold property in land and they were the 'host of unproductiveness'.⁸⁶ Further, he suggested that all the engagements with the *talukdars* must be withdrawn immediately for the betterment of revenue administration. In place of short intervals adopted in the Regulation VII of 1822, the assessment was settled for a term of twenty years which was finally extended upto thirty years.⁸⁷ For the very first time, Hindustani language was introduced in place of Persian as the medium of official transactions and ledger keeping to the land revenue administration.⁸⁸

The changes in the form land revenue payment from land tax to rent under the new settlement of 1833 pivotally affected the peasant's income. Here, the term

⁸⁴ *Regulation IX of 1833*, R. M. Bird, Para 11-13, Cf. in Revenue Law Report, 1867, op. cit., f. 157a

⁸⁵ *Minute of Governor General, 25th September 1832*, op. cit., Para-12

⁸⁶ Bandopadhyaya, op. cit., p. 96

⁸⁷ *Minute, 25th September 1832*, L. W. Bentinck, Para- 18, Revenue Records, Allahabad,

⁸⁸ *Secretary Board of Revenue to Commissioners of Divisions, 29th July 1836*, Revenue Proceedings, No. 32

‘rent’ was used simply to denote the cultivators’ payments, of which part or, if the cultivator was himself directly under contract with the government, the whole formed the government’s revenue.⁸⁹ The term was not intended to include the various customary dues which the cultivators may have paid to their superiors in the villages.

The new system under the new Regulation was based on two basic principles; first, the records of rights and second, the record of assets, prepared through the agency of the *patwaris* whose potential utility and authenticity now had been recognized.⁹⁰ Under the Regulation, ‘aggregate to detail’ method was introduced which improved the basis of land revenue assessment and collection. The rents should be paid now by the tenants as a natural standard rate. For the northern India, new regulation proved to be heart and soul for overall agricultural development and made a foremost attempt to improve the condition of peasants.⁹¹ Land revenue assessment and collections was now the subject of revision/renewal and majority of judicial cases of legal disputes related with the proprietary rights were transferred from the *patwaris dufters** to settlement courts.⁹² The new revised settlement was to be made village by village where village stands for a *mahal* or estate so that the settlement was exactly and rightly termed as *Mahalwari system*.

⁸⁹ Siddiqui, op. cit., p. 76

⁹⁰ Moreland, op. cit., p. 34

⁹¹ Joshi, op. cit., p. 59

* Office of *patwari* where he used to sit and worked as ledger-keeper. He kept the *bahi-kahata* of all the revenue engagements.

⁹² *Regulation IX of 1833*, Sections-12, 13 in *Revenue Law Report*, op. cit., f. 158a

In the settlement of 1833, total attention was concentrated on the existence of village proprietary bodies which was not handled by a single landlord but a group or corporation of landlords, who were settled jointly and severally as a responsible unit.⁹³ Through this system the East India Company tried to end the abnormal superiority enjoyed by the zamindar over their ryots.⁹⁴ The term of the settlement should be deduced on the basis of *jamabandi* or the gross revenue assessment.⁹⁵ The 'aggregate to detail' method being ascertained which provide all the information about the existing local conditions became the basis of entire landholding distribution. W. Bentinck in the minute of 1832 first approved the aggregate assessment process where government rental demand would be fixed with a general concern of public not in the context of cultivators only.⁹⁶ He advocated that the land holding and occupancy rights of the Northern-Western provinces should be directly distributed among themselves.

After passing this Regulation, the professional survey of land became mandatory and it became a regular and integral part of the land revenue assessment process.⁹⁷ Under the Regulation, an important measure was adopted which provided the scientific recording of all the productivity and potentiality of the soil.⁹⁸ The regulation put patwaris *duftar* on efficient footage under the superintendence of the *Qanoongoes* and *Tehsildars*. In the making of new

⁹³ V. Sundar Raja, *An Economic History of India*, Baroda, 1955, pp. 99-100

⁹⁴ Ray, op. cit., p. 45

⁹⁵ *Regulation IX of 1833*, Section- 2, in *Revenue Law Report*, op. cit., f. 156a

⁹⁶ *Minute of Governor-General*, Lord W. Bentinck, September 1832, Para- 38

⁹⁷ Joshi, op. cit., pp. 47-48

⁹⁸ Siddiqui, op. cit., p. 76

settlement, officers experimented with the general capabilities of the soil which proved harmful for both the agriculturist and fertility in the long run. In all, the settlement under the new Regulation, classify the *mahals* according to their productive capacity and quality of the soil/land.⁹⁹ The regulation upgraded rent-rates which took into account by various factors affecting local productivity such as the facilities of irrigation, fertilization and local situations.¹⁰⁰

By the new settlement, for the first time in the history of land revenue administration, British tried to determine the cultivators rent directly in cash. Mr. Bird cites the reason of it in the these words ‘it is impossible to fixed grain rate directly in kind in this region’ because there were no clear rule or system prevailed which determined the fixed quantity of produce during that time.¹⁰¹ The finest approach to such a system was found in various kinds of *batai* system of land revenue in which the total production of grain was divided in certain and accurate proportion between the government and the cultivating peasant.¹⁰² The Mahalwari system attained its final form under the supervision of R.M Bird but concluded by James Thomason in 1849. However, the system never runs successfully for its full allotted term of thirty years.

By passing this Regulation IX of 1833, Lord W. Bentinck, then the Governor General of India, aimed to improve the condition of native peoples with the induction of simplicity and practicality in the existing land revenue system.

⁹⁹ *Regulation IX of 1833*, Section- II, in *Revenue Law Report*, op. cit., f. 156a

¹⁰⁰ Siddiqui, op. cit., p. 83

¹⁰¹ *Regulation IX of 1833*, Section- I in *Revenue Law Report*, op. cit., f. 156a

¹⁰² Siddiqui, op. cit., p. 84

Under the Regulation, the exercise of judicial powers by settlement officers to be limited to cases within the period of one year and also limited to matters, affecting the settlement.¹⁰³ Mr. Stokes, a revenue officer, asserts that land settlements under the *Mahalwari* operation proved successful as a whole, and the original proprietors disappeared under them in many districts, but cultivation generally increased.¹⁰⁴ The British were continuously tried to raise the standard of land revenue administration by improving the procedure of its assessment. James Thomason, regarded as the architect of the finished system of the North- Western provinces, tried to give codified form to the system of Mahalwari mode of land revenue operation.¹⁰⁵ In that process, he drew up a code “Directions for Settlement Officers” in 1844. In the direction, he stated, ‘it is desirable that government should not demand more than two-thirds of the net produce’.¹⁰⁶ The amount of assessment finally decided on the judgment and sound discretion of the settlement officer.¹⁰⁷

The theory of ‘net produce’ had been retained. However, the old method of assessment had been rejected completely. In *para-52* of the directions, he described “Net produce was that surplus value which the estate may yield, after deducting the expenses or costs of cultivation, including the profits of stock and

¹⁰³ *Regulation IX of 1833*, Section-I, in Revenue Law Report, op. cit., f. 156a, also see Joshi, op. cit., p. 55

¹⁰⁴ Powell, *Land System*, Vol. II, p. 28

¹⁰⁵ E. Stokes, *The Land Revenue System of North Western Provinces and Bombay Deccan, 1830-1880*, in B. Stein (ed.), *The Making of Agrarian Policy in India*, Oxford University Press, Delhi, 1992, p. 95

¹⁰⁶ *Ibid.*, p. 96

¹⁰⁷ Stokes, op. cit., p. 104

wages of labour, and this, in a estate held entirely by cultivating proprietors will be the profit on the cultivation, but in an estate held by a non-cultivating proprietor, and leased out to the cultivators of *asamees*, paying at a known rate, will be the gross rental".¹⁰⁸ Here, the net produce was defined in terms of the classical rent theory which he mistakenly equated with the aggregate of cultivators payment. He, however, further instructed that the assessment could not only be determined by any fixed arithmetical process or by the prescription of any rule that a certain portion of the gross or net produce of land shall be assigned to the government and to the proprietors.¹⁰⁹ In para-73, he enlarged the definition of net produce with the value assumed at average rent-rates and the amount of the estate was supposedly yield to the actual owner.¹¹⁰ The assumed value was the extra-portion of the net produce, the government was entitled to claim, and should be formed by deducting one third from the total. In reality, he had proceeded to rental or letting value method using average rent-rates and tried to shift the potential value of the land according to competition rates of peasants.

In October 1849, the 'Directions for Revenue Officers' had been implemented by which he adopted W. Jones's definition of net produce which meant produce rent. The 'Directions for Revenue Officers' was the merger of two previous directions i.e. the Direction for Collectors' and the 'Directions for Settlement Officers' which became the standard of official references for many

¹⁰⁸ *Directions for Settlement Officers*, 1852-53, Vol. LXXV, pp. 18-19, Para-52

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*, Para 73

years.¹¹¹ By the new directions, he tried to introduce the concept of ‘property’ with the conventional double speak of British legal and administrative terminology in conforming the revenue engagement right or *malguzari* title to physical dominion over the land and its cultivators.¹¹² In the directions, he sought to moderate and assuage the harsher aspects of change, multiplying directives to minimize compulsory transfer and the legal dissolution of joint responsibility among village co-parceners. With attentive mind, he was able to commute between the legal categories of western world and the complex polymorphic structures of Indian agrarian society.¹¹³

John Thornton, in 1850, as a revenue secretary, placed the settlement of North-Western Provinces far better than the Bombay Ryotwari System with a rational statement that, “in these provinces when a man has gained a few thousand rupees by trade or otherwise, he can easily lay it out in the purchase of entire villages, or of large shares of contiguous estates, and this is the mode in which much of accumulated capital of the country is annually invested”.¹¹⁴

In 1855, ‘*Saharanpur Rules*’ have been passed, under which some modifications were made in the existing land settlement of the north-western provinces. Under the rules, “the aggregate to detail” method of land revenue assessment was abandoned.¹¹⁵ The government shares were reduced from two-

¹¹¹ Powell, *Land System*, op. cit., pp. 28-29

¹¹² Stokes, *The Land Revenue System of North Western Provinces*, op. cit., p. 97

¹¹³ *Ibid.*, p. 96

¹¹⁴ *Parliamentary Papers 1852-53*, No- LXXV, Para- 442

¹¹⁵ Stokes, op. cit., p. 106

thirds to one-half (50%) and substituted plan table survey for the rough chain survey.¹¹⁶ This rule launched with the aim to revise Thomason's 'Directions for Settlement Officers'. The rules designed to assist the collector where they did not have sufficient detail about the settlements and mahals. The new rules were issued in connection with the re-settlement of the Saharanpur district, and thus generally known as the "*Saharanpur rules*".¹¹⁷

The orders of "Saharanpur rules" have remained the method of *Mahals* assessment in the North Western Provinces and also implemented in the adjacent districts of the Central Province, until the constitution of the latter as a separate administration in 1862. The collectors were advised to take cautions given in paras-47 to 51 of the rules, and not waste time in minute and probably fruitless attempts to ascertain exactly the average net assets of the estates under settlement.¹¹⁸ This rule of land assessment was gradually extended to all parts of India where the land revenue was not permanently settled. It was extended to the central provinces, Oudh, and Punjab, after the annexation of those provinces.¹¹⁹ In a dispatch of 1864, the secretary of state for India formulated the 'rules of Saharanpur' for the provinces like Madras and Bombay too where the revenue was generally paid directly by the cultivators not intervening landlords.¹²⁰

¹¹⁶ *Saharanpur Rule of 1855*, Rule- 36; in Revenue Selection, Allahabad, 1872- 73

¹¹⁷ Dutt, op. cit., vol. II, p. 33

¹¹⁸ *Saharanpur Rules of 1855*, Para, 47-55, in Revenue Selection, Allahabad, 1873

¹¹⁹ Dutt, op. cit., Vol. II, p. 33

¹²⁰ *Ibid.*, p.31

Finally after 1878, when the settlement system had been perfected and the village records brought to high degree of accuracy, it became possible to aggregate the rentals of individual fields as recorded in the village rent roll, and to make the total basis of the government demand.¹²¹ After 1878, the strict method of assessing the land revenue under the 'Saharanpur rules of 1855' was brought into close correspondence with the standard on the basis of actual or competition rent. This proved to be a turning point in the land revenue history of India and remained the basis of all land revenue administration in India for a longer period.

EXTENT

According to a survey inducted by the British government in 1927-28, the *Mahalwari system* of land revenue settlement covered thirty percent (30%) area of the British total territorial control, eleven percent more than the *Permanent settlement**, and only twenty one percent (21%) less than the area covered by the *Royatwari settlement*¹²² which was operated in two provinces i.e., Bombay and Madras. This hybrid land revenue system was first introduced in the *Gangetic Doab* also called Gangetic plain region (more or less present Uttar Pradesh) considered as the heart land of British India of the north-western provinces and latter on it extended up to the region of Central Provinces and the British Punjab. The boundaries of United Provinces touch the two countries, i.e. Tibet in the extreme north and Nepal in the north-east.

¹²¹ Stokes, op. cit., p. 106

* Introduced by Lord Cornwallis under the Regulation of 1793 in Bengal.

¹²² Bandopadhyaya; op. cit., p.95

The new modified version of zamindari settlement was operated in the most prosperous and fertile tract of India possessed the ample resources tract of colonial control. This area still rated as the best region of India in terms of foodgrain production. It also covered some portions of present Maharashtra, Haryana, and Rajasthan and also operated in present national capital region. Geographically, the area of united provinces of Agra and Oudh (then north-western provinces), was the core region of the settlement lies between the extreme latitudes of 23° 52' and 31° 18' north and longitudes of 79° 3' and 84° 39' east.¹²³ The settlement implemented mainly in three provinces of British India, viz., the North Western Provinces and Oudh, the Central Provinces and the undivided Punjab. The soil of the North Western Provinces & Oudh and the Punjab under the British were placed far superior and prosperous, in the context of agricultural productivity, than the other entire controlling region.

Geo-politically, present Uttar Pradesh is a corrected form of united provinces of Agra and Oudh (formed in 1901) first created as North Western Provinces in 1836 (changed name of the Presidency of Agra formed in 1834), was under the control of a Lieutenant Governor. It was a final outcome of integration and consolidation process of different parts of the region under the foot-hills of the Himalayas; fell into the hands of the British Company rule.¹²⁴ The three famous rivers Ganga, Yamuna and Gandak form its southern, western and eastern

¹²³ W. C Bannett, *Gazetteers of the Provinces of Oudh*, Low Price Publication, First Published 1878, New Delhi, Reprinted 1993, p. 1

¹²⁴ P. D. Shrimali, *Agrarian Structure, Movement and Peasant Organization in Uttar Pradesh*, V.V. Giri National Academy, Manak Publication, New Delhi, 2004, p. 7

boundary respectively.¹²⁵ The duo of Ganges and Yamuna regarded as the most sacred rivers in Hindu beliefs from the Vedic age. The central valley of Indo-Gangetic plane contributed more than half of the total area of the province and considered as one of the most densely populated area of India.

The western portions of the provinces comprises thirteen (13) districts, viz., Muzaffarnagar, Meerut, Bulandshahr, Aligarh, Farrukhabad, Mainpuri, Etawah, Etah, Badaun, Moradabad and Shahjehanpore.¹²⁶ Most of these districts are situated entirely in the Doab region but the districts of Mathura, Agra and Etawah placed to the south-west of Yamuna and the last three lies north-east of the Ganges. Except Mathura and Agra, all these districts together form a gently sloping plain of Alluvial soil which placed them as the richest soil for cultivation in India.¹²⁷

In 1795, the region of Benares division settled permanently on the principle of Bengal zamindari. In 1801, “ceded districts”, a combination of Azamgarh, Gorakhpur, Deoria, Basti, Allahabad, Fatehpur, Kanpur, Etawah, Mainpuri, Etah, Shahjehanpur, Bareilly, Budaun, Bijnoure and Pilibhit were created, when Oudh nawab Vizier Ali ceded them to the Company administration for a handsome amount.¹²⁸ In 1803, the “conquered districts” of Agra, Meerut, Muzaffarnagar, and Saharanpur fell to the company rule through the successful

¹²⁵ Nevil, *Imperial Gazetteer*, Vol- I, op. cit., p.1

¹²⁶ Ibid.,

¹²⁷ Ibid., p.2

¹²⁸ Walter C. Neale, *Economic Changes in Rural India: Land Tenures and Reforms in Uttar Pradesh*, 1800-1955, Yale University Press, New Haven and London, 1962, p. 13

expedition against the Maratha under Daulat Rao Sindhia. Taken together, the ceded and conquered districts include the entire 'Doab' region of Ganges and Jamuna stretching from Saharanpur in the north to Allahabad in the east.¹²⁹ By 1817, Bundelkhand region, consist five districts of Banda, Hameerpur, Jhansi, Jalaun and Lalitpur, too fallen under the company administration through the means of military expedition.¹³⁰ However, the last three districts of Bundelkhand were attached to the British dominion only after the imposition of Doctrine of Lapse. In 1834, a presidency of Agra was formed by separating the Western Provinces from the administration of Bengal presidency.¹³¹ In 1836, the name of Western Provinces was changed to the North Western Provinces.¹³²

In totality, the Mahali region includes perhaps the greater diversities of physical aspects, greenery and scenery, and climate than any other territory of the same area on the face of earth.¹³³ The Tarai of North Western Provinces and Oudh was known as the region of 'marsh and fen', land of sluggish streams, water choked morasses, and the moist alluvial soil encourages the growth of foodgrains production.¹³⁴ The Himalayan tract of the province comprises the hilly districts of Garhwal, Almorah, Dehradun and Nainitall, all under the charge of Commissioner

¹²⁹ Siddiqui, op. cit., p. 1

¹³⁰ Neale, op. cit., p. 13

¹³¹ Nevil, *Imperial Gazetteer*, Vol-I, op. cit., p. 1

¹³² *Ibid.*, p. 2

¹³³ William Crooke, *The North Western Provinces of India: Their History, Ethnology, and Administration*, Asian Educational Services, First Published 1897 (London), Reprinted 1998 (New Delhi), p. 7

¹³⁴ Nevil, *Imperial Gazetteer*, op. cit., Vol. I., p. 1

of Kumaun division; with a native state of Tehri.¹³⁵ The province may naturally be divided into three tracts, viz., (i) The northern mountainous region, (ii) the central plain region and (iii) the southern hill country.

The following table illustrates their tracts and conditions:-

Tracts	Districts	Areas in square miles	Density of population (per sq. miles)	Rainfall in Inches
Himalayan Plain	3	13,973	81	62".13
Sub mountain..	7	18,202	486	46".25
Upper Doab	5	10,133	509	31".25
Central Doab	6	10,139	470	28".38
North Central	7	14,166	499	38".39
South Central	15	25,300	652	38".40
Plains in Total	40	77,890	-	-
Southern Portion	6	15,639	221	37".51
Grand Total	46	93,529	-	-

(Source: W. Crooke, The North-Western provinces of India, p.7)

¹³⁵ Ibid., pp. 3-4; also see Crooke, op. cit., p. 9

The above table brings out the enormous predominance in area and population of the plains as compared with the rest of the province.

The western part of Doab region was aided by abundant and ample water supply which made cultivation easy. Rice, wheat, sugarcane, pulses, barley, and maize are the major and principle crops of the provinces.¹³⁶ Major portions of the region are always under the cultivation. There are three cropping seasons in an agricultural year (or *fasli* year), viz., (i) Rabbi, (ii) khareef, and (iii) Zaid. The fasli year started with first July and ends on 30th June.¹³⁷ The soil of Uttar Pradesh vary from heavy clay through loams to occasionally sandy patches, the clay being the best for paddy cultivation.¹³⁸ The soils were alluvium and rainfall varies from an annual 60 inches in the north and north-east to 30 inches in the south and west, with an average of **45** inches. In the eastern districts very heavy annual rainfall occurs during the monsoon season. Almost three-fifths portion of the total land of the province is cultivated regularly, in the western region only two-thirds but in the extreme east the proportion is far higher.¹³⁹

Mechanism:

The mechanism of Mahalwari system could be understood with the dealing of its officials and designations involved in its operation. As already discussed that 'every local area put' under the operation of Mahalwari settlement by a

¹³⁶ Shrimali, op. cit., pp. 3-6

¹³⁷ Ibid., pp. 8-9

¹³⁸ Neale, op. cit., p. 16

¹³⁹ Ibid., p. 17

notification, and remains 'under settlement till the further notification'.¹⁴⁰ Was it to be continued? Or, closed? Depend upon the notification about the operation of the settlement. Simply, mechanism deals that who with whom, where and how were engaged in the operation of the settlement. The whole revenue administration of Mahalwari system depends on a well supervised and mutually connected chain of official duties and designations.

The mechanism of the system was highly organized with the proper distribution of works and duties to their officials on the basis of skills and specialization they possessed. Mechanism of new systems was judged by the prevalent local condition and social structure. The office-in-charge of the system was called as the 'settlement officers' supported by as many assistants deemed necessary.¹⁴¹ The mechanism of the system was not the same at all places but vary with its locality. The main command of the settlement operation was in the hand of chief commissioner of the division, controlled by the Board of Revenue. There were five stages of work under the settlement:-¹⁴²

- (I) The notification that a settlement was to take place and appointment of officers
- (II) The Demarcation of boundaries,
- (III) The survey of the total land area
- (IV) The assessment of the whole rent

¹⁴⁰ Powell, *Land System*, op. cit., p. 32

¹⁴¹ *Regulation VII of 1822*, Section 7-9, in *Revenue Law Report*, op. cit.,

¹⁴² Powell, *Land System*, op. cit., p. 31

(V) The records of rights and the adjustment of the rents with tenants.

Duty of 'the settlement officers' were well described in the Mackenzie's minute of 1st July 1819. He had given a comprehensive and detailed description of duty for the settlement officers.¹⁴³ Too many settlement officers or revenue officers with the native village officers were actively involved in the operation of Mahalwari system. At the top of the revenue administration; two financial commissioners called 'first' and 'second' were appointed directly under the local government.¹⁴⁴ They distributed the works between themselves in ordinary matters and gave a joint statement in the important engagements. They got assistance in the operation from a senior and junior secretary.

In Punjab, the office of 'the settlement commissioner or officer' had been changed into a 'director of land records and agriculture'. These directors supported the 'divisional commissioner' in supervising the settlement through the inspection of records, surveys, and statistical work.¹⁴⁵ They assigned the responsibility to keep eye on the efficiency of the Patwaris and Qanungoes work and check the accuracy of their records and also had the duty to look into the agricultural environment and improvement of the province.¹⁴⁶ The commissioners were the head of 'divisions' naturally having hold over the other important revenue officers in the 'division'.¹⁴⁷ The ordinary officials were called as the 'Deputy

¹⁴³ Joshi, op. cit., p. 46; also see Kaye; op. cit., p. 233

¹⁴⁴ Powell, *Land System*, op. cit., p. 727

¹⁴⁵ Ibid., p. 728

¹⁴⁶ *Revenue Records Circular*, No. 25, Financial Commissioner's constellation

¹⁴⁷ Joshi, op. cit., p. 46

Commissioner'. The 'Deputy Commissioner' was the 'Districts Officer' also famous with the corresponding titles of 'Assistant Commissioner' and 'Extra Assistant commissioner'.

In revenue laws, however, still remained with the title of 'Assistant Collectors'.¹⁴⁸ The collector had the support of these assistants and native 'deputy collectors'. The assistant collectors were usually classed and categorized in two grades viz. first and second. These assistants were also famous as subordinate officers generally selected from covenanted civil service but sometimes, from un-covenanted category too on the basis of experience. Sometimes, these 'Assistants and Extra Assistants' might be appointed as first grade 'Assistant Collectors' according to their experience and standing.¹⁴⁹ They never got the charge of a collector, but assigned with the duties and powers according to Land Revenue Act 1883-84, very much similar to the practice prevailed in other provinces.¹⁵⁰

The functions assigned to a 'revenue officers' by the Land Revenue Act of 1883-84, might be discharged by whatever class of officers the local governments determines; unless the Act itself prescribes some particular grade or class of revenue officers as empowered to act under it.¹⁵¹ The functions of 'revenue officers' were divided into two groups under the Act on the basis of their grade. Group A consists of powers to appoint, punish or dismiss *mahal* and *pargana* officers; to carry out assessment and collection; to certify arrears of land revenue

¹⁴⁸ Powell, *Administration of Land Revenue*, op. cit., p. 23

¹⁴⁹ Powell, *Land System*, op. cit., pp. 728-29

¹⁵⁰ *Ibid.*, p. 729

¹⁵¹ *Revenue Records Circulars*, 1888, No. 81, in *Gazettes Notification*

and to prepare the list of villages' cesses.¹⁵² Group B refers to defining boundaries and erecting marks, authorizing distraint, sale of crops, moveable property; and to taking action in case of possession of property dispute.¹⁵³ A second grade assistant could inquire into the correctness of the entries in a register of mutations.¹⁵⁴

Generally, the settlement officers, assistant commissioners and extra assistant commissioners were appointed on the basis of local information and knowledge they possessed. The inquiries of local existing condition provided great help in declaring the holding rights and determining the pitch of land revenue.¹⁵⁵ The institution of *lamberdar* and its associates like *Patwaris* and *Qanoongoes* played the role of immense significance in the nexus and network of Mahalwari system. The boundaries of the districts and fiscal divisions were a matter of public concern, and did not affect any private rights. The settlement officers might settle the boundary disputes, but bound to decide on the basis of possession, or referred the matter to arbitration for decision on the merits.¹⁵⁶

The whole mechanism of the system were carried out by the settlement officer with the help of local machinery who were categorized into two groups, viz., Revenue Officers, Village Officers, and their Supervisors. The officers directly engaged in the business of the settlement were the following:-

1. Settlement or revenue officers, generally be English or European

¹⁵² Powell, *Land System*, op. cit., p. 729

¹⁵³ Ibid.

¹⁵⁴ Ibid., p. 730

¹⁵⁵ Joshi, op. cit., p. 46

¹⁵⁶ Dutt, op. cit., p. 23

2. Lambardars, chief or head of a village or mahal
3. Tahsildars or Tahsil officers
4. Patwaris and Qanungoes
5. Muqaddams and Biswadars; and many other low status officials.

1. Settlement Officers:

All the settlement officers were appointed as ‘office -in- charge’ by the Board of Revenue. They were generally English/European possesses good knowledge of the region on the basis of detailed local inspection. Mackenzie in the Minute of 1819 had prescribed a detailed account of duty for the settlement officers.¹⁵⁷ They had to work under the instructions of the collector who were required to proceed and carried out the on spot inspection of the ‘*mahal*’ with the help of the subordinate officers. The settlement officers were bound to perform the duties as an assessing officers who given charge to take a re-survey of the *Mahals* and *parganas* and also worked as a ‘constructive de-novo’ of the authoritative village records of every class of agricultural rights¹⁵⁸. The work of the settlement officers were well under scrutiny of the commission of the ‘division’, controlled by the Board of Revenue. The settlement officers were primarily advised to assess and determine the new ‘*jama*’ of the ‘*pargana*’ by adding together his separate estimates.¹⁵⁹

¹⁵⁷ Joshi, op. cit., p. 46

¹⁵⁸ Ibid.

¹⁵⁹ *Directions for Settlement Officers*, Para-47 in Revenue Law Report, op. cit., f. 389a

The primary duty of a settlement officer was to obtain the assessment of land revenue which described in the government orders by the time of settlement notification¹⁶⁰. By that order, a settlement officer first ascertained an average rent per acre of cultivated land from an analysis of all money-leases of villages and other sources. Further, he prepared tables of the estimated out-turn of each class of crops from each soil, and turned the landlords share into money rate. An estimation of rental value was made with the help of patwaris papers (represent the actual rent), the grain rent altered into money. This estimation was corrected, further, by certain addition and thus got standard rates helped in comparison.

There were some materials changes prescribed under the Saharanpur rules of 1855, when any *mahal* put under settlement by notification, the settlement officers had to assess revenue on definite *mahal* and to secure all classes of rights which also subsist on the land.¹⁶¹ Thus, the settlement officer's preliminary duty was to make a complete survey of the area and to solve the problem of boundary disputes, very distinct from a dispute about a right to land. A revenue survey of any *mahal* or village could be possible only after the determination of village boundaries. The settlement officers were empowered to call upon proprietors to restore or erect boundary marks. A question of right was a question of civil suit and to be decided by arbitration in civil court.¹⁶² They also have duty to carefully

¹⁶⁰ *Act XIX of 1873*, Section-39

¹⁶¹ Powell; *Land System*, op. cit., p. 33

¹⁶² *Ibid.*, p.33

* Diary or Manuscript book of Settlement Officer who checked the progress of settlement on the basis of that information.

examine the *roznamcha** and *bahi-khata** of patwaris. They may settle boundary disputes, but bound to decide on the basis of possession or refer the matter to arbitration.¹⁶³ They were responsible to declare the categories of land for pastoral basis or for agricultural purposes.

The settlement officers have given duty to group their villages into suitable circles, where the conditions were same according to advantage and disadvantage of general situation and conditions. They bound to list out all village lands, cultivated, cultural waste, and uncultivable, with details of irrigation.¹⁶⁴ The operation of the settlement was primarily depending on the sound judgment and discretion of the settlement officers. Before putting any *Mahal* under the settlement by notification, the settlement officers must have to show full information about the local situation and assets of proprietors of that particular *mahal*. They must have to fix the rental value of the land held by the proprietors because all land does not bear rent.¹⁶⁵ They categorized the 'Sir' and *maafi* or rent free land.

In 1852, a plane-table survey was introduced in place of a survey of fields merely measured and plotted by eye. This survey method produced field maps of considerable excellence both by the expert patwaris and also by amins, generally uneducated but learned surveying skills for the concern of profession¹⁶⁶. The new

* Records of Proprietors.

¹⁶³ *Oudh Revenue Act XVII of 1876*, Section-191

¹⁶⁴ Powell, *Land system*, op. cit., p.39

¹⁶⁵ *Ibid.*, p. 51

¹⁶⁶ *Ibid.*, p.39

maps under plane-table survey took no notice of local measures which might vary from district to district even pargana to pargana. The unit of area was the Shahjahani bigha i.e. a square of 55 yards or 60 illahi- gaz equal to 3025 square yards.

By the Saharanpur rule of 1855, the duty of the settlement officers have changed. They were directed to ascertain the average rental assets of each estate or mahal, and to fix the assessment with reference to a well ascertained rental value.¹⁶⁷ The land revenue could be fixed on the basis of “actual rental value of every property”, despite the aggregate average rates. They assigned duty to estimate the rental value of each *Mahal* and the assessment could no longer be based on pargana total estimates. The first and most important correction was to affix a rental on ‘Sir’ lands.¹⁶⁸ They were bound to correct and supplement the rent-roll or ‘Jamabandi’ provided by the patwaris. The ‘jamabandi’ required to scrutinized and corrected on the basis of local information available to them, so that determine a fair valuation of ‘assets’ for the village.¹⁶⁹ They were obliged to seek information for other data to supplement, and often to supersede, the defective village papers of patwaris. They were bound to produce knowledge about the soils fertility and potentiality so that every field should be classified and categorized to a certain class according to appropriate rent-rate calculations. The

¹⁶⁷ Powell, *Land System*, op. cit., p. 54

¹⁶⁸ Ibid., pp. 54-55

¹⁶⁹ Ibid., p. 55

soil classification should vary according to local circumstances. They re-assess the assessment already made by the patwaris.

A settlement officer was empowered to make a record -of- rights with the other civil powers like as judge of land cases, of whatever description, and this enabled him practically to make his record perfect, and established his own decrees as a law court.¹⁷⁰ He also decides rent questions that may arise in connection with the preparation of the 'jamabandi' or record of cultivating rights and rents actually paid. He invested with the powers of collector or Assistant collectors who may hear and decide partition cases, and do all the acts provided in sections 234 and 235 in the rules.¹⁷¹

The settlement officer having obtained the attested rent-rolls, (as prescribed in the rules for survey and record work) for the villages of a *pargana* and prepare the tables for each village under the following classes of tenures:¹⁷²

- (i) 'Sir' land continuously cultivated by a proprietor for twelve years.
- (ii) *Khudkasht* not being sir; cultivated by proprietors.
- (iii) Tenants land at full cash rents.
- (iv) Grain rented lands, land held rent free, or for services and other favoured tenures.

In order to satisfy himself that the attested and recorded rent-rolls correctly represent the rentals actually existed, the settlement officer would make an

¹⁷⁰ Powell, *Land System*, op. cit., p. 86

¹⁷¹ Ibid., p.92

¹⁷² Ibid.,

inspection of each village The settlement officer may form an assessment circles or *pargana* by classifying villages according to the rent rates recorded for tenants in the village rent-rolls. They also have duty to select general standard rent-rates for each class of soil in the circle. In the verification of rent-rolls, the settlement officer found no difficulty in ascertaining and judging the ‘sir’ portion of *mahal*, treated as habitual cultivated zone.¹⁷³

They may take higher or lower percentages than 5% of rent-roll. But whenever the proposed revenue exceeds 55% or falls below 45% of the rent-roll, he must obtain the special sanction of the board to his proposals.¹⁷⁴ The land assessment of a ‘*mahal*’ should be revised by them on the basis of field to field survey. The land assessment of any *mahal* should be re-examined and modified with the change in the duties of them. They possess both fiscal as well as judicial duties to perform.

Lambardars

A lambardars was a village chief or head means the holder of a number of villages in the collector’s list of persons primarily responsible to bring in the land revenue of the village or a section of a village.¹⁷⁵ He was usually a landlord or a zamindar, a *taluqdar*, or a proprietor or a *patel*. He was an official headman who had some authorized power in a mahal. He acts as a representative of government in the village. In all Mahalwari region, where settlement were directly made with

¹⁷³ Powell, *Land System*, op. cit., p. 95

¹⁷⁴ Ibid.

¹⁷⁵ Powell, *Administration of Land Revenue*, op. cit., p. 26

the *mahal* or village or the estate as the unit of assessment, there may be many lambardars as the village has estates or sections, and each had a direct responsibility for the land revenue collection.¹⁷⁶ The ‘lambardar’ of a mahal was a person who, either on his own account or jointly with others, or as representative of the whole or part of a proprietary community, engages with government for the payment of the land revenue.¹⁷⁷ A ‘lambardar’ was bound to manage the affairs of each division or sub-division of a mahal or estate.¹⁷⁸ He was a representative of a number of proprietors and had the duty to collect the revenue and cesses, and was answerable to government for the demanded amount. His duties were to pay in the land revenue to the local treasury, report to the Qanungo encroachments on roads, or on government waste lands and injuries, to government buildings, and also erect boundary demarcation.¹⁷⁹

A ‘lambardar’ assisted the Company administration in three ways, viz.; firstly, in adjusting the government assessment in co-operation with the officers of the state; secondly, in regulating the quota of each sharer and; thirdly, in collecting and paying the assessed amount to the state authority.¹⁸⁰ Generally, a ‘lambardar’ acts as an agent for the sharers in their dealings with government. In the north-western provinces, he was appointed according to local traditions and customs,

¹⁷⁶ Powell, *Administration of Land Revenue*, op. cit., p. 26

¹⁷⁷ *Saddar Board Circular*, Rule-III, in Land Revenue Act of 1889, Section-257

¹⁷⁸ S. C. Gupta, *Agrarian Structure in Uttar Pradesh in the Late 18th Century and Early 19th Century*, in T. Chaudhari (ed.), *Contribution to Indian Economic History*, Vol. I, Firma Publication, Calcutta, 1960, p. 43

¹⁷⁹ Powell, *Land System*, op. cit., p. 285

¹⁸⁰ Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p. 43

subject to a right on the part of the collector to refuse nominee on certain specified grounds, chiefly regarding his competence, character, and his being a sharer (in possession) of the mahal or revenue paying estate.¹⁸¹ Lambardars were usually allowed to collect a percentage on the collected amount of land revenue from the shares and to charge them for reasonable village expenses. He received '*haq-i-lambardari*' also called '*pachotra*' which was an incentive of five percent on the total land revenue; they collect as one of the legal cesses or rates.¹⁸²

The term 'lambardar' apparently originated under the British administration but idea is much older being that of the representative chosen by cultivators to act in their dealings with government.¹⁸³ In the permanently settled districts, where lambardar was not an indigenous institution but represents the landholders, his post was purely honorary and was said to be steadily losing vitality.¹⁸⁴ In the region of north-western provinces, the post of lambardar was of official status, receives a '*haq-i-tahsil*' or collecting fee of 5% on the total revenue from the co-sharers as '*malba*' or general village expenses. He disburses such expenses by himself and recovered it during the audition of accounts, before distributing the profits of the estate to the co-sharers.¹⁸⁵ The '*haq-i-tahsil or haq-i-lambardari*'

¹⁸¹ Powell, *Land System*, op. cit., p. 286

¹⁸² Powell, *Administration of Land Revenue*, op. cit., p. 27

¹⁸³ Moreland, op. cit., p. 93

¹⁸⁴ Powell, *Land System*, op. cit., p. 286

¹⁸⁵ *Sadar Board Circular*, Part-III, No. 7

does not always exist, and was, in fact, a matter of custom recorded in the ‘*wajib-ul-arz*’ (or record of village custom).¹⁸⁶

The institution of *lambardar* was partly elective and partly hereditary. He was chosen by the village inhabitants on the basis of his age, experience and ability.¹⁸⁷ They are nominated by the sharers, and it shows the value of the position in the eyes of the people that strong coercive measures may some times be necessary in order to force the sharers to make a nomination.¹⁸⁸ They worked in close cooperation with the village *patwaris* who were entrusted with the task of recording the area of land cultivated by each household, the nature of crops sown, and the amount of revenue to be collected from each estate.¹⁸⁹ Generally, he was a sole representative of the jointly responsible body.

A ‘*lambardar*’ was bound to perform the following duties:-¹⁹⁰

(1) To pay

- (a) The government demand on account of revenue and cesses to the officer appointed to receive it.
- (b) The rent payable to the *taluqdar* in sub-settlement under a heritable and non-transferable lease.

¹⁸⁶ Powell, *Land System*, op. cit., p. 285

¹⁸⁷ Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p. 29

¹⁸⁸ *Land Revenue Act, 1901*, Section-45

¹⁸⁹ Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p. 43

¹⁹⁰ Powell, *Land System*, op. cit., p. 287

- (2) To report the *Qanungoes* about all encroachments on roads or on government waste lands, and all injuries or appropriations of 'nuzul' buildings situated within the boundaries of the mahal.
- (3) To report the *Tahsildars* about the destruction or removal of injury to boundary marks, or any other marks erected in the mahal by order of government.
- (4) To collected in accordance with village custom;
 - (a) The government demand on account of revenue and cesses.
 - (b) The rent payable to the *Tallukdars*.
- (5) To defray, in the first instance, village expenses and to reimburse himself in accordance with custom.
- (6) To render accounts to the co-sharers of the transactions referred in clause 4 and 5 of the 11th rule.

In theory, a lambardar should collect all the rents due in the mahal, but in practice, certain rents were collected by few particular sharers due to some locally existing customs; while in genuine cultivating communities, the cash rents were often insufficient to pay the revenue, even if the lambardar collects them in full; the bulk of the land was cultivated by the sharers, and the revenue due from the sharers, cultivation in such mahals was a subject of recurring contention.¹⁹¹ The custom of separate rent-collections by the sharers was getting more common due

¹⁹¹ Moreland, op. cit., pp. 93-94

to existing social position. The custom of separate rent collections degraded the position of the *lambardars* and makes the post less attractive in the long run.¹⁹²

One important function of a *lambardar* was to collect and record the funds spent on common purposes. A proper account of such collections and expenses used to be rendered to the whole co-operative body of co-parceners.¹⁹³ A '*lambardar*' was also called '*Sadar Malguzar*' who carried out the duty of a '*muqaddam*'. In certain case, he was nominated by the sharers and given right to collect a fixed percentage of revenue for his services and to charge them for village expenses.¹⁹⁴

There were number of titles assigned to the institution of *lambardar* which varies according to its locality. In the central provinces, he was called as '*Patel*'.¹⁹⁵ In Bengal region, he was called as *mandal*. In Madras, the title was '*Maniyakaram* or '*Reddi*' or '*Reddy*'. In western India, he was famous with the title of '*Kulkarni*'.¹⁹⁶ At some place, he was called as '*muqaddams*'. His duties were slightly different from the exact duty of a *lambardar* and possess distinct quality from the *lambardars* of the north Indian village system.

In Punjab, the work and duty of a *lambardar* was different from the other two *Mahalwari* enlisted zone. Here, villages have several sections and so there were several *lambardars* and thus the advantage of representation for many co sharers

¹⁹² Moreland, op. cit., p. 94

¹⁹³ Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p. 44

¹⁹⁴ Mackenzie to Board of Revenue, *Western Provinces*, 21st July 1826, Para-76; Directions for Settlement Officer, Para-150

¹⁹⁵ Powell, *Administration of Land Revenue*, op. cit., p. 69

¹⁹⁶ Ibid., p.69

by a single person was lost to some extent.¹⁹⁷ Therefore, it seems necessary for British administration to have a single agent or chief headman to represent himself as a representative of many co-sharers, with whom it was easier to communicate, and who could be held responsible. The appointment of such chief headman was termed as '*ala lambardar*'. In the appointment of an '*ala Lambardar*' the following points were kept in mind by the collectors, viz.; hereditary claims, extent of property in the estate, services rendered to the state by the candidate or his family and personal influence, characters, ability, and freedom from debt.

An '*ala lambardar*' was the channel of communication among the other '*lambardar*', and generally responsible for the duty of other headmen to do.¹⁹⁸ His remuneration was equal to 1 per-cent of the total land revenue. It was collected by the sectional headmen, and by them paid to the chief. There was no difference between the chief headman and other sectional headmen in respect of emolument or duties, except that the former gets an extra 1 per-cent on the revenue.¹⁹⁹ As a landowner, in *Mahalwari* operated regions, he was jointly and severally liable like any other co-sharer but neither held responsible as a lambardar for any revenue arrears due from an actual defaulter nor treated himself as a 'defaulter'.²⁰⁰ He was not compelled to file a suit against the co-sharer. He advised the collector to take direct action of coerce against the actual defaulter.²⁰¹ If a lambardar himself on

¹⁹⁷ Powell, *Land System*, op. cit., p. 740

¹⁹⁸ Ibid., p.740

¹⁹⁹ Ibid., p.740

²⁰⁰ Ibid., pp. 740-41

²⁰¹ Ibid., p. 741

default, then collector denied the negotiation. He got the immediate responsibility for paying the revenue into the treasury as *Sadar Malguzar*.²⁰²

The remuneration of the lambardar for their services was paid partly by the state or partly by the co-sharers in several forms.²⁰³ By the first process, all the common lands like ponds, gardens, forests, fisheries, pastures and cultivable wastes, left un-assessed by the state, were given under the charge of the lambardar who empowered to enjoy the benefits derived there from in preference to others.²⁰⁴ In succeeding years when additional cesses and *abwabs* were imposed by the state even on the produce of these common lands, the lambardar were permitted to enjoy a portion of their produce.²⁰⁵ Secondly, the lands under the personal cultivation of the lambardar were assessed at a lower rate than those of the other co-sharers of his division, thus indirectly leaving him a share of the legitimate revenue of the government.²⁰⁶ By third process, a *malikanah right* of varying amount was paid to compensate them for the trouble of collection. This was fixed as a percentage of the state revenue and was paid to the lambardars by the treasury. It was distinct from the concessions allowed to the village zamindars by way of deductions from their gross payments on the basis of their rights.²⁰⁷ He received '*Jajmani*' or customary presents during the year from the village artisans

²⁰² Siddiqui, op. cit., p.99

²⁰³ *Minute of October 1826*, Holt Mackenzie, Para-98 in Revenue Selection, North Western Provinces, Allahabad, 1872

²⁰⁴ Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p. 44

²⁰⁵ *Minute of 1826*, Mackenzie, op. cit., Para-112

²⁰⁶ *Ibid.*, Paras- 96,97,103

²⁰⁷ *Ibid.*, Paras- 338-39

and servants.²⁰⁸ He also received certain customary dues from the villages on the occasions of marriage and birth, no social ceremony was complete without his participation.²⁰⁹ He was an arbitrator in disputes and quarrels of all kinds amongst the co-sharers of his division.²¹⁰

In *zamindari areas*, where more than one zamindar exists, the responsibility for paying the revenue could either be shared or each zamindar else could engage to be responsible for his own contribution.²¹¹ In the *bhayichara* villages, where responsibility held in joint, the body of proprietors was required to nominate the lambardar also called *sadar malguzar*, a person immediately responsible for paying the revenue.²¹² There was a council of elders to run the affairs of brotherhood of which all the lambardars from different sub-divisions were the members. The ‘council of elders’ was considered as the highest authority of the village in respect of all matters like civil, criminal, social, economic, and political.²¹³

The breakdown of the lambardari system was a misnomer outcome. The custom of separate rent collections by the sharers degraded the position of the lambardars and lessens their importance. However, the British administration was very keen to maintain the power of lambardari institution because they guaranteed

²⁰⁸ Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p. 45

²⁰⁹ Ibid., p. 45

²¹⁰ T. Fortescue, *Report on the Revenue System of Delhi Territory*, in Delhi Records, p. 81

²¹¹ Siddiqui, op. cit., p. 99

²¹² J. G. Deades, *Secretary to Board of Revenue to Commissioner of Revenue*, 17th September 1833, Para 32-33, in Revenue Selection, 1822-23

²¹³ Fortescue, op. cit., p. 125

the rent collection with ease.²¹⁴ Sometimes, the post of lambardari was not acceptable to the responsible sharers because of threatening attitude they possessed. Decline in the status of lambardari was a product of locally existing social conditions and circumstances. The difficulty of getting lambardars to act was much more widespread in the east of the province than in the west, a fact that was no doubt correlated with the greater tendency to individualism which was a characteristic of the former locality.

Tahsildars

A Tahsildar was the officer in-charge of a *tahsil* or subdivision of a district. He was the officer in-charge of a local treasury of a *tahsil* vested with powers either of a first grade or second grade assistant collector, according to their standing and experience.²¹⁵ A deputy or *naib-tahsildars* was appointed to perform the duties of a tahsildar in his absence.

A tahsil was a subdivision of a district, larger than the pargana and considered more convenient administrative unit. He was bound to produce a report before the collector on the area, which indicating the land under cultivation, the cultivable waste the uncultivable land, and revenue free land.²¹⁶ But this report was not always being factual. The office of local treasury was selected at the head-quarter of the district for the convenience of tahsildars, got payment locally by the village lambardar.

²¹⁴ Moreland, op. cit., p. 94

²¹⁵ Powell, *Land System.*, op. cit., p. 730

²¹⁶ Siddiqui, op. cit., p. 72

In the process of land revenue realization, a *tahsildar* was bound to provide his assistance to *lambardars*. But he produces report only on the orders of the collector.²¹⁷ He vested with the powers of a subordinate magistrate due to good local knowledge he possesses over a particular locality. He may have the authority of a magistrate to act in case of urgency.²¹⁸ He would assemble the *Qanungoes*, *Patwaris* and other village officers and assigned them the duty to collect the information regarding the *mahal*, the names and the interest of the zamindars, the number and kind of cultivators, the produce of the village, the mode and rate of the payments, together with various details about population and general resources.²¹⁹

A good *tahsildar* was well versed in revenue details, and had an intimate knowledge of the locality and inhabitants of his *tahsil* as well as of the condition of the estates in it. He was well aware with the peculiarities of climate, and agricultural conditions under which land management was carried on.²²⁰

A *Naib Tahsildars* was vested with powers to carry on the duty of a *tahsildar*, when he was not present at the *tahsil* head-quarters. The appointment, selections, dismissal and control of *tahsildar* and their *naibs* was rested in the hands of the financial commissioners.²²¹ He had given special task to check the record of changes in proprietary and occupancy holdings, and to the harvest

²¹⁷ Joshi, op. cit., p. 47

²¹⁸ Powell, *Land System*, op. cit., p. 731

²¹⁹ *Minute of 1826*, Holt Mackenzie, op. cit., Para-775

²²⁰ Powell, op. cit., p. 731

²²¹ *Ibid.*

statistics.²²² Sometimes, he had given the duty to deal with the partition cases and matters of lambardars appointment.

The concern of collector was necessary for the appointment of any *tahsildar* or *naib tahsildars*. They were bound to furnish information on rural administrative, social and economic organization. All the information provided by the *patwaris* and *qanungoes* to the collector gone for a cross-check before *tahsildars* office.

Patwaris and Qanungos

The *patwaris* and *qanungos* had interlinking and interdependent relationship with each other. They were appointed as a 'village officer' with *amins*, *sazahwals*, *munsifs*, and *sherishtedars* etc. to make the collections of land revenue.²²³ The *patwaris* and *qanungoes* bound to work in close co-operation with the lambardars.²²⁴ Their duties have been assigned on the basis existing local condition; varied according to place and region. However, they performed their duties under some specific circumstances with some limitations and restrictions. They acted as a subordinate to tehsildars and lambardars. In actual sense, they were the servant of the lambardars and worked on his instruction.

The institution of *patwaris* had utmost importance and even more than the institution of lambardars in the mechanism of *Mahalwari* operation;²²⁵ and was obliged to carry the duties of a village accountant and registrar, entrusted with the

²²² *Directors for Revenue Officers*, Revenue Circular, No. 22

²²³ Siddiqui, op. cit., p. 119

²²⁴ Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p. 43

²²⁵ Powell, *Administration of Land Revenue*, op. cit., p. 27

task of recording the area of land cultivated by each household, the nature of crops sown, and the amount of revenue to be collected from each co-sharer. The *dufter* (or office) of Patwaris were put upon an efficient footing, under the superintendence and responsibility of qanungoes and tehsildars.²²⁶

The office of *patwaris* became an important institution by the coming of 19th century with the advancement in the land revenue system and management. During the *Mughal*, the office of *patwaris* was not so important and received occasional perquisites in cash but most of the time in kind.²²⁷ By the time of British, they were equally valid as the means of preserving village rights and keeping the co-sharers out from getting into difficulties, and also performing the old duties as a revenue servant and recorder of statistics.²²⁸ They were famed with the name of *karnam* in Madras and *kulkarni* in Bombay. They were not appointed in each village, but in a *pargana* of *mahals* declared by the collector. In all *Mahalwari* regions, the appointment of patwaris may vary either according to the size of the Pargana or according to value or according to its population density. Their charge varied according to size of land, generally between 1200 to 5000 acres.²²⁹

Appointments to the office were carefully protected by rules enacted under the Land Revenue Ac of 1873 and 1883t to secure proper qualification and

²²⁶ *Minute of 26th September 1832*, L. W. Bentinck, in Revenue Selection, 1832-33, Allahabad, 1873

²²⁷ Moreland, op. cit., p. 74

²²⁸ Ibid.,

²²⁹ Powell, op. cit., p. 28

intelligence. The post of a *patwaris* was not hereditary but the son of them given preference to other applicants on the basis of expertise knowledge about the surveying and accounting²³⁰ which he got as a gift in the form of hereditary transformation. There were a lot of *patwaris* schools had been established in *parganas* to train them in surveying and accounting and produced skilled *patwaris*.

In *Bhaichara* villages, they were given some extra charges such as entertaining strangers, holding a festivals, repairing the *panchayat bhavans* (village meeting place), the wells and tanks, some charity like payment to the village mosque or temple; chargeable to the village in common.²³¹ Every *patwaris* was a public servant nominated by the lambardars according to their locality, and the records he kept considered as the public property. Though, he was nominated by the lambardars and tehsildars of the *parganas* but his final appointment was confirmed only after the seal of assistant controller. All the duties and rules to *patwaris* were prescribed in the circulars issued by the Board of Revenue.²³² In general, he was an accountant of the village and bound to perform two basic duties, i.e.; first, the revenue payments due from the various co-sharers, the distribution of the profits of the joint estate, and, second, the accounts of rent payment between landlord and tenant.²³³ He kept the books of receipts as files or registers called *patwaris papers* gives a detailed account of all residential or

²³⁰ Powell, *Land System*, op. cit., p. 278

²³¹ Ibid.,

²³² *Revenue Circular, Sadar Board*, Part III

²³³ Powell, *Land System*, op. cit., p. 278

Khudkasht and non-residential or *Pahikasht ryots* of a *mahal* which provide full information about the records -of- rights drawn on *shajra* and *khasra*. The Sadar Board of Revenue circular mentioned the following important duties of a patwaris:²³⁴

- (A) To keep the village accounts.
 - I. Of revenue payments, and outstanding balances by the co-sharers,
 - II. Of rent payments by tenants,
 - III. Of malba or items chargeable to the village common expenditure.

This involves giving receipts in due form or in making entries for landholders and tenants (not able to write) in certain books of receipts with which they were furnished.

(B) To have official charge of the village maps, field-registers and other records of landed rights, shares and interests, as prepared at survey or settlement. Patwaris are bound to allow inspection, and to furnish on payment of fixed fee.

(C) They are charged periodically preparing returns in the same forms as those last spoken of and keeping copies of the village map, all corrected up to date, so that the information in the land records may never get obsolete, but be kept in correspondence with the actual facts for the time being.

(D) They also make certain inspection and fill up various statistical returns, which show the crops sown and harvested, the number and kind of wells,

²³⁴ *Revenue Circular, Sadar Board, Part III*

of cattle, of groves and orchards, and give details of other matters on which a complete knowledge of the state of the village depends.

(E) They also have to take note of all changes that occur in the ownership of land but have a special register to note down the transaction of sale and mortgage under the law of inheritance.

(F) The patwaris were bound to report at once to the *tahsil* any unusual occurrence, destruction of boundary marks, encroachment on public land, occurrence of cattle disease, and approach of locusts etc.

The purpose of village accounts he keeps:²³⁵

(a) The *bahi-khata* was a general ledger showing the holdings and payments of each proprietor and cultivator.

(b) The *wasil-baqi* was a rent-account showing the holdings and tenants who cultivated them, the rent claimed for each, with the amount paid, the balance, and the arrears, if any,

(c) The *jama-kharch* was a profit and loss account of the proprietors. Disbursements for revenue, cesses, lambardars allowances, and village expenses, are entered on one side, and the receipts from rents and other sources of common profits on the other.

Besides the village accounts, the patwaris keeps a '*roznamcha*' for general purposes; simply a narrative of everyday happening that he done in his circle.²³⁶

²³⁵ Powell, *Land System*, op. cit., p. 279

²³⁶ Powell, *Land System*, op. cit., p. 279

Their ledgers are preserved for four years. They assigned the duty to prepare and maintain a statistical records relating to the condition of each village and its produce, showing the improvement or deterioration of the *mahal*.

The maintenance of the village maps was one of his primary duties. Once a correct map had been drawn out at the time of settlement, it could be kept accurately as a model map and so all changes in the cultivation from time to time have been marked, and the expenses of re-survey at future settlement would be avoided and saved.²³⁷ Through a reliable statistical record, the progress in cultivation, the produce of land, and the rise or fall in value of land as shown by the true rental, could be made available only by the patwaris.

Both patwaris papers as well as the village maps were dependent on a field to field inspection. In the process of inspection, the first thing was to furnish by a patwari was the number of village map copies issued from the cadastral survey office.²³⁸ He also had a *khasra* or field book, which was an index to the map, shows the numbers of the fields. During his inspection, he marked all changes in the size and division of fields, and changes even in the length of roads, drains, or wells, in his *mahal*.²³⁹ All these maps and their corresponding tabular *khasra* for each year would be kept as record file in *tahsil* treasury.

²³⁷ Powell, *Land System*, op. cit., p.280

²³⁸ Ibid.,

²³⁹ Ibid.,

The statistical records also consists the statements or abstracts compiled from the field *khasra* to show the convenient facts of different classes.²⁴⁰ These statements were the following:-

- (i) '*Milan Khasra*' a comparative statement showing the total area of the year as compared with that of the previous year, under the heads of cultivated, cultivable, and barren, also showing the irrigated and un-irrigated land.
- (ii) '*Naqsha Jinswar*' or abstract statement of crops. It shows the area under each kind of crops, both on irrigated and un-irrigated land. It was prepared separately for each harvest.
- (iii) '*Naqsha Bagat*' a statement of groves and orchards.
- (iv) '*Jama-bandi*', this paper was annual rent roll to which allusion had been made. It differentiates the tenants in two categories viz., those who paid in cash and those who paid in kind.
- (v) Lastly, '*Dakhil-i Khewat*' or a register showing all the changes in the proprietorship and shares in land. It gives the record either of opening *khewat* (state of proprietorship on the last day of the previous year) or closing *khewat* (states at the close of the present year).

When any new district comes under the settlement, the *pargana* were re-located by the patwaris. The civil servant of East India Company administration

²⁴⁰ Powell, *Land System*, op. cit., p.280

especially settlement officer were constantly and wholly relying on the information of patwaris.²⁴¹

The remuneration of *patwaris* was included in the village expenditure as a percentage on the government assessment.²⁴² These patwaris had given sufficient remuneration to maintain their family. The patwaris also had the task to collect his own income from the various landholders of his *parganas*. About the salaries, the patwaris often filed petitions in *tehsildar* court. The landholders were ordered by the collectors to pay their share of the *patwari* into the *tahsil* along with the revenue due from them and paid it out to the patwaris.²⁴³ The qualities of patwaris were not uniform in all provinces. Almost every tract had its own different and peculiar features and so contrasts existed in the working of the patwaris with the variation of places and locality. The quality of patwaris work largely depends upon the supervision exercised over him by the *Qanungoes*.²⁴⁴

The patwaris in the Mahalwari region was one of the most important personalities of the village community who also carried the duty as ‘trader’ of the foodgrains. They helped as a financier to the village community in time of need and distress.²⁴⁵ They used to work as a ‘*sarraffs*’ or money-changers who exchanged various currencies for payment of revenue and other monetary transactions.

²⁴¹ Moreland, op. cit., p. 74

²⁴² Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p. 47

²⁴³ Moreland, op. cit., p. 75

²⁴⁴ Ibid., pp. 75-76

²⁴⁵ Gupta, *Agrarian Structure in Uttar Pradesh*, op. cit., p. 47

Qanungos

The *Qanungo* was a *pargana* officer appointed in each *pargana* or circle as a revenue inspector to inspect and look after the existing local condition. The office of *Qanungo* constitutes during the Mughal Empire which comes with the mingling of two words, viz., ‘*Qanun*’ or the law and ‘*Go*’ or speaker. The word *Qanungo* was of Persian origin stands for a revenue officer who declares the standard or rule in revenue matters.

The *Qanungo* were mainly appointed for the proper supervision, maintenance, and correction of the *patwaris* records.²⁴⁶ The office of *Qanungo* was the depository of the revenue, accounts, and lists of rates, the survey, and estate records. Therefore, he was considered as the official referee in all matters of land revenue administration.²⁴⁷ The office of *Qanungo* was usually hereditary and its remuneration depends upon the grant of the revenue by certain villages. He performs the dignified and responsible functions as registrar of deeds and record keepers of statistics regarding the revenue matter.²⁴⁸ The British found the *Qanungo* usually in the position of zamindars of the villages which yielded their remuneration and used the information what they could supply in making the early land revenue system.²⁴⁹ They were the official subordinate to the collectors and the settlement officers.

²⁴⁶ Powell, *Land System*, op. cit., p. 273

²⁴⁷ Powell, *Administration of Land Revenue*, op. cit., p. 26

²⁴⁸ Moreland, op. cit., p. 78

²⁴⁹ Ibid.

The office of *Qanungo* was abolished in 1772 by Warren Hastings, who constituting the *mufassal* or district agent as replacement. But the institution of *Qanungo* was reconstituting by the establishment of Board of Revenue in 1786.²⁵⁰ The office of *Qanungo* was on declining trend by the time of *Mahalwari system* implementation.²⁵¹ Gradually, their post drifted into the rank of ‘*tahsili hacks*’, and ready to do any work which a tahsildar required in their *pargana*.²⁵²

The salary of *Qanungoes* varied according to time but paid by the government treasury. His records considered as the public records and are the property of government.²⁵³ Generally, he was maintained for the purpose of inspecting and kept eye on the work of village *patwaris*.

There were two or three *Qanungo* who attached to each *tahsil*; one, generally the senior, was kept in the office as the *Registrar Qanungo*; the other was *Supervising Qanungo*, over them all was an experienced *Sadar Qanungo*, who placed at the collectors headquarters.²⁵⁴ A *Qanungo*, who wanted to succeed his ancestor, must be sent to school and must pass a departmental level examination.²⁵⁵

In general, a *Qanungo* bound to perform the following duties:-

- (1) Collection of rent from tenants of estates

²⁵⁰ F. D Ascoli; *Early Revenue History of Bengal*, Oxford at Clarendon Press, London, 1917, p. 41

²⁵¹ Moreland, op. cit., p. 78

²⁵² Ibid.,

²⁵³ Powell, *Land System*, op. cit., p. 273

²⁵⁴ *Revenue Records Circulars, Sadar Board*, Part- III

²⁵⁵ Powell, *Land System*, op. cit., p. 273

- (2) Survey of petty governments estates in alluvium
- (3) Measurement of lands covered by government buildings
- (4) *Taqqavi* distribution and collection.
- (5) Inspection and replacement of boundary marks.

Qanungoes were divided into three classes:²⁵⁶

1. Field- *Qanungo*, each of whom had charge of about twenty *patwaris* circles or *parganas*. His main duty was to carry on the work of over-all supervisor.
2. Office- *Qanungoes*, appointed in each tahsil with a *naib*. His main duty to compile a statistical register of *mahals* or estates.
3. *Sadar Qanungoes*, each in every district, to compile the district statistics.

The *Qanungoes* got instructions to keep a diary to note down the work of *patwaris* showing the charter of each *patwaris* work.²⁵⁷ He keeps a register of all *patwaris* in a form which shows the particulars of their appointment, what villages were in circles, what amount of revenue was involved, what number of field entries, each had to look after.²⁵⁸ The *Qanungoes* inspections were cross-checked by *tahsildars* and *Qanungoes* himself keep eye on *tahsildars*. A *Qanungo* was trained and rendered capable of minutely and constantly supervising the village agency below them constituting number of subordinate staffs; namely, *Biswadars*, *Maqaddams*, *Chaudharies*, *Amins*, *Munsifs*, *Muqarraridars*, *Istamraris*, etc.

²⁵⁶ Powell, *Land System*, op. cit., p. 738

²⁵⁷ Ibid.

²⁵⁸ Ibid., p. 739

Magnitude of Rent

The magnitude of rent of any land system was directly related to the amount of revenue. It was quite different from the assessment procedure of land revenue and mainly deals the method of assets estimation and calculation. It was a certain portion of land revenue as state's share and far distinct from the total produce of land. The term produce had been overlooked by the 'assets'. However, the term 'produce' bore very different meaning from the term 'assets'. The word 'produce' means the quantity of grain or the product actually yielded by the land to the cultivators, while the word 'assets' means the landholders income.²⁵⁹ Under the Mahalwari settlement, the magnitude of land revenue was assessed or fixed on the basis of a 'share of the assets' instead of a 'share of the produce'.²⁶⁰

When the Mahalwari system of land revenue settlement was introduced under the Regulation VII of 1822, the government demand was fixed something around 90 per-cent rental values of the total assets not the produce.²⁶¹ The rental value of the assets simply means the rates of rent actually paid in each village, i.e.; as paid at the time of settlement without reference to what they may subsequently become by the effect of legal enhancement.²⁶²

As land revenue under the Mahalwari system was fixed on the basis of periodical revision and so the magnitude of rent was also keeps on changing from time to time. Its magnitude varied because of its temporary nature. The Regulation

²⁵⁹ Moreland, op. cit., p. 48

²⁶⁰ Ibid.,

²⁶¹ Ibid.,

²⁶² Powell, *Administration of Land Revenue*, op. cit., p. 178

VII of 1822 fixed the state share up to 83 per cent (reduced after some initial months) of the gross rental of estates.²⁶³ The Regulation declared that the state was entitled to 37 per cent of the gross rental assets.²⁶⁴ The policy generally followed under the Regulation was to settle with the joint body of village owners and to grant a *malikanah* of 22.5 per cent of the revenue, later reduced to 10 per cent to superior *talukdari* claimants.²⁶⁵

Under the regulation of 1822, the government demand of land revenue was fixed at moderate share of the proprietor's annual assets.²⁶⁶ The assets of the estate consist of the money rents received from tenants; the rental value of land held by the proprietor and sources of profit or share such as income from jungle products, fruits, and fisheries, and the advantage of an area of cultivable waste used, ad-interim, as pasture land.²⁶⁷

In 1833, under the Regulation IX, the state demand was reduced to two-thirds, i.e., 66 per cent rental value of the total assets. The demand of state placed in between 65 to 70 per cent. Before the revolt of 1857, the important changes in land revenue administration was the gradual reduction in the governments claim to a share in the landlord's rents.²⁶⁸ The government share in the produce, under the Regulation IX of 1833, was based on the principle of Ricardian Theory of Rent which was a core principle of Utilitarian philosophy.

²⁶³ Dutt, op. cit., Vol. II, p. 22; Neale, op. cit., p. 63

²⁶⁴ Joshi, op. cit., pp. 46-47

²⁶⁵ Neale, op. cit., p. 62

²⁶⁶ Powell, *Land System*, op. cit., p. 49

²⁶⁷ Ibid.

²⁶⁸ Ibid., p. 63

In 1855, under the Saharanpur rule, the rental value of government share was reduced to mere one-half, i.e., 50 per cent of the total assets. The practice of 50 per cent land revenue extraction already started in late 1840s by the settlement officers with a flexibility of increase the proportion where landlord could possess capacity to pay it or reduce it where they found the proprietary bodies were in impoverished position.²⁶⁹ It means that the settlement officer should go below the sum which he may arrive at by assessing at 50 per cent on the rates prevailing in the *pargana* or fiscal division, in cases where, from excessive number of cultivating proprietors, or from other causes, a full assessment would press too heavily.²⁷⁰ Practically, the Saharanpur principles of 1855 followed that if the assessment exceeded 55 per cent or fell below 45 per cent of whole assets the special sanction of the Board was required.²⁷¹ It means that Saharanpur principle of 1855 permitted the variation in the assessment and magnitude of rent from 45 to 55 per cent of total rental value.

The valuation of 'sir' land was also described in the rules of 1855 with a proper treatment and care. The 'sir' land was charged 25 per cent below than the other existing tenant rent rates.²⁷² Here too, the rental demand of the Company government proved too high because the rates of rent were based on the share of present produce. The gross produce formerly demanded was by no means an easy task for the settlement officer. The magnitude or share of rent charge by

²⁶⁹ Powell, *Land System*, op. cit., p. 50

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Ibid., p. 53

landholders to ordinary local tenants for each paying land ranges between 10 to 20 per cent of produce over a series of years extracted from the cultivation.²⁷³ The assessed land revenue probably represents a proportion of substantially less than 10 per cent of the produce value of an area under cultivation.

Further, the share of government demand have been reduced to 33 per cent, i.e., one third of the produce equal to what was considered under the great Mughal emperor Akbar under the Tenancy Bill of 1901.²⁷⁴ However, the practice of land revenue collection was not so proper; most of the settlement officer became corrupt and collecting land revenue in his own convenient way without any care of peasants' misery and distress. Therefore, the system proved to be imperfect, inadequate and fell heavily on the agricultural class due to its excessive state demand and malpractices involved in the mode of collection.

The valuing of village soil/land played very important role in fixing the magnitude of rent in the Mahalwari operated region. The valuing of village would naturally be depended on the actual rent-roll or *jamabandi* which was prepared and provided by the patwaris.²⁷⁵ This *Jamabandi* required to be scrutinized, correcting, and supplementing on the basis of local information under the favourable conditions before it could be determined with a fair valuation of 'assets' for village which deemed to show the true renting value of the village

²⁷³ Moreland, op. cit., p. 49

²⁷⁴ Moreland, op. cit., p. 60

²⁷⁵ Powell, *Land System*, op. cit., p. 54

lands.²⁷⁶ The first and most significant correction was made about the 'sir' lands. In 'sir' lands the proprietors have allowed certain plots to be rent-free on their own account from charitable point of view or as payment for public services.

Though, the magnitude of rent under the Mahalwari operation was reduced continuously at every new revision of settlement by the time of notification but not effectively and never proved beneficial for agricultural class especially to small peasants. It proved harmful and considered as one of most oppressive and unpopular land settlement for the Indian peasants due to its mal-administration. It failed completely and broke down totally at all front because of excessive state rental demand and its corrupt machinery of officials. Finally, the excessive state demand of rent under this system proved to be a major cause of peasant's discontent out burst in the revolt of 1857.

²⁷⁶ Powell, *Land System*, op. cit., p. 55