

CHAPTER X

LAND REVENUE ADMINISTRATION

REVENUE HISTORY

THE revenue system of the Mughal Empire was never strictly introduced into that part of Bengal in which the Nadia district lies. The country was only partially under the sway of Delhi during the 13th century, and in 1340 the governor declared himself independent. For the next two hundred years it was nominally ruled by independent Muhammadan Kings, but their power was never sufficiently absolute to render them secure from invasion or re-conquest without the assistance of the local Rajas and zamindars, who were, more or less, given a free hand in the revenue administration of their own territories. During the sixteenth century Lower Bengal passed from the hands of the Afghans into those of the Mughals, but Akbar's detailed revenue settlement did not extend to so distant a part of his empire. During the seventeenth century Lower Bengal was in a great state of disorder, and each Raja and zamindar endeavoured to make himself as independent as he could. It was not until the advent of Murshid Kuli Khan as governor in 1704 that any real attempt was made to enforce the regular payment of the land revenue. Murshid Kuli Khan was a strong and despotic ruler, and during his governorship, which lasted till 1726, many zamindars were forcibly dispossessed for non-payment of their dues to the state.

EARLY SETTLEMENT

In the year 1722 Murshid Kuli Khan drew up a "Jumma Caumil Toomary, or more perfect standard account of the imperial revenues of Bengal." In this account the whole

province was divided into "Chucklahs" or large divisions of territory constituting an equal number "of separate foudjehari and aumildary zelahs of civil and military jurisdictions—a compound of the 34 ancient districts of circars which nevertheless were still to be distinguished." In this account two-fifths of the district of Nadia, which was then known as "Oukerah", were included in the Murshidabad Chaklah, and the remaining three-fifths in the Hooghly, or Satgaon Chaklah. A further "Toomar Jumma" of Bengal was drawn up by Sujah Khan who succeeded Murshid Kuli Khan and in the abstract of this as given by Mr. J. Grant in his "Analysis of the Finances of Bengal", written in 1788, the following passage is to be found:—

"Nuddeah, properly Oukerah, and more recently called Krishnagar from the propensity of Indian landholders to derange the ancient established system of Government ascertaining their own relative situation, and hence attribute princely consequence to themselves by deriving local designations from their proper names, was originally bestowed in the beginning of this century on Ragooram, a Bramin, descended from Bobanand, the first conspicuous man of the family distinguished by the title of Mazumdar as holding the office of temporary substitute, recorder of the Jumma or rental of the circar of Satgaon. The district though large and wonderfully fertile in all the dearer productions of Indian soil capable of an easy, quick transportation by the river Hooghly to all the great foreign settlements in Bengal hath yet, from the tolerated corrupt practice of zamindari defalcations, heightened in the present instance by fraudulent alienations of lands or exemption in the payment of the established dues of Government in favour of inferior brother members of the same religious caste, ever remained prodigiously underrated in the general assessment of the province, and in the proportional one of the Ausil Toomary, only set down perghs. 73, valued at Rs. 5,94,846."

According to the "Jumma Bandobust teshkhees kool", an account which appears to have been rendered officially

by the kanungos to the Naib acting on behalf of the East India Company as sovereign representative of the Mughal Emperor, the total net revenue of the district was nearly eleven lakhs in the year 1763, and at this rate it was settled with Maharaja Krishna Chandra. At the first settlement after the acquisition of the *Diwani* by the East India Company, the *jama* was reduced by Muhammad Reza Khan to Rs. 3,74,964. On this point, and on subsequent variations, Mr. J. Grant wrote as follows in his "Analysis of the Revenue of Bengal":—"No *hustabood* seems to have been then formed of the modern actual value of the district. It was assessed generally on the Ausil by towfeers and abwabs. In this state it might have been expected that, if remissions had really been necessary, the amount would have fallen upon the new additional increases. Yet the contrary happened, and the deductions were made from the standard toomary jumma or the old well-established profits accruing on the jageer lands. From this time forward the ostensible formal bundobust seems to have been slowly decreasing until the year 1778 immediately after the famine and on dismissal of the Naib Dewan, when suddenly it was raised, no doubt, on very sufficient grounds, beyond all former example to a gross annual demand of Rs. 12,66,266.

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"To conclude, in 1190 (1783 A.D.) the clear revenue stipulated for, notwithstanding a formal increase of one lack of rupees, stated to have been brought on at the institution of the Committee in 1188, did not much, if at all, exceed eight lacks of rupees, so that, in right and moderation equitable policy, three lacks ought to be regarded as the recoverable defalcation or effective increase capable of realization on the latter jumma, payable to the exchequer, forming the comparison with the rent roll originally established before the reduced settlement of M. R. Khan in 1765. Considering, indeed, the vast known resources of this fertile extensive district (exclusive of arable lands

turned into pasture, to evade payment of the expedient dues of Government, of fraudulent alienations of territory, with collusive reductions chiefly in favour of Brahmins, of the ancient rates of assessment specified in the Pottahs of the ryots), the improvement of which its finances are immediately susceptible, might fairly be stated at seven lacks."

Generally speaking, Mr. Grant formed the opinion that the resources of the country had been much underestimated. Mr. Shore, however, in his minute of June 1789, contended that this proposition was a fallacy, and that the then assessment was nearly equal to what it should be. The opinion of the former prevailed, and in the permanent settlement the land revenue for the district was fixed at Rs. 12,55,325.

The *Diwani* of Bengal was assigned to the East India Company on 12th August 1765. It was not considered advisable at first to take the administration of the revenue out of the hands of the native officials, but the attempt to maintain the old system was found disastrous from all points of view, and, therefore, in 1767 British Supervisors were appointed to superintend the local collection of revenue. The Supervisors acted under the control of two Provincial Councils at Murshidabad and Patna. The reports which were submitted by the Supervisors showed that the whole country was in a state of great disorder; so, in 1772, the Court of Directors determined upon a radical change, under which the whole control was taken over by the Company. The chief revenue office was removed from Murshidabad to Calcutta, and a Collector assisted by a native officer called *Diwan* was appointed for each district. The system of mixed European and native agency in the districts produced only a partial improvement, and was in its turn abolished, the European Collectors being recalled from the districts in the year 1774, and the collection of revenue being entrusted to native agents, called *Amils*, under the superintendence of six Provincial Councils. In course of time it was found that the work

of supervision could not be adequately carried out by these Provincial Councils, and in 1781 they were abolished, their place being taken by a Committee of Revenue (subsequently the Board of Revenue), with headquarters at Calcutta, and European Collectors were again placed in charge of each district.

DECENNIAL SETTLEMENT

The first regular settlement after the assumption of the *Diwani* was made for a period of five years from 1772. It was concluded with the highest bidders, whether they were the previous zamindars or not. This system led to great speculation, as a result of which most of the old families in Bengal were more or less ruined, and the remissions and irrecoverable balances reached an enormous figure. The annual settlements which were in force from 1777 till the time of the Decennial Settlement in 1790, were based on no proper data, and were little less disastrous in their effects. By 1790 the district, which 30 years before had been settled with a single zamindar, the Maharaja of Nadia, had been split up into 261 separate estates, held by 205 registered proprietors. This partition was due, first to the selling off of portions of the Raj to cover defaults in the payment of land revenue, and second to the creation of *taluks*, or subordinate zamindari. The Maharaja, when anxious to raise money had made over portions of his estate to those who were willing to oblige him, either rent free, or on nominal rent, and the portions so made over were called *taluks*; for a time the *talukdars* continued to pay the land revenue due upon their *taluks* through the Maharaja, but it was subsequently ordered that these grants were to be treated as separate estates, and the land revenue due upon them was to be paid to Government direct, and not through the Maharaja. The great Raj, which once covered the whole district, has, by mismanagement and misfortune, been so greatly reduced that it now (1909) produces only about one-fifteenth of the total land revenue of the district.

PERMANENT SETTLEMENT

In 1793 the Decennial Settlement was made permanent. The effect of this was to place all classes of zamindars on a uniform legal basis, and so "in a short time to obliterate the previous differences in the customary status which had grown out of differences in origin. Even before the permanent settlement, the revenue farming system adopted by the East India Company from 1769 to 1788 had tended to obscure such differences. For the effect of the farming system was to level down the ancient zamindars."¹ The only condition common to all zamindaries before the permanent settlement was that each zamindar held a *sanad* from the state authorizing him to collect the land revenues. The essential portions of the *sanad* which was granted to the Raja of Bishnupur in 1780 are reproduced below, because they represent the form of title under which the Bengal zamindars held in the eighteenth century, a form very similar to that under which certain parganas were settled with the East India Company itself in 1757-58. "The office of zamindar of the aforesaid pargana has been bestowed, agreeable to the endorsement from the beginning of the year 1187, Bengal era, to the cream of his peers, Chaitan Singh the grandson of Gopal Singh, zamindar, deceased, on his consenting to pay the royal *peshkash*, etc., of 186 goldmohars and 2 annas. It is required of him that, having executed with propriety the duties and functions of his station, he be not deficient in the smallest respect in diligence and assiduity, but observing a conciliatory conduct towards the ryots and inhabitants at large, and exerting himself to the utmost in punishing and expelling the refractory: Let him pay the revenue of Government into the treasury at the stated periods, let him encourage the body of the ryots in such manners that signs of an increased cultivation and improvement of the country may daily appear, and let him keep the high roads in such repair that travellers may pass and repass in the fullest confidence and security.

1. Hunter's Bengal Miscellaneous Records.

"Let there be no robberies or murders committed within his boundaries: but (God forbid) should any one notwithstanding be robbed or plundered of his property, let him produce the thieves, together with the stolen property, and, after restoring the latter to the rightful owner, let him assign the former over to punishment. Should he fail in producing the parties offending, he must himself make good the property stolen. Let him be careful that no one be guilty of misconduct in his behaviour, or commit irregularities of any kind. Let him transmit the accounts required of him to the *Huzur* (Chief Revenue Officer), under his own and Kanungo's signature, and, after having paid up the whole revenues completely to the end of the year, let him receive credit for the *Maskurat* (allowance to the zamindar), agreeably to usage, and finally let him refrain from the collection of any of the *abwab* abolished or prohibited by Government."

The counterpart which was executed by the Raja, is, *mutatis mutandis*, in almost identical words. Every such *sanad* was granted to the person named in it, and no mention was made of his heirs or successors. It is true that a transfer was generally recognized, and a fresh *sanad* issued on payment of *peshkash*, or transfer fee, but the zamindar had no absolute right to sell or bequeath his estate; such right, however, he obtained under the permanent settlement, and this resulted in some instances in the zamindar having to part with the whole or portions of his estate, in order to satisfy his creditors. Other forces of disintegration came into play. The Government demand, as fixed at the permanent settlement, was one which left but a small margin of profit; punctuality of payment was insisted upon; the rights of the ryot to hold at customary rates were secured by law, but the power of the zamindar over them was limited, and he had no power to enforce punctuality of payment to himself. The result of all these disabilities was that by the close of the century the greater portion of the Nadia Raj had been alienated.

Some few remarks are necessary in connection with the status of the ryots. By section 7 of the Permanent

Settlement Regulation of 1793 the zamindars were required "to conduct themselves with good faith and moderation towards the dependent talukdars and ryots." In section 8 it was declared that "it being the duty of the ruling power to protect all classes of people, and especially those who from their situation are most helpless, the Governor General in Council will, whenever he may deem it proper, enact such Regulations as he may think necessary for the protection and welfare of the dependent talukdars and ryots and other cultivators of the soil." But though the rights of the landlords were defined, the rights of the tenants against the landlords were only reserved, and were not defined. It was intended that there should be an interchange of *pattahs* and *kabuliyats* between the zamindars and the ryots, under which the rent payable should be definitely fixed in perpetuity, but there was a general refusal on the part of both classes to carry out this intention. In the meantime the necessity of securing the landlords in the realization of their dues from the ryots resulted in the enactment of the Regulations of 1799 and 1812, under which the landlords obtained practically unrestricted power over the property, and even over the person, of their ryots, and it was many years before the ryots were relieved of these disabilities. "The failure of all the attempts made to control agrarian relations led the Court of Directors in 1824 to sanction a proposal to make a survey and record-of-rights of the permanently settled districts of Bengal, as being the only means of defining and maintaining the rights of the ryots. More than sixty years, however, were to elapse before this vast undertaking was begun. But for temporarily settled areas, Regulation VII of 1822 provided that all future settlements of the land revenue should be preceded by a record of "the rights and obligations of various classes and persons possessing the interest in the land or in the rent or produce thereof." And this course was followed in the resumption to revenue of lands held revenue-free under invalid titles. These proceedings were carried out mainly between 1830 and 1850, and in many districts covered

considerable areas.*** The work done in connection with these resumption proceedings supplied Government for the first time with a really detailed account of the rights and obligations of different classes of landlords and tenants."¹ These proceedings finally eventuated in Act X of 1859, which is entitled an Act to amend the law relating to the recovery of rent, and which has been described as the first effective step taken by the Legislature to discharge the duties in connection with the ryots undertaken at the Permanent Settlement.

LAND TENURES

ESTATES

At the time of the permanent settlement there were four classes of Zamindars in Bengal. They are thus described in the introduction to Hunter's Bengal Manuscript Records. "The first class of Bengal zamindars represented the old Hindu and Muhammadan Rajas of the country, previous to the Mughal conquest by the Emperor Akbar in 1576, or persons who claimed that status. The second class were Rajas, or great landholders, most of whom dated from the 17th and 18th centuries, and some of whom were, like the first class, *de facto* rulers in their own estates or territories, subject to a tribute or land tax to the representative of the Emperor. These two classes had a social position faintly resembling the Feudatory Chiefs of the British Indian Empire, but that position was enjoyed by them on the basis of custom, not of treaties. The third and most numerous class were persons whose families had held the office of collecting the revenue during one or two or more generations, and who had thus established a prescriptive right. A fourth and also numerous class was made up of the revenue farmers, who, since the *diwani* grant in 1765, had collected the land tax for the East Indian Company, under the system of yearly leases, then of five years' leases, and again of yearly leases. Many of these revenue farmers had, by 1787, acquired

1. Introduction to Rampini's Bengal Tenancy Act.

the *de facto* status of zamindars." The original differences in the holdings of these four classes of zamindars were obliterated by the Permanent Settlement, and from 1793 onwards all estates, whatever their origin, were placed on a uniform basis. The proprietors of estates are known as zamindars or talukdars. The latter originally paid their quota of land revenue through the zamindars from whose estates their properties had been carved out. But, partly at their own request, in order that they might receive protection from the exactions of the zamindars, and partly for other reasons, the taluks were finally completely separated from the parent estates, and recognized as separate estates with land revenue payable direct to the State. In the year 1790-91 the total number of estates in the district was 261, held by 205 registered proprietors, paying a total land revenue of Rs. 12,55,325, the average payment by each estate being Rs. 5,210, and by each proprietor, Rs. 6,630. By 1799-1800 the number of estates had increased to 737, and the registered proprietors to 413, paying a total land revenue of Rs. 12,45,815; the average payment for each estate being Rs. 1,830, and for each proprietor Rs. 3,260. By 1850-51 the number of estates had increased to 3,064, with a total land revenue of Rs. 11,74,490; the average amount paid by each estate being Rs. 380. The current land revenue demand for 1908-09 was Rs. 9,02,228, due from 2,455 estates, the average demand from each estate being Rs. 368. The falling off in the total demand, and in the number of estates, is due to reductions in the area of the district. Out of these, 2,245 estates, with a revenue of Rs. 8,09,902, are permanently settled; 194 estates, with a revenue of Rs. 73,768, are temporarily settled, and 16 estates paying Rs. 18,558, are managed by the Collector direct. In addition, there are 298 revenue-free estates, and 9,213 rent-free lands, which pay road and public works cess. The gross rental of the district has been returned at 33½ lakhs, and of this the Government revenue demand represent 26·7 per cent. The incidence of the land revenue demand is Re. 0-15-3 per acre of cultivated area.

TENURES

The only classes of tenures which call for special remarks are (1) Patni taluks, and (2) Utbandi tenures.

PATNI TALUKS

The Patni taluk had its origin in the estate of the Maharaja of Bardwan. At the Permanent Settlement the assessment of this estate was very high, and in order to ensure easy and punctual realization of the rent, a number of leases in perpetuity, to be held at a fixed rent, were given to middlemen. These tenures are called Patni (*i.e.*, dependent) taluks, and are in effect leases which bind the holder by terms and conditions similar to those by which a superior landlord is bound to the State. By Regulation XLIV of 1793 the proprietors of estates were allowed to grant leases for a period not exceeding ten years, but this provision was rescinded by section 2 of Regulation V of 1812, while by Regulation XVIII of the same year proprietors were declared competent to grant leases for any period, even in perpetuity. Finally, Regulation VIII of 1819, known as the Patni Sale Law, declared the validity of these permanent tenures, defined the relative rights of the zamindars and their subordinate talukdars, and established a summary process for the sale of such tenures in satisfaction of the zamindar's demand of rent. It also legalized under-letting, on similar terms, by the patnidars and others. Since the passing of this law this form of tenure has become very popular in Nadia with zamindars who wish to divest themselves of the direct management of their property or part of it, or who wish to raise a lump sum of money. It may be described as a tenure created by the zamindar to be held by the lessee and his heirs or transferees for ever at a rent fixed in perpetuity, subject to the liability of annulment on sale of the parent estate for arrears of the Government revenue, unless protected against the rights exercisable by auction-purchasers by common or special registry, as prescribed by sections 37 and 39 of Act XI of 1859. The lessee is

called upon to furnish collateral security for the rent and for his conduct generally, or he is excused from this obligation at the zamindar's discretion. Under-tenures created by patnidars are called darpatni, and those created by darpatnidars are called sepatni tenures. These under-tenures are, like the parent tenures, permanent, transferable and heritable, and have generally the same rights, privileges and responsibilities attached to them. The first effect of this system was to introduce a class of middlemen who had no interest in the ryot, except to extract as much from him as they possibly could. By degrees, however, the sons and grandsons of the original tenure-holders acquired something of the sense of duty to their tenants which the hereditary possession of landed property gives, and it is probable that the ryot is no worse off now than he would have been, had the system never been introduced.

UTBANDI TENURE

The particular tenure which is known by the name *Utbandi* apparently had its origin in the Nadia district, from which it has spread to neighbouring districts, though in no district is it as common as in Nadia, where about five-eighths of the cultivated lands are held under it. The literal meaning of the term is "assessed according to cultivation." In 1861 Mr. Montresor, who had been deputed to investigate locally certain complaints of some European proprietors in the district, described the system as follows:—

"The *Utbandi* tenure apparently has its origin in this district and is peculiar to Nadia. There is, in almost every village, a certain quantity of land not included in the rental of the ryot, and which, therefore, belongs directly to the recognized proprietor of the estate. This fund of unappropriated land has accumulated from deserted holdings of absconded tenants, from lands gained by alluvion, from jungle lands recently brought into cultivation by persons who hold no leases, and from lands termed *khas khamar*, signifying land retained by the proprietor for his household.

"In other districts lands of the three first descriptions are at once leased out to tenants, but in Nadia it appears to be different. Owing either to the supineness of the landlord or to the paucity of inhabitants, a custom has originated from an indefinite period of the ryots of a village cultivating, without the special permission of the landlords, portions of such land at their own will and pleasure. This custom has been recognized and established by the measurement of the lands at the time the crop is standing, through an officer on the part of the landlord styled *halsana*, and when the assessment is accordingly made."

In the report of the Government of Bengal on the Bengal Tenancy Bill (1884), the *utbandi* holding was described as follows:—

"A tenancy from year to year, and sometimes from season to season, the rent being regulated not, as in the case of *halhasili*, by a lump payment in money for the land cultivated, but by the appraisalment of the crop on the ground, and according to its character. So far it resembles the tenure by crop appraisalment of the *bhaoli* system, but there is between them this marked difference, that while in the latter the land does not change hands from year to year, in the former it may."

The Bengal Government, when the Tenancy Bill was under consideration, proposed to treat *utbandi* lands as ordinary ryoti lands were treated, i.e., to presume that tenants of *utbandi* lands were settled ryots if they had held any land in the village for 12 years, and to declare that they had, as settled ryots, occupancy rights in all lands held by them in the village. The Select Committee did not, however, agree to this proposal, and applied the provisions relating to *Char* and *Diara* lands to *utbandi* lands also. Accordingly by section 180 of the Bengal Tenancy Act, it was laid down that an *utbandi* tenant can acquire no rights of occupancy until he has held the same land for 12 years continuously, and that, until he acquires

such a right, he is liable to pay the rent agreed on between him and the landlord. Under these circumstances it is of course practically impossible for a tenant to acquire a right of occupancy, except with the consent of the landlord. The most authoritative ruling of the law courts as to the nature of this tenancy is that delivered by the Chief Justice (Sir W. C. Petheram) and Tottenham, J., in the case of Beni Madhab Chakravarti *versus* Bhuban Mohan Biswas (I. L. R., 17, Cal. 393). This ruling concludes with the following words :—

“The description of *utbandi* seems to refer rather to particular areas taken for cultivation for limited periods, and then given up, than to holdings of which parts are cultivated and other parts lie fallow, while the rent for the whole is assessed year by year with reference to the quantity within the holding under cultivation in that year. A holding of the latter description hardly seems to answer to the general conception of *utbandi*.”

The subject of this particular tenure came prominently before the Government of Bengal during the years 1900-1903. In the annual report for the year 1900 the Collector remarked that advantage had been taken of the prevalence of the *utbandi* system to extort excessive rents. The remark attracted the attention of Government, and an enquiry was held chiefly with a view to ascertain whether any amendment of the law was necessary. After considering the matter in all its bearings the Lieutenant-Governor came to the conclusion that “the system, though theoretically unsound, is practically unobjectionable; it is of great antiquity; it has its champions; and no one contends that the need for change is acute”; there was no need for immediate legislation, but the Commissioner should continuously direct his attention to the system, and promptly bring to the notice of Government any signs of its abuse.