

(15) 32/1P

15.1

99

J. Shore to Committee of Revenue, Calcutta: 29.1.1784

To

David Anderson, Esq President & Members of the Committee of Revenue
Fort William

Gentlemen

The hon'ble the Governor General in council (ff 44v) having directed me to make my report on the plan of investigation proposed for the alienated lands in the Soubah Beyhar I have now the honour to lay before you the information I have been able to collect upon the subject.

In the year 1773 an invesigation of the several titles under which the Jaghire, Ultumgas and Muddudmash were held was made by Mr George Vansittart, and the records of this enquiry are deposited with the supreme council and in the public office of this province. Exclusive of the lands particularized in Mr Vansittart's register it appears that Alienated lands under the denomination of Ayma &c are also held to a very considerable amount. For your more particular information I send the accounts of the whole as collected from the records of this place. The abstract of them is as follows:

ff	Jaghires annual produce	Rs 5,20,596-2-5
	Altumgas " "	3,24,514-0-10
	Muddudmash " "	50,074-8-5
	Ayma &c " "	4,13,602-8-5
Rs 13,08,786-11-8		(ff 45r)

The produce of the land in rupees is stated according to the Gozaust or amount deducted from the rents of Government when the lands were given up to the proprietors.

The amount of the alienated lands specified in Mr Vansittart's register is Rs 8,62,613-13-3 and the difference between his and the present account arises from the addition of the Ayma lands and from grants made by the Governor General and council subsequent /hon'ble to the date of Mr Vansittart's invesitagation.

The tenures under which these lands are held are various: That the whole subject may be brought before the hon'ble Board in one view I have taken the liberty to annex an explanation of the different terms used in the accounts with such remarks as I have been able to collect respecting the nature of the tenures themselves.

Jaghire : A grant from the crown or sovereign power conferred generally as a favour or in reward for services.

Jaghires are either Mushroot or Guire Mushroot, that is conditional or unconditional. The grant of the former (ff 45v) specifies certain services to be performed by the person upon whom it is conferred and jaghires of this nature were usually given to officers of government and held by them whilst in office, but resumed upon dismission or removal.

An unconditional Jaghire does not specify any services to be performed. In Beyhar the Jaghires are principally if not universally of this form.

The official rules by which these grants were conferred according to the ordination of the empire were as follows:

The grant was made under the seal of and signature of the vizier for a certain number of Daams, and the names of pergunnahs and amount receivable from each was particularized on the back of the grant.

The Dewan of the province on the part of the king gave a sunnud Mutabick or grant corresponding with that of the vizier. In this

BM: Add Ms 21547: ff 44r-50; lists 52v-81r: (also Rev Cons 12.3.1784)
The above abstracts are also on ff 65r and 80v-81r.

was specified the number and names of the villages (ff 46r) appropriated for the discharge of the several quotas of rent receivable from each pergunnah.

The Nizam or viceroy of the province then issued a perwannah Gozausht or order for delivery up to the proprietors the lands as particularized in the Metabuk sunnud of the Dewan.

Jaghires are neither alienable nor hereditary, but on demise of the proprietor revert to the crown or government. It is for this reason, I am informed that they are conferred under the authority of the vizier and not under the royal seal.

Altumga: Is a grant under the royal seal conveying the property conferred by it to the original proprietor and his heirs in perpetuity and devolving to Government only in default of heirs. It may also be forfeited by delinquency.

A Husb-ul-hockum or grant, corresponding with that made under the royal seal was ~~made~~ issued by the vizier, another by the Dewan of the province, a perwannah or order of release by the Nizam as in the case of Jaghires. (ff 46v)

Muddudmaush: Is held also by grant under the royal seal similar in all material respects to the Ultumga grant.

Of late years the proprietor of the Ultumga and Muddudmaush lands has been deemed transferrable but in the year 1773, one instance only occurred in the course of the investigation made by Mr Vansittart of a ~~perman~~ transfer having taken place in the property of these lands; since that period the practice of mortgaging or selling them has prevailed.

It does not appear that the government formerly exerted either the right or power of resuming these lands except in cases of delinquency. Some of the grants express that the land has been conferred on the dismission of the former proprietor but no conclusion can be drawn from these instances which are very few to the prejudice of the rights of the proprietors: unless the cause of dismission could be ascertained which the loss of former records renders impracticable. The Nawab Mahomed Reza Khawn made several resumptions in the year 1766, after the Dewanny (ff 47r) was granted to the Company, but I can trace no precedents antecedent to that period.

Ayma: Land originally granted by the king for the subsistence of persons in necessitous circumstances, but the rich and powerful finding the advantages of the tenure laterly obtained the lands by power or influence under fictitious names.

Exclusive of the above, which are derived immediately from the crown, alienated lands exist in Behar to a very considerable amount under the following denominations:

Nuzzer Durgah: Lands given as an endowment to places of religious worship of the Mahomedans the produce of which is supposed to be applied to the expences of the establishments such as the subsistence of the attendants, illuminations, repairs &c.

Kharidge Jumma: Lands separated from the revenue and sold by the zemindars. These grants in some instances have received the confirmation of the Nazam or collector for the time being but the tenure in general derives its confirmation from length of time. (ff 47v)

Maafee: A remission of the rents of land payable to government by the collector, Nizam or zemindar.

Sousikan: This term is peculiar to Bihar and implies breaking the capital. It is applied to land granted in charity, by the zemindars, choudries, and canongoes, and the revenue of the land so given up to prevent any loss to Government or the zemindar was for the first year only levied by a tax from the ryots of the village where the land was situated. But the loss arising from the donation must ultimately as is evident, fall upon the government itself.

(10)

Kepraat: Land given in charity by the aumil, zemindar or nazim.

Nankar: Land given (by) the zemindars, chowdries or talookdars by the aumils or nazim. It was originally understood to be granted as a subsistence in reward for services as the word implies.

Enam: Lands given by the zemindars or aumils as a favour. (ff 48r)

It may be remarked in general, that the property held under these several denominations is by practice transferrable with an exception only of that under the term Nuzzer Durgah.

In comparing the account now transmitted you, with that compiled by Mr Vansittart, the present proprietors with little variation appear to be the same persons who held lands at that period. It has been generally understood that all further grants were from that time prohibited and none subsequently made are deemed authentic such only excepted as have derived their confirmation from the Governor General and council or in particular cases from the head provincial authority.

Whether any and what abuses have taken place in these grants to the prejudice of government it is not in my power to determine as the necessary information could not be effected without a minute enquiry totally incompatible with my other occupations. The abuses however to which the Government is liable are many, and I am of opinion that the establishment of a regular office of registry for the alienated lands in Behar (ff 48v) both for the purposes of ascertaining any abuses that may have crept in and for preventing them in future may with propriety take place. All the objects of such an office were performed by the council at Patna formerly as their authority extended all over Beyhar but since the division of the province each collector has a separate authority within the limits of his own collectorship.

The duties of this office will be comprised under the following heads:

- i) To form an exact register of all the alienated lands in the province of Behar. and
- ii) To call upon all persons in possession of the ultungahs, jaghires, / muddudmaush and require them to produce the respective titles under which they hold them; but from the investigation the following persons whose rights are notorious and well ascertained, be excepted: the Nabob Mahomed Reza Khan, Rajah Cullian Sing, the heirs of the Nabob Mahomed Entch (?) Khawn, Maha Rajah Rajebullub. (ff 49r)
- iii) To identify by sufficient proofs the persons of those who hold lands under any of the above titles.

In cases where persons have succeeded to Ultungas, jaghires or Muddudmaush since the date of Mr Vansittarts enquiry to obtain from them proofs of their affinity to the deceased, and the degree of it.

In cases where the produce of the land possessed exceeds what they are by sunnud entitled to call upon the proprietors to shew whence this difference arises.

- iv) To ascertain the quantity of land held by actual measurement in cases where from information the proprietors are suspected of holding more than they are entitled to, but that this investigation do not extend to any lands which are now in the same situation with respect to limits as they were in Mr Vansittart's time.
- v) To report the decease of any holder of Ultungas, jaghires or muddudmaush to the Governor General and council through the Committee of Revenue, and the name of the claimant to the succession; the successor in future to take a sunnud from the new office; disputed (ff 49v) succession to be regulated by the courts of adawlut as by the public regulations they now are.

By this mode of enquiry will be ascertained whether any of the holders of rent free lands have succeeded to them without titles; if the names of absentees or deceased proprietors are continued. If lands are held by any persons who do not or have not resided in these provinces for a number of years, if any ground has been possessed beyond the quantity to which the proprietor is entitled by his grant, and lastly if the sunnuds are defective or land held as altamgha under a jaghire sunnud.

With respect to lands under the other denominations I am of opinion that the investigation should not be minute. In the account now laid before you, they are comprised under general heads according to the several Sircars, which constitute the province but of these the number of proprietors are many thousand; an enquiry into whose rights (ff 50r) would be vexatious and repugnant to the prejudices of the people and in itself of little advantage. I would therefore propose that all lands, the annual produce of which is less than 200 rupees should be exempted from any enquiry.

I do not at present propose any rules regarding the resumption of these lands as the enquiry when completed will suggest them more effectually than they at present occur. It is probable also that many circumstances will arise in the progress of the investigation that cannot be traced without it and which will prove to the advantage of Government.

With respect to the expences of the office, I imagine that the sum of 400 per month will be sufficient to defray them /fully exclusive of the allowances to the superintendent &c.

In order to defray this expence, I would propose a percentage be levied on all sunnuds regulated as follows:

On sunnuds for lands above 200 Rs and under 500 annual production 5 Rs each (ff 50v)

On sunnuds for lands exceeding that and under 1000 Rs: 10 Rs each

On sunnuds of 1000 Rs or above: 20 Rs each thousand

This percentage will not in itself fall heavy upon the proprietors, and if it should be found to afford a sum adequate to the expence incurred, there is every probability that it will be repaid from the resumption of lands held without authority. I submit it also to the consideration of the hon'ble Board if they should think proper to authorize the investigation if any and what proportion of the produce of lands resumed in consequence of it should be allowed the superintendent as a reward for his assiduity in the faithful discharge of the duties of his office.

Patna
29th January 1784

I am &c &c
John Shore

<u>Abstract of the foregoing Account:</u>	AYMA(only)	(ff 80v-81r)	
	Villages	Begas	Production(Rs)
Sircar Behar	1,195 $\frac{1}{2}$	7,29,929	2,12,313-10-15
Sircar Shawabad	337 $\frac{1}{2}$	1,20,304	23,031- 6-10
Sircar Rotas	287 $\frac{3}{4}$	25,517	14,999-4- 5,940-10-10
Sircar Hodgypur	783.9/16	88,666	7,940-10-10
Sircar Tirhoot	772 $\frac{1}{2}$	3,621 (?)	32,396-14-10
Sircar Sauran	255.9/16	76,014	35,120- 5-15
Sircar Champaran	211		24,354- 4- 0
Sircar Monghyr	39	980	1,981- 0- 0
(TOTAL)	3,881 $\frac{1}{2}$	10,45,032	4,13,602- 8- 5

NOTE: The proposal is finally considered in the Revenue Consultations of 29.6.1784 (ff 82-3) and it is decided "agreed" and that it "should not be delayed". The enquiry is later abandoned (Com of Rev to Govt 7.11.1785) as the Bauzee Zemeen Difter had instead of resuming land for the Government had become "a court for the resumption of land from Government."

(152)

Minute of J. Shore: 31.5.1782 @
(Extract)

(ff 8r) That this practice affects the revenues of the Government is evident. Firstly the actual alienation of the rents of lands included in the general rental and secondly, by lessening the value of the revenue lands. This is effected by withdrawing the ryotts from the revenue lands, and inducing them to settle on the Bazee Zemeen; which the proprietors can afford to rent to them on easier terms than a farmer or zemindar who pays an assessment for the lands held by him. The consequences of this practice if no restraint be imposed will annually become more important. To this it has been owing that the assets of a district on forming the (ff 8v) Hustabood, of it, have been found unequal to the revenue demanded by Government.

Committee of Revenue to Government: 7.11.1785 @@
(Extract)

(ff 140v) 6thly: That Malguzarry land or in other words, land now paying rent to Government shall be wholly and absolutely exempt from any enquiry or investigation by the Superintendent. To permit the attachment or resumption of such land on the plea of its having been heretofore Bazee Zemeen or indeed on any other plea or pretence whatever, would we apprehend, not only create a general alarm (probably to the great detriment of the revenue) among the aumils of Behar, but would actually invert the end, and order of the institution, by rendering the Bazee Zemeen Difter in that province a court for the resumption of land from Government. The best illustration of the propriety of this remark will be found in the (ff 141r) correspondence between the collector of rates and the assistant to the Superintendent dated the 13th October, and making a part of the appendix.

Minute of J. Shore: 8.8.1788 @@
(Extract)

There are two letters recorded upon the 7th April last from the collector of Shahbad which relate also to the subject of alienated lands. No decision has yet been passed upon them and I shall embrace this opportunity for the consideration of them. The material points in these letters are:

1. That a variety of grants have been brought before him for Ayma Bishenprut, Bermooter &c made by the Rajah Baboos and zemindars of villages since (ff 33v) the Fussly year 1178.
- 2.. That other sunnuds of very old dates are produced but not entered in the Amanut office.
3. That he had attached the lands under the above description amounting to about 11,000 Pags.
4. That most of the persons holding such lands are Bramins exceeding clamorous for restitution and threatening if this should be denied to put an end to their existence and that the author of the attachment cannot fail becoming detestable in their eyes and he proposes: First that in the event of a decision to resume the lands an equal quantity of waste land may be granted to the possessors of the resumed lands but he recommends in preference a confirmation of their present sunnuds.(ff 34r)

(ff 35r) But we must now determine whether we shall act by the strict rule of right or yield to the dictates of humanity. I am informed that by the Hindoo laws, the sovereign's right to the resumption of land alienated without his authority is established and if we may judge of the constitution of the Mahomedan Government by their practice the same conclusion will follow. In both cases no period is allowed to annihilate the sovereign's claim.

BM: Add Ms 21547: @ ff 7-18, Cons 31.5.1782; @@ ff 138-41, Cons 10.3.

Add Ms 21548: @@ ff 24v-38v, Cons 8.8.1788; followed on ff 38v-42 by proposed Regs and Govt to B of Rev on ff 42r-52r

Ff 34v has reference to Midnapore investigation by

(153)

Proposed Regulations Regarding Bauzee Zemeen: 8.8.1788

First: That all grants of rent free land previous to 12th August 1765, the date of the Dewanny grant shall be deemed valid under the following limitations:

- i. That the grantee actually and ~~bonafide~~ obtained possession of the lands so granted previous to the date prescribed;
- ii. That the land has not been subsequently resumed by officers or orders of Government.

Second: That all grants of lands (ff 39r) made since that period by any other authority than that of Government of the country and not confirmed by them, shall be held invalid and liable to resumption and annexation to the rental of Government, under the following modifications and limitations:

- i. That grants under the signature of the chiefs of the provincial councils and seals of the council (for rent free lands under one hundred rupees annual rent having been authorized by a regulation of Government be excepted and reported to the Governor General in council previous to any resumption;
- ii. That where the grants specify a quantity of land not exceeding one hundred beegahs, one half only of the rents thereof realized by the possessor, be resumed, but that the whole be declared forfeited and resumable upon the death of the present possessor, after which the rents thereof are to be annexed to the (ff 39v) publick rental. This respects all grants excepting those specified in the first regulation and the preceding limitation;
- iii. That where the grants specify a quantity of land less than 10 beegahs and such land is ~~bonafide~~ appropriate to the maintenance of Bramins or other religious or charitable purposes, it be not resumed without a previous report thereon and orders issued in consequence.

Third: That the second regulation without any regard to the 2nd or 3rd limitation thereof shall absolutely and positively take place with respect to all grants of rent free lands made from the Bengal year 1178 and from 1179 Fussly year which are herein declared invalid.

~~That the possessor shall have complied with the former regulations of Government for registering his lands in consequence of any requisition publicly notified for that purpose~~

Fourth: That possession antecedent to the date of the Dewanny where it has been subsequently continued to the present time shall be held of equal validity with any grant, under the following restriction.

/of Government

That the possessor shall have complied with the former regulation for registering his lands in consequence of any ~~grant~~ requisition publicly notified for that purpose.

Fifth: That aumils, farmers, or officers of Government employed in the collections discovering alienations of land shall upon their reannexation to the public rental, be entitled to the revenue thereof for the year in which it is made or the proportion of the rents for that part of the year unexpired.

Sixth: That to guard against collusions on the part of the aumils, farmers, and officers, (ff 40v) in consequence of the notification of the fifth regulation which may be perverted to an instrument of oppression without advantage to the Government, it be declared that if any aumil shall enter a compromise with any holder of alienated lands for concealing the tenure, he shall for any consideration received by him as a compromise forfeit three times the amount and the collectors are to be enjoined to enforce this resolution.

B.M.: Add Ms 21548: The regulations are preceded by a minute of Shore on ff 24v-38v.

Seventh: That nothing herein said be understood to authorize in future the succession of any person to rent free lands, altho possessed before the date of the Dewanny, unless the grant thereof shall express the descent of such lands by inheritance. The same rule is to apply to possessions (ff 41r) acquired before the Dewanny not founded upon any sunned or grant. But the cases are to be subject to the following limitation: That where one or more succession may have taken place before the date of the Dewanny, no resumption upon the demise of the possessor shall take place without the authority of the Governor General in council to whom notice of such an event is immediately to be communicated.

Eighth: Farmers, aumils, zemindars, or others alienating lands without the sanction of Government previously obtained shall forfeit five rupees for every beegah so alienated.

Ninth: The above regulations are not to affect any grants made or confirmed by the superintendent of the Bazee Zemeen in Bengal in virtue of the powers vested in him, nor the specific regulations laid down for Jaghires, Altumgah (ff 41v) and Muddudmash in Bahar.

The following regulations regarding Malconnah lands relate exclusively to the Soubah of Behar in which alone this tenure exists:

First: That no grants for Malconnah lands shall be deemed valid, excepting such as may have been made or confirmed by the supreme authority of the country, that is, the Governor and council for the time being.

Second: That any aumil, zemindar or others in future making grant of malikkonah lands shall forfeit five rupees for every beegah so granted.

Third: That when a settlement is concluded with any zemindar for the rents of his zemindary it is to be understood as made (ff 42r) for the whole zemindary upon fair and equitable terms without any specification or distinction of malikkonah.

Fourth: That zemindars not having the management of their own lands, are as at present agreeable to the constitution of the Soubah to receive an allowance of 10% malikkonah on the nett jumma of the zemindary.

Bengal Government to Board of Revenue on Proposed Regulations: 8.8.1788
(Extract)

Previous to the execution of the regulations we are desirous of having your opinion and that of the several collectors, on the probable consequences of strictly enforcing them by replies to the following queries: (ffx45r)

First: To what extent is it conceived Government may be benefitted and what number of individuals may be (ff 45r) affected by the operation of these regulations?

Second: What is the probable amount of the alienations given up by the limitations of the 2nd general article?

Third: If the regulations with the limitations stated provide for all cases of rent free lands, as far as they are informed, and generally, if they suppose the operation of them will occasion great clamour, distress and disgust?

Fort William

we are &c
Cornwallis,
Charles Stuart,
John Shore

8th August 1788

NOTE: the complete letter is on ff 42r-45r. The earlier part deals with rent free lands in Shahbad etc.

(15.4)

J. Heatly, Collector Purnea, on Bazee Zemeen: 25.11.1788

TO

J. Shore Esq, President & Members of the Board of Revenue, Fort William
Gentlemen

I have the honour to forward the abstract register of sunnuds delivered into the cutcherry to the end of October last. The sunnuds are classed under the periods with the authorities by which they are held, that the Board may be enabled at once to decide on their validity.

Mr DeCarel in 1171 and 2 entered on the investigation of the Milik lands of the province but the papers are not to be found among the records. And Mr Fenwick in the year 1780 made (p 495) an attempt to ascertain the quantity of Bazee Zemeen.

The number of Beegahs registered did not much exceed two lacs and as few or no resumptions took place the Milikdars conceive that the enquiry is a mere matter of form attended with inconvenience to them and of little moment to Government. The zemindars have been repeatedly ordered to attach the produce of the free lands until the proprietors obtain wazazasht from me but so strong is the collusion betwixt them and the sunnud holders that my efforts have proved fruitless.

/month

There are no regular registers of sunnuds in the zemindary shirestahs; however as a mode of detecting their unwarrantable collusion with the sunnud holders I called on them to deliver their /in accounts of the Bazee Zemeen the abstract of which accompanies this. The total is Beegahs 5,46,524, villages $15\frac{1}{2}$ and 198 Gutchs. The accounts of two principal purgannahs have not been produced which I suppose will swell the amount to about eight lacs of Beegahs. I transmit this account only with a view of demonstrating the small regard the zemindars pay to orders that affect their interest, and the collusion between them and the sunnud holders: For I have just reason to suspect its authenticity. For example about $2\frac{1}{2}$ villages whereas eight have (p 497) already been registered. In the same purgannah the alienations are made to be 5,245 Beegahs of which 4,756 are set down to be granted previous to the year 1177, and by my enquiry there are only 240 Beegahs granted previous to and 5,558 since the Company obtaining the Dewanny. The accounts of the other purgannahs I conceive to be as inaccurate. The periods they have taken 1176 and 1177 to 1194 is a proof of it. In the beginning of last / from I issued perwannahs to the zemindars to publish throughout their several districts that all Milik lands for which sunnuds should not be produced by the end of November could be attached and annexed to the revenue, but to be called on for the (p 498) difference which appears between their accounts and the register to pay 2 or 3 annas per Beegah. A stricter observance of orders would be issued in future.

In answer to the queries contained in your letter of the 5th of September last I beg leave to submit the following opinions to your consideration.

First I have stated the probable quantity of free lands of this province to about eight lacs of Beegahs. If the half of this be resumed and rated (p 499) on the average of the country at 4 annas a Beegah Government may be benefitted about one lac of rupees, provided that taccavy be advanced at proper time for the cultivation. The probable number of individuals who may be affected by these regulations cannot be well imagined but will not I think however exceed two thousand because the greatest part of the Milikdars do not cultivate the (p 500) lands themselves or by their servants but lease them to people who have the means of cultivating them which is an injury to the revenue lands.

IOR:P/52/21: Cons 1.12.1790: pp 495-503, Enclo 504-8
NOTE: according to the Amin Accounts (1778) The Bazee Zemeen in Purnea amounted to 6,15,130- $14\frac{1}{2}$, and the Chakeraan to £x947 89,477.
The number of Chakeraam holders is given as 2,522.

Second The amount of the alienations given up must be very trifling: No grants under the description of the first limitation having yet come to my knowledge. Those described in the 2nd limitation will probably not exceed 10,000 rupees.

Third The regulations to the best of my judgement answer for all cases of rent free lands. The 2nd limitation of the first article is the only one which can be objected to as there are few tenures by old sunnuds which have not at one time or other been resumed (p 502) by officers of Government. And an ~~m~~ enquiry at this distance of time into the grounds of such resumption must ~~have~~ / tedious / prove and fruitless. Present possession and an old ~~tittim~~ title should I humbly conceive be allowed. I presume it is not meant that claims to lands which are at this time ~~in~~ included into the revenue should be considered. (p 503)

The operation of the regulations will no doubt create much clamour and some distress. But in the assumption of its own rights Government must turn a deaf ear to representations and complaints. The lands ~~g~~ have been fraudulently obtained and the grants are injurious to Government. However I think the resumption may be so modified as to alleviate the distress, and when the present possessor finds that his ~~zixim~~ clamours are disregarded he will readily occupy the lands on terms somewhat favourable.

I have some matter to offer to the consideration of the Board in regard to the Jagheers of the province which are in fact an impossible on Government and as soon as my information of the subject is digested, I will do myself the honour of laying it before the Board.

Purnea
25th November 1788

I am &c
J. Heatly, collector.

(155)

J. Willes, Collector Sylhet, on Bazee Zemeen: 25.10.1788

To

J. Shore Esq, President & Members of the Board of Revenue, Fort William
Gentlemen

I am (p 550) favoured with your letter of the 5th September and enclose requiring information on three heads.

First to what extent it is conceived Government may be benefitted and what number of individuals may be affected by the operation of these regulations?

Second what is the probable amount of the alienations given up by the limitations of the second general article?

Third if the regulations with the limitations stated provide for all cases of rent free lands as far as you are informed, and generally if you suppose the operation of them will occasion great clamour, distress and disgust?

In reply to the first I can give no opinion with certainty; a just idea of the benefits to Government can only be formed after an examination of the sunnuds together with the putwarries papers. The sunnuds are very numerous and the investigation will be slow (p 551) and troublesome from the obstruction that will be constantly given by the canongoes and the principal Musseman inhabitants and others who have enjoyed great advantages from the munificence of the Nawabs Fouzedars of Sylhet, and these will have full opportunity for the exertions of their talents to obstruct the measure during a tedious scrutiny of the papers of 137 purgannahs. The putwarries will use every subterfuge to avert the measure, and the native officers of Government in general whether at the sudder or in the mofussil will be averse to the prosecution of the enquiry.

The canongoes have officially stated to me the total jumma of rent free lands at 15,000 Cawns. I have from others understood that if resumed, they will produce near a lac of Cawns. By the operation of the regulations many individuals will certainly be affected, but I dare not declare an opinion as to their number; I have heard (p 552) from several persons that there are not less than five or six hundred sunnuds under which land rent free or held in this district.

In reply to your second query as I cannot judge of the general amount, it is impossible for me to ascertain what will be the probable amount of alienations given up by the limitations of the second general article.

In reply to your third query I imagine the regulations will provide for all cases of rent free land, but that their operation will occasion great clamour in this district where every innovation however salutary is vehemently opposed especially as during the Mogul Government, Sylhet was only considered a Jagheer for the several Nawabs and their followers, and contributed a very small revenue, if any, to the general expence of the Empire.

It is to be expected that every person whose interests are affected will be displeased with the measure but I see no reason to suppose that it will occasion distress, tho' it may in some cases trench on the ability of the zemindars &c to make good their present assessment.

Sylhet
the 25th October 1788

I am &c
J. Willes, collector.

IOR:P/52/21: Pro 1.12.1790

(15.6)

D. McDowall, Collector Rungpur to Board of Revenue: 23.5.1789
 (Extract)

To
 John Shore Esq, President and Members of the Board of Revenue, Fort William

Gentlemen

The register of the rent free land in this division being at length prepared I have the pleasure ~~to~~ to transmit to you enclosed an abstract of its five accounts (ff 141r) which I hope will give satisfaction, and I shall now proceed to reply to the three questions in your letter of the 15th September last.

(Answer to Question 1)

By the accompanying abstract No 5 it appears that the lands immediately resumable amount to Begahs 62,784-11 Cattahs, which at the rate of one rupee and a half per begah will yield annually Rs 94,177-10. The future resumptions depending on tedious and minute investigations must necessarily be a work of time and altho it may be said that the whole of the rent free lands must ultimately fall to Government yet it is impossible to form any reasonable conjecture at what period this event (ff 141v) will happen, to what an annual advantage may arise from the enquiries which must take place in consequence of the 1st, 4th, 5th, and 7th articles with their limitations.

The number of persons who will be affected by the immediate resumption above stated may be estimated at about 4,000 exclusive of their families and connections.

(Answer to Question 2)

The amount of the alienations given up by limitations of the second general article is Begahs 21,088-3 as stated in the abstract No 5, about Rs 31,632-4-10

(Answer to Question 3)

(ff 142r) The regulations with the limitations do provide for all cases of rent free lands, so far as I am informed and if they shall be gradually carried into execution with prudence and moderation I do not think the operation of them will occasion great clamour, distress and disgust.

I beg leave to take this opportunity, Gentlemen, of reminding you of the expence which has attended the preparation of the Bazee Zemeen register being Tons (?) 812, a sum which considering the very great extent of the work will not I trust be deemed excessive and I request you will be pleased to authorize (ff 142v) the disburse(ment) of it. I think a copy of the register ought to be deposited in the Khalsa as a very useful record in all future enquiries into the rent free lands of this Division. The expence of attending the copying of it will amount to Tons 475, vizt 20 Mohoreers for three months at $7\frac{1}{2}$ Rs per month each 450 Paper, pens, Ink &c 25 $\overline{475}$

I have the honour to be &c
 Rungpore 23 May 1789 D. McDowall, collector

BM: Add MS 21548

No 1

15.2

ABSTRACT REGISTER OF THE BAUZEE ZEMEEN OF EVERY DENOMINATION
IN THE RUNGPORE DIVISION

<u>Category</u>	Rungpore &c	Edrakkpore &c 8 Sa Mhs	<u>TOTAL</u>
1. Dewutter	57,798	7,393	59,191
2. Bromutter	1,52,908-4	41,146-8	1,94,054-12
3. Peerpaul	25,447-2	3,232-9	28,679-11
4. Lakherage	8,099-1	2,599-3	10,698-4
5. Khannabary	31,229-9	-	31,229-9
6. Kawalah	12,544-17	-	12,544-17
7. Pettebatta (^{পেটো} বান্দা)	12,522-8	-	12,522-8
8. Bydiotter	6	-	6
9. Jagheer	2,854-8	-	2,854-8
10. Ayma	920-16	1,892-12	2,813-8
11. Bhygutter	7,337-1	202-10	
12. Mohutterun	440-9	-	440-9
13. Byatty	316-8	-	316-8
14. Culinga	30-15	-	30-15
15. Chaukeran	20,211-18	-	20,211-18
16. Ruchetchara (?)	101-10	-	101-10
17. Groutter	1-13	-	1-13
18. Khoma Chukla & Komar Toat (?)	1,193-7	1,658-16	2,852-3
19. Sherake Boge	826-10	-	826-10
20. Haut Kolah	267-6	352-9	619-15
21. Birty	212-14	402-13	615-7
22. Nanker	28	-	28
23. Mullysamul	57-10	-	57-10
24. Tonnako & Sudeokaw Rayaun	9-2	-	9-2
25. Bhuttutter	0-16	-	0-16
26. Bustomutter	10-15	-	10-15
27. Cutcherry Moffussil	89-4	-	89-4
28. Birty Casdai	x -	1,769-9	1,769-9
29. Seebutter	-	307-14	307-14
TOTAL Quantity of			
BAZEE ZEMEEN		<u>3,23,365-4</u>	<u>61,056-12 3,84,421-16</u>

No 2

<u>No of Persons</u>	16,549	8,597	25,146
<u>Quantity of Land</u>	<u>3,23,365-4</u>	<u>61,056-12</u>	<u>3,84,421-16</u>

No 3

Granted Previous to			
12 August 1765	2,49,663-5	50,885-17	3,00,549-2
12.8.1765 to 12.4.71	55,827-2	9,778-16	65,605-18
12.4.1771 to 15.9.88	<u>17,874-17</u>	<u>341-19</u>	<u>18,266-16</u>
	3,23,365	61,056	3,84,421

IORL B/52/21: Rev Cons 1.12.1790: pp between 539-542: Report pp 532-38.

(158)

R. Bathurst, collector Tirhoot, on Bazee Zemeen: 13.6.1789

(111)

To

John Shore Esq, President and Members of the Board of Revenue, Fort
William

In consequence of the orders of the Right Hon'ble the Governor General in council transmitted in your letter of the 16th September 1788 I have the honour of enclosing two statements of lands alienated since 1178 Fussly which afe attached and resumable according to the reports formerly delivered in by the canongoes. Many places however are represented (and I believe with truth) to have been granted previous to the period above mentioned though stated otherwise by the canongoes through mistake, negligence or enmity to the possessors. This will be carefully ascertained as leisure permits me. But I think it my duty, Gentlemen to observe that whether (p 578) some of the grants shall prove to be anterior or all subsequent to 1178 Fussly their immediate resumption while it will add little to the resources of Government must consign to sudden misery and want hundreds of poor people of various descriptions who derive solely from those small spots of land their own support and that of their families.

Permit me therefore to suggest that such lands as upon examination shall appear to have been granted previous to 1178 be confirmed to the possessors; and that such as have been granted since that period be continued to the present holders during their life time and resumed after their decease and a notification to that effect be circulated throughout the district. This small indulgence on the part of Government will afford comfort to many, insure to them (p 579) subsistence during their life and prepare those of their kindred who happen to survive them to provide for their own when the land come to be resumed.

The multiplicity of other business will I hope plead my excuse for not having proceeded with more dispatch in this minute and troublesome investigation.

Tirhoot,
the 13th June 1789I have the honour to be &c
R. Bathurst, collector.Peter Speke, collector Rajeshahy, on Bazee Zemeen: 10.7.1789
(Extract)

Query 1: The Bazee Zemeen lands of every (p 515) denomination in Rajeshahy were ascertained by the Ameen investigation in 1778 to Beegahs 4,29,149 and the Chakeraan lands 2,34,690. According to enquiries lately made by me of which particulars have been reported to the Board the former are now increased to Beegahs 4,52,354 and the latter to 2,73,970. But the question stated could be accurately answered (p 516) only after an investigation into the individuals who are now in possession of these lands and I am unwilling to hazard a conjecture on so extensive a district as that under my charge as I am conscious I could not inform and am fearful I might mislead. I must however express my belief that the profits of the free lands allow (p 517) in many instances the payment of a large revenue to Government on the malguzarry lands they being cultivated by the same tenants. Should the former therefore be assessed the assessment of the latter must in all such instances be proportionately reduced or it will be felt with additional weight by the present cultivators.

Query 3:

IOR: P/52/21: Ben Rev Cons 1.12.1790

NOTE The enclosure to the report from Tirhoot are on pp 580-91.

Another earlier report from Tirhoot is on pp 553-7, enclo 558-76.

The report from Rajeshahy is on pp 514-24. The number under "Chakeraan" in Rajeshahy in 1778 was 17,691.

15.9

Samuel Davis, Acting Collector, Bhagalpore on Bazee Zemeen: 30.8.1789

To

John Shore Esq, President & Members of the Board of Revenue, Fort William

Gentlemen,

I have to reply to your letter of the 5th September 1788, requiring an opinion of the probable consequences of strictly enforcing the regulations at that time transmitted, respecting the rent free lands by replies to the following queries.

First to what extent it is conceived Government may be benefitted, and what number of individuals may be affected, by the operation of these regulations?

Second what is the probable (p 612) amount of alienations given up by the limitations of the second general article?

Third if the regulations with the limitations provide for all cases of rent free lands, as far as I am informed, and generally if I suppose the operation of them will occasion great clamour, distress and disgust?

My report must be confined at present to the Baglepore Division of the district, from which an account, accurate, I believe, has been obtained of the Bazee Zemeen, by the means of the canongoes registers; but those registers having long since been neglected in Rajemahl as the Board already are apprized, the difficulty and delay in procuring information which may be depended on in that zillah will be so much that greater. The (p 613) best however which can be obtained shall be furnished as early as possible.

Enclosed is a general account of the Bazee Zemeen of zillah Baglepore, extracted from a register of it in this cutcherry which forms a large volume. The first column expresses the number of persons holding Bazee Zemeen, the second the amount of beegahs granted, the third the proportions remaining uncultivated, the fourth the proportion of land cultivated and the fifth the estimated produce of the last mentioned article. I think it necessary to observe that the estimate of the produce of the land in cultivation, was taken on the report of the proprietors there being no other method authorized to obtain it, and that on comparison of the amount, with the quantity of land (p 614) it is said to be drawn from and with the usual value of land in Baglepore, I believe it to be under-rated.

This statement shows the Bazee Zemeen classed according to the periods specified in the regulations, and in the grounds of it I shall reply, as well as I am able, to the queries proposed by the Board

First to what extent is it conceived Government will be benefitted?

By the operation of the 4th general article, I conceive all the grants of land included under the 3rd head, or those made since the year 1179, would be resumed, because they are not affected by the 1st limitation of the 2nd article of the regulations, or because none of them have been confirmed by the (p 615) signature of the officers of Government.

/easily

The rent free lands included under the 4th head, or that for which the proprietor have at present no written sunnuds or grants, I apprehend would not be resumable; because the proprietors declare it to have descended to them by an inheritance from their ancestors, who obtained possession, long before the Company acquired the Dewanny; and because they could ~~only~~ obtain the concurrent testimony of their neighbours to this point, which is the best evidence, the nature of the case admits of, and, would, I imagine be allowed to bring them under the 1st limitation of general article the first.

The land specified (p 616) under the 2nd head or that granted between the year 1172, and 1179, would be resumable in part, or agreeable to the 2nd general article, with its limitations; but as

IOR: Ben Revenue Cons: P/52/21: Cons 1.12.1790 (also in P/71/14:28.9.
(also in Add Ms 21548)

1789

those grants for the most part do not exceed 100 beegas, and are many of them for less than 10 beegas; I believe not more than half the rent derived from it would be resumed by Government.

The land included under the head the 1st, or that held by sunnuds, and grants given antecedent to the Dewanny would be confirmed to the present possessors, under general article the 1st, which declares all such sunnuds and grants valid, provided, "the grantee actually and bonafide obtained possession of the lands so granted previous to the date prescribed", and provided that the land has not since been resumed by (p 617) the officers or orders of Government.

Agreeable to what has been said the probable amount of land immediately resumable would be of

	<u>No of Persons</u>	<u>No of Beegas</u>	<u>Unculti- vated</u>	<u>Culti- vated</u>	<u>Jumma Rs</u>
Head 1.	6	-	-	-	-
Head 2.	697	17,152	11,032	6,120	3,483
Head 3.	560	18,512	13,277	5,235	2,523
Head 4.	-	-	-	-	-
<u>TOTAL</u>	<u>1,257</u>	<u>35,664</u>	<u>24,209</u>	<u>11,355</u>	<u>6,006</u>

The ultimate advantage that Government would derive from the enforcement of the regulations, or the amount of land &c resumable on the decease of the present possessors, in addition to the foregoing estimate of land, immediately resumable, can be known only (p 618) by an examination of the sunnuds and grants under which it is held from thence, to determine under what article and limitation these tenures respectively fall. A strict enforcement of the 7th general article would set most of them aside, as not expressing the descent of the land by inheritance.

But it must be observed, that in many cases land is understood to be given in perpetuity, although there be no mention made in the grant of its descent by inheritance; and that should this circumstance have its due weight, a small proportion only, of the land above mentioned, would revert to Government.

The number of individuals who might be effected by the resumptions particularized, may be collected from the estimate referred to. Under head the 3rd (p 619) there would be 560 persons wholly dispossessed. Under head the 2nd one half of the number of holders, or 697 would relinquish half their rents; and ultimately I believe $\frac{3}{4}$ ths of the whole quantity of land granted would be resumed by Government; and 4,251 holders dispossessed. These numbers multiplied severally by 4, as the average of persons in each proprietors family, will give the probable number of individuals affected.

Second what is the probable amount of alienations given up by the limitations of the 2nd general article?

Limitation the first gives up none, because the signatures and seals mentioned do (p 620) not appear on any sunnud or grant in this district.

Limitation the 2nd, would give up, at least one half of the produce included, under head the 2nd.

Limitation the 3rd requires report to be made to Government of grants, under 10 beegas, and the land bonafide appropriated to the maintenance of Brahmins &c. The amount given up by this limitation would, depend on the orders which might be issued by Government on these reports, and consequently cannot at present be estimated.

Third if the regulations with the limitations stated provide for all cases of rent free lands as far as you are informed?

(p 621) The regulations apply to Bazee Zemeen whether held at

present with, or without sunnuds, or grants,; and therefore provide for all cases and tenures as far as I am informed.

Generally, if you suppose the operation of the regulations will occasion great clamour, distress and disgust?

The operation of these regulations if strictly enforced would produce a ~~unexampled~~ scene of distress, I believe, unparalleled in the history of the district, except what may have happened from famine or the sword.

Whole families would be deprived of their means of subsistence, which however originally acquired, having long enjoyed without fear of dispossesssion, (p 622) they would be unprepared for so dreadful an event and ill qualified to encounter it by recourse to any new way of life. Such effects would not fail of raising clamour among the immediate sufferers, and disgust even among the unconcerned spectators, possessed of the smallest sentiment of humanity, for these regulations do not distinguish or except the widow or orphan, neither infancy nor decreipt old age; many of which description subsist on the produce of rent free landx. The resumption of land granted by zemindars and aummels without sufficient authority; but yet after having been held for 15 or 20 years unquestioned in its tenure, would have been under the native government, I believe, an unpopular (p 623) measure more particularly where the Revenue Zemindary in which it lay was not reduced by such grants; and whilst the same sentiments and mode of reasoning prevail among the natives, they would see no cause (arising from deficiency of revenue) for so general a resumption Bazee Zemeen in zillah Bagle pore. The revenue of the zillah, has of late years, been greatly increased, and I imagine enough, to believe, that management of the district, similar to that which has made it prosper would in a few years be productive of more advantage to Government than could be derived from the resumption of the Bazee Zemeen; but this must be effected by encouraging and protecting (p 624) not by distressing and disgusting the inhabitants by a generous connivance at petty advantages where they are the sole support of helpless families, rather than by a severe and indiscriminate vindication of even the just claims of Government in such cases.

However deficient the natives are in sentiments of humanity and principles of justice in their dealings with each other, no people on earth are more scrupulous of touching the possessions of the poor, and helpless, who subsist on charitable contributions. They are not over ready to grant relief to such objects, but when once granted they hold it sacred, and to make good claims on themselves (p 625) would submit to the inconvenience of many from , or even unjustly extort it from others rather than resume any thing they had given in charity or thought a religious motive. They would not therefore behold without deep concern a strict enforcement of some of these regulations and their reflections if they made any would not be favorable to the Government that ordained them.

I would not from this be understood to hold, that there are no alienations of land in the district, which might with propriety be resumed; on the contrary, I have some reason to think there are many, altho I confess I should not immediately (p 626) or without going into an enquiry in the subject be able to point them out; I speak only to the query, "the operation of these regulations" by which I understand an enforcement of them without restriction of the age, sex, education of the holder of Bazee Zemeen, whom they concern.

I believe a moderate assessment on the Bazee Zemeen in cultivation or a general resumption of the part of it uncultivated would be a measure altho perhaps less just yet less grievous and unpopular than the operation of ~~the~~ regulations. But as this observation makes /these no necessary part of the answer required of me I must beg leave (p 627) to apologise for obtruding it on the Board,

Boglepore
30th August

I am &c
Sam'l Davis, Acting collector.

15.10

ACCOUNT OF BAZEE ZEMEEN IN ZILLAH BHAGULPORE HELD BY WRITTEN GRANTS
DATED ANTECEDENT TO THE FUSSULLY YEAR 1171 & OTHERS OF WHICH THERE
ARE NO SUNNUDS OR GRANTS

Nature of
Assignment

	Having Written Grants to F 1171					Having No Written Grants At All				
	Number of Hol Beegas	Number of Unculti vated	Cultiva ted	Jumma	Number of Hol Beegas	Number of Unculti vated	Cultiv ated	Jumma		
Mileek	661	51,957	41,642	10,314	7,040	225	9,996	8,980	1,016	574
Barmootur	1,091	18,537	12,365	6,172	3,484	639	6,449	4,950	1,499	744
Sheebotur & Deotur	144	2,898	1,782	1,116	587	222	5,755	4,632	1,123	569
Bhatootur	143	1,961	1,610	350	194	66	720	663	57	55
Peeraun	22	391	225	166	62	114	1,161	902	258	192
Moskaun	57	2,399	962	1,436	1,229	12	372	301	71	92
Moohutrun	6	157	36	126	71	12	1,178	1,161	17	3
KhannaBarry	15	249	75	174	62	51	830	380	450	142
Innaum	29	11,669	8,696	2,973	2,667	29	3,317	2,263	1,053	926
Modutmass	21	12,423	8,506	3,916	4,703	2	310	193	116	46
Zur Kharreed	98	579	469	110	198	40	347	293	53	89
Altamgah	10	11,664	6,149	5,525	2,793	-	-	-	-	-
Khoon Bahah	-	-	-	-	-	1	55	55	-	-
Mockberrah	2	19				2	19	19	-	-
TOTAL	2,297	114,898	82,520	32,378	23,093	1,415	30,514	24,797	5,717	3,426

ACCOUNT OF BAZEE ZEMEEN IN ZILLAH BHAGULPORE HELD BY WRITTEN GRANTS
DATED BETWEEN THE YEAR 1172 and 1179, & 1180 & 1189 FUSSLY

	Grants between Fuslly 1172-9					Written Grants between Fuslly 1180 ⁹				
	195	9,950	7,279	2,570	1,478	75	2,803	2,072	731	299
Mileek	195	9,950	7,279	2,570	1,478	75	2,803	2,072	731	299
Barmootur	892	15,001	8,738	6,265	3,436	244	6,068	3,634	2,433	1,172
Sheebotur & Deotur	84	2,284	1,499	785	544	45	4,133	3,486	647	324
Bhatootur	65	617	361	255	146	32	211	88	122	60
Peeraun	13	385	112	273	124	1	1	-	1	1
Mosskaun	17	480	287	193	69	19	441	393	47	20
Moheetraun	2	125	125	-	-	-	-	-	-	-
Khanna Barry	57	737	146	591	204	52	655	156	498	170
Innaum	20	2,234	1,953	281	241	44	1,854	1,431	422	250
Modutmass	3	2,165	1,233	931	623	1	825	760	64	38
Zur Kharred	47	423	328	95	98	14	40	18	22	18
Altamgah	-	-	-	-	-	31	1,467	1,232	234	1,074
Khoon Bahah	-	-	-	-	-	1	8	-	8	3
Baug Damon	-	-	-	-	-	1	2	2	-	-
TOTAL	1,395	34,305	22,065	12,240	6,967	560	18,512	13,277	5,235	2,533

ABSTRACT OF BAZEE ZEMEEN ZILLAH BHAGALPORE

No 1 Grants Antecedent to F 1171	2,297	114,898	82,520	32,378	23,093
No 2 Grants between F 1172 & 1179	1,395	34,305	22,065	12,240	6,967
No 3 Grants " F 1180 & 1189	560	18,512	13,277	5,235	2,533
No 4 Of which there are no written or sunnud grants	1,415	30,514	24,797	5,717	3,426
	5,667	198,230	142,659	55,571	36,021

(15.11)

18

116

T. Law, Collector Gya, to Board of Revenue on Bazee Zemeen: 25.9.1788
(Extract)

The revision of sunnuds must always be expensive and troublesome and alarming to the landholders and in general (ff 62v) unprofitable to Government. No collector has time, his delegate therefore may terrify, extort money and release estates and as I before ventured to suggest, it appears unjust to molest any one in possession without the appearance/an injured party and for this purpose in /of my letter under date the 23rd June 1786, I recommended that the Head Assistant should be prosecutor on the part of the Company with a percentage and the collector decide the claims in the adawlut from which an appeal lies to either party. The natives cannot then complain of their inability to assert their rights the judge being interested in depriving them of their estates (ff 63r) and consequently anxious to avail himself of any trivial defect.

The Assistant will be active to benefit Government from material interest but being unable to determine he cannot abuse his trust and as his proceedings must be public he will not discredit himself by litigious claims; the holders also under good tenures will thus be at ease relying upon the fixed laws but when the same person is judge, party and ruler he may privately work upon the fears of many, and tho I never knew of the operation of this influence yet a Government should avoid granting so dangerous an authority and this is the argument against the former appointments. (ff 63v)

With every apology for this extraneous remark I shall now humbly fulfill your orders respecting the separate articles:

(ff 70v) In reply to your questions, Gentlemen, respecting the quantity of land recoverable I must acknowledge my inability to form an estimate, also/the probable amount of the alienations /of given up by the limitations in the second general article.

In England the maxim is admitted that possession is a good title till a superior one is proved else, all security would be lost by investigation of titles.

The natives cannot pretend an objection to Government's (ff 71r) recovery of its rights by legal process and I am convinced that whilst more is obtained by gradual and formal resumptions the rules will be most gratefully received.

Gya
25th September 1788

I am &c
Thos Law, collector

BM: Add Ms 21548: ff 62-71 NOTE: Law's suggestion about the Head Assistant is made as policy by Cornwallis Minute of 1.12.1790

Bauzee Zemeen in Pergunnahs of Bhagalpur in 1782: 31 May 1782

On the 31st of May the Governor General in illustration of the truths contained in Mr Shore's minute laid before the Board report of the 9th February 1782 from Mr Cleveland at Boglepore containing the following abstract of the charity lands in Havelly Menjheer and (p 215) compared with the jumma paid to Government.

Names of the Pergunnahs	Amount of Charity Lands	Jumma to Govt
Havelly Mongheer (?)	4,675-10-15	13,475- 8- 4
Saccurapautty	413- 4- 5	1,806-13- 3
Aubeypore	5,699- 2- 5	—
Sellimabad	3,353- 9-10	9,287-14-17
Souzagegurry	1,306-12-10	6,458- 0- 0
Chandarbocker	—	651-12-15
	15,448- 7- 5	31,680- 0-19

BM: Add MS 12566: Papers for Lord Mulgrave; also Add Ms 21547:ff18v

(15.12)

Mr LAW

As the zemindars of Chittagong positively object to entering into engagements for the present revenue in consequence of impending evils by the clause in their pottahs to become responsible for Bauzee Zemeen resumptions, I think it would be wise as well as a humane measure to expunge such clause, and to entitle the landholder to prosecute for such petty resumptions which gradually attained, will enable him more and more easily to liquidate the land tax, and to defray slight losses by casualties.

Government may hazard the existing revenue, must incur heavy expences, and obstruct the landholders' collections by the deputations and investigations of various characters and abilities into trifling alienations or spots of lands granted by zemindars within villages. I think it were in every point of view politic for Government to restrict their claims to whole villages not assessed with a land tax, and these be subsequently added to the rent roll.

If Government meditate any great increase from resumptions, I think the settlement for ten years should be postponed till the end is attained. I have materially considered the vexations, the expences of these minute enquiries, which almost drive the people to rebellion; and at any rate alienate the minds of the natives. If the zemindar refuses the additional proposed rental upon resumptions, is there to be an (p 766) ameen for these scattered spots? In short many obvious evils occur, the alarm is now great, and the whole settlement must in some degree be impeded by the reserve of an obnoxious scrutiny &c, an indefinite demand by the rulers of the country, themselves parties. If these minute parcels of ground are to be fairly prosecuted for the gain will I fear scarce be adequate to the charges and the effects of such demands will be protraction of improvement from the subversion of confidence.

I annex the clause alluded to to prevent mistake and trouble of reference.

32nd: "That it be notified by the zemindars become an express condition of their engagements that all resumptions of rent free lands, not at present constituting any part of the jumma of their zemindaries, shall be made for the benefit of Government, and the amount thereof, or such portion thereof, as Government may determine, shall become an addition to their jumma. The Government will determine the mode by which an investigation of the rent free lands shall take place."

T. Law

Mr CHAPMAN

Government having promised as their determination on the mode of conducting the investigations of rent free lands, we may reasonably expect it will be founded in justice, and liable to, the (least) possible objections. I think we should therefore wait the receipt of it before we hazard a recommendation for altering the existing regulations, or (p 767) at furthest make use of the objections stated by the Chittagong zemindars to engaging for a ten year's settlement, as an argument (?) for requesting his lordship in council to favour us with his final orders on this point as soon as possible.

Mr GRAHAM

I am against Mr Law's proposition, and shall deliver my reply to his minute at the next meeting.

Mr COOPER (Acting President)

I also am against Mr Law's proposition being of opinion the Bauzee Zemeen enquiry should be general. I agree with Mr Chapman that in consequence of its being brought before us by the letter from the collector of Chittagong, we should request the Governor General in council to pass as early as possible his final determination on the mode by which an investigation of the rent free lands shall be made, as promised in the 32nd article of the order on the Bengal settlement.

When it shall have been ascertained what quantity of land is resumable, Government may then decide in what manner it shall be disposed of.

MR GRAHAM

To enable me with precision to offer my objections to the propositions contained in Mr Law's minute recorded at our last meeting on the memorial of the zemindars of Chittagong transmitted for the Board's consideration by the collector of that district, I find, it necessary to state distinctly what appears to me to be the purport of these propositions. (p 768)

First, that the 32nd article of the Governor General in council's instructions for the Decennial settlement, directing the resumption (of) rent free lands to be made an express condition in the zemindar's engagements be rescinded.

Second, that instead thereof the zemindar be entitled to prosecute for petty resumptions, and to enjoy the benefit without paying any additional assessment to Government, to enable him more easily to liquidate the land tax and to defray losses by casualties, and lastly, that Government's claim to resumptions of rent free lands be confined to whole villages not assessed with a land tax.

To the first I object because it away a clause in the engagements of the zemindars, which I deem essential to the preservation of the just rights of Government, and to facilitate their future redemption, because it would encourage a repetition of abuses by which they have already been infringed, and because it would tend to perpetuate the loss Government now suffer thereby.

To the second because it would be giving a direct sanction to the zemindars to legalise their own abuses, and to erect them into unalienable rights in future, and because it would effectually preclude the possibility of the interference of Government hereafter to accomplish one of the most important objects to the permanent prosperity of this country, the equalisation of the land tax.

To the last proposition I object, because the modification intended thereby is undefined, and if confirmed in the present form, would exempt a village from resumption even if assessed at no more than one fifth of that proportion of the land tax which according to the produce of the lands belonging (p 769) to it, it ought to pay, and because it is open to the last grounds of objection stated against the second proposition.

I shall now proceed to notice such part of the reasoning contained in Mr Law's minute as appears to me to require reply:

It sets out with a declaration which he finds his propositions that the zemindars of Chittagong "positively object to entering into engagements for the present revenue, in consequence of impending evils by the clause in their pottahs to become responsible for Bazee Zemeen resumptions."

I have perused with the greatest care and attention both the letter of the collector and the petition of the zemindars of Chittagong, but must confess myself unable to discover the positive refusal on the grounds above stated. On the contrary the collector in

discussing the application of the regulations to local circumstances, and the situation of the zemindars of Chittagong writes as follows:

"I mean not to infer that their number does of itself include any objection to a settlement of the nature prescribed by Government, as any plan which is found applicable to one may be extended with equal ease, save the difference of time to thousands, provided they be of the same quality and description. The difficulty arises not from the source, but from the very small extent of ground of which some, nay most of the Terriffs (?) consist, which are so extremely inconsiderable, as to be subject to be totally carried away by the malignant influence of the sea, or large rivers, not only before the expiration of the term of the settlement (p 770) even supposing it limitted to a period of ten years, but almost before the annual revolution of any point of time. This it is then that has principally given rise to the present petition. The zemindars alarmed from experience of the destructive and irremediable effects of the elements, and apprehensive that the execution of a cabooseat or engagement, not only unqualified as to a provision for any unforeseen casualty, but containing (?) an express condition which renders them responsible for any such event, have unanimously I may say, set their signature to the inclosed memorial."

From the above passage it would appear that casualties peculiar to the situation of the province of Chittagong have as expressed by the collector "principally given me to the present petition."

As Mr Law's second proposition may be supposed to provide for the casualties above recited, it may not be improper in this place to observe that it cannot possibly comprehend a remedy to the case of a landholder, whose entire territory may be carried away. The distresses occasioned by such a casualty can only find relief in the indulgence of Government, and which they will have it amply in their power to afford in Chittagong from the zemindary of Joynagar, should the purchase thereof be made as recommended by the Board.

Mr Law in support of his first and second proposition taken unitedly says "Government may hazard the existing revenue, must incur heavy expences, and obstruct the landholders' collection by the deputations and investigations of various characters and abilities into trifling alienations or spots (p 771) of land granted by zemindars ~~inxthmire~~ within villages."

In opposition to these apprehended injuries I beg leave to recognise the actual result of the Bazy Zemeen investigations in the province of Midnapore, which without either obstructing the collections of the zemindars or impeding the realization of the existing demands of Government during the execution of the business, has by the resumption of lands improperly alienated, added to the ~~annual~~ annual income of the Company from that province of one lac of rupees. From this proof the Governor General in council will be best able to judge of the hazard to the existing public revenue by reserving the Company's right to the resumption of unauthorised alienations. So much is my opinion the reverse of Mr Law's in respect to the policy of ascertaining the quantity of land in possession of each landholder in these provinces, that I should esteem it in no less a wise than humane measure, to make an accurate measurement and valuation of the whole of the Company's territories, and thereby attain that knowledge which alone can enable Government to make an equitable allotment of the land tax, of which I am decidedly of opinion all description of landholders should contribute their proportion, as I esteem it in every point of view just, that they should defray their share of the dues of the state from which they enjoy the benefit of protection. The numerous existing exemptions from the publick rental under the general denomination of Bazy Zemeen, I can consider in no other light than as so many sources of grievance and hardship on the majority of the malguzarry ryots, from whose labours the present land tax (p 772) is drawn.

Ex cannot think with Mr Law that Government should defer the decennial settlement of the lands now paying the land tax, until the value of the unauthorised alienations shall have been ascertained, as I do not conceive the one to depend at all upon the other. For after the resumptions shall have taken place, if Government should upon a consideration of the gross resources of any zemindarry or talook, of which the lands resumed formed part, find the land tax by the addition from resumptions, will be too heavy, an adequate remission can be granted from the whole, and an equitable assessment fixed. In adopting this rule, I think neither should risk rebellion, or the alienation of the minds of the natives.

Mr Law in the last paragraph of his minute says "the alarm is now great". Having no knowledge myself of any great alarm, I think it a duty incumbent on me to request Mr Law will state specifically for the information of his superiors, the grounds on which the assertion is founded.

I request copy of this minute may be forwarded to his lordship in council.

Recorded 17th May.

Thos Graham

Mr Law

My thanks are due to Mr Graham for entering at length into the subject of my minute recorded upon the perusal of the Chittagong zemindars petitions.

As Mr Graham requests his minute may be sent up to the Governor General in council, I am bound to explain, and that too immediately to prevent Mr Graham's (p 773) minute losing the opportunity of perusal with the letter and minute of last Board day.

Equalisation were I admit a desirable object, if to my mind it seemed practicable without more evils than advantages. Many circumstances must be weighed, before Government should delegate its officers into pergannahs with an avowed intent to screw the utmost from every village, which already is supposed to pay a revenue upon the hard maxim of nine tenths of the landholder's net receipts being the right of sovereignty.

Chittagong is a remote part of Bengal, and only a certain quantity of specie is brought back by the ballance of commerce; if therefore upon Bazy Zemeen resumptions additional payments are required, the Government may find themselves not only disappointed in the expected profit, but experience diminutions of their present collections. Several zemindars I understand are enabled to liquidate the demands of Government by contributions from the charity landholders, particularly when any failure prevents the more heavily assessed Nizamut ryots from defraying the amount of the pottahs. Some of the tenures therefore are in the nature of fee-simples in Great Britain.

But upon a supposition that the foregoing objections did not exist, I will now consider the delay (p 774) and difficulties of these details.

Mr A Smyth's states "that the survey and valuation of Bohemia is said to have been the work of 100 years."

Where are the unemployed executive civil servants to perform the arduous and delicate undertaking?

The little reliance to be placed in measurements and scrutinies for equalisation of ryotty tenures have been evinced by Mr Harrington's report on Seroopoor, and by analogy it operates against Bazee Zemeen minute researches, besides the orders of the court of directors are positively prohibitory of such details.

Admitting next for argument's sake that the difficulties were surmounted, I think that a mere view of the situation of the wretches suffering by the measurement would be sufficient to induce an annihilation of it even after performance.

Some petty zemindars have only a jumma of 50 or 100 rupees and some even less.

Will Government allow them only a tenth, when the lands are held khas? Can a proprietor support himself and family on 5 or 10 rupees per annum? How are the miserable objects to exist, whose parcels of charity land may be resumed? Many of them must abscond or starve; the lands will be deserted.

I cannot dwell upon this side of the subject, but turn to the consequences, resulting from the proposed relinquishment. The natives will receive the measure (p 775) with transport and gratitude; their apprehensions for their Brahmins, teachers and poor relations will be pacified, and their estates will become of determinate value.

The land tax of Government will be now secure, and if some zemindars' benefit be disproportionate, to that of others, the Government will always obtain its part of the land profits by excise and custom.

The losses, the injuries and expences of investigation are rarely calculated, and will be found I think to counterbalance any increases.

The great end of Government is to render its subjects happy, to establish a reliance on its humanity, and hence to excite exertions, since the labor of a state constitutes its wealth.

In respect to my construction of the Chittagong zemindars petition, the following is an extract therefrom:

"We are now reduced to such a situation that the present assessment is in the greatest degree heavy, and we have little or no prospect of fulfilling our engagements, notwithstanding which Government appear to have it in agitation to make an investigation of the charity lands, which cannot fail to reduce the country to ruin and ultimately be no less prejudicial to the Company than to the province. In every point of view distress appears before us." (p 776)

If the foregoing amounts not to protest I readily acknowledge my own misapprehension, or (at) any rate it must be admitted to be a remonstrance.

In respect to my remark that the natives are almost driven to rebellion, I subscribe extract from the collector of Beerbboom, received last month.

"I have now the honour to submit for your information and orders copy of a letter from my head assistant Mr A. Hesilridge, on deputation at Bissopore requiring for the reasons therein stated a military force."

Extract from Mr Hesilridge's letter dated 9th April: The holders under the Mahals have not "only dared to oppose my making collections from the resumed lands, but of late have become the terror of the district by assembling in large bodies &c"

T. Law

Recorded 17th May.

(Note in Volume at end of page 776: NB Numerous subsequent minutes on this subject on the proceedings.)

24

122

(15.13)

T. Law, Member Bengal Board of Revenue on Bazee Zemeen: 1.10.1790

In all countries provisions are made for the clergy; under a Mogul government the sovereign only authorised endowments to his own religionists. The Rajahs and principal Hindoo proprietors, naturally bestowed land for repairs of temples and support of their Brahmins. I am of opinion therefore that as the British Government confirm royal grants of lands, appropriated to mosques and madrassas &c previous to our acquisition, that the land bonafide annexed to Hindoo temples should be relinquished.

Any villages and large tracts of land fraudulently obtained by canongoes, by forgers of sunnuds and grants by illegal alienations of temporary farmers and similar contrivances should I think only be the resumable tenures.

The Chakeraan lands are not alluded to in my opinion, they should be given up to the zemindar and liable with his other lands to the land tax.

My minutes of the 14th and 17th May are illustrated by the of Mr Myers who states that there were an extraordinary number of purchasers for Nursing Deo's zemindary but that no one would bid, from fear of impending undefined resumptions; also by Mr Roch's letters and by Mr Purling's letter who states that the zemindars will be ruined, if their private (p 778) lands are sequestered or an increase them, since these very lands for proprietary profits.

1st October 1790

T. Law

IOR:HM 381

15.14

Bazee Zemin Minute: Not Delivered (Mr T. Law ?) : Cir 1790

For the satisfaction of Mr Graham, and for the justification of my proposal, I will endeavour to explain how Government or in other words the public as well as the zemindar will benefit by the annexation of Bazee Zemeen to the malguzaree lands without any addition of jumma.

/not (?) First: Government will obtain increased landed security for the present revenue whilst/more than a tenth (that stinted portion) is admitted for the zemindar - to improve his estate.

Secondly: The zemindar will be enabled to liquidate his instalments without deductions for trivial losses.

Thirdly: If Government are subsequently necessitated to collect (p 780) taxes, the zemindar who has surplus collections from his estate will continue his portion upon ... cases.

All land is in my opinion liable to the tax excepting that exempted by royal grant or the Company's regulations.

The clause in (the) farmers engagements making themselves responsible to Government for resumptions of rent free tenures can I think only be construed to extend

1. to Jaghires which may escheat to Government,
2. to hereditary exemptions falling into Government for want of heirs
3. to Lakhagee land or tax free land (p 781) by improper titles, in despite of the zemindars and farmers.

Mr Purling has informed us that part of the present jumma is paid from the zemindars bazee zemeen and that they will relinquish their engagements if liable to subsequent scrutinies and resumptions. For elucidations of my arguments on Nursing Deo's case I will suppose a zemindar to have engaged with Government ten years ago for his estate at a specific jumma without any particularisation of Bazee Zemeen or Malguzary land. During the ten years he shall have given away rent free (tax free he could not) to his children and relations one fourth of the land. At the expiration of his engagements he refuses to renew them, and a farmer promises the same sum (p 782) and Maliconnah, or one tenth, to the zemindar.

Will not the farmer upon taking possession require a revenue from all the lands alienated rent free during the ten years by the zemindar.

If the children and relations urge that the zemindar gave them their lands rent free, he may reply "the zemindar wisely gave you land to cultivate instead of supporting you with money in idleness. During his engagements Government looked to him for jumma and he might under-rent or forego demands as he pleased; the zemindar is now to receive Maliconnah and must restore to me as locum tenens all the land taxable as (p 783) he at first received and held it."

If Government should demand an increase for these resumptions, he will justly state, that the lands do not come within the description of resumptions implied in the clause, for they have always been malguzarry land, altho the zemindar for a little time gave his children part of the produce of the land instead of money. That he did not resume because they were never alienated.

A great confusion arises from the term rent instead of tax and until the latter is apportioned upon villages confusion must arise.

IOR: HM 381:Titled on pp 384 "Bazee Zemeen Minute: Not Delivered" : Cornwallis's Minute on B.Z. dated 1.12.1790 follows on p 785-

(15.15)

Letter to Bengal: 27.3.1787
(Extract)

196. Considering Jaghires as tenures of land which though a system (of) distant conquest rendered it politic for the Mahomedan invaders is in many respects ill suited to the nature of our present possessions in Bengal, it seems to us rather adviseable to promote their discontinuance than to seek perpetuate them by forced construction. If any case should occur where the incumbent has fairly obtained the proprietorship of the land and by long residence or by his protection and good conduct has gained the attachment of the inhabitants; we conceive it would be better to convert the possession into a zeminary tenure (either with or without the usual fine to Government) which common usage has rendered hereditary, and (ff 151v) which introduces no irregularity in the general government of the country.

197. Although this subject might naturally form a part of the enquiries which we directed in our Revenue letter of the 12th April 1786, concerning all the different tenures of land within our provinces we take the occasion of pointing out for your discussion, that we may be furnished with your opinion accurately drawn from local information upon the question we have here suggested.

Letter to Bengal: 20.8.1788
(Extract)

18. It is by no means a new idea, that the revenues have suffered a considerable diminution by improper alienations made since the Company acquired the Dewanny, and we observe with some surprise in reviewing your records upon this subject, that a practice should have prevailed of selling and mortgaging jaghile lands which were never esteemed as hereditary property. Mr Bushley in his letter of 16th February 1785, speaks of it, as an innovation of a very few years. These subjects have from time to time been brought under discussion by some of the ablest servants of the Company employed in the Revenue branch, but we do not find that any material benefit has arisen from their labours.

19. It is not our intention to give you any particular instructions upon this important subject, until we have the aid of your opinion. However we have paid great attention to such parts of your records as have any relation thereto, and particularly to the following:

(1) Secret Cons 4th February 1771, contains a letter from the Revenue Council at Patna, intimating their intentions to make a strict scrutiny into the alienated lands in the Behar province.

(2) Proceedings of the Committee of Revenue 3 March 1772

By which it appears that the Patna Council transmitted a complete account of the Jaghile, Ultungaus, Muddudmash &c, in the province of Bahar, and that a general abstract of all the alienated lands, specifying the time of alienation, was preparing. But we (ff 47v) have not been able to trace either of these accounts, upon your records.

(3) Revenue Consultations 31 May 1782, contains a minute of Mr Shore, wherein he enters very fully into the subject of the Bauzee Zemeen, or lands exempted from the payment of revenue; points out the great loss sustained by Government in consequence of the alienation of lands without authority, the extent of which was unknown; that they are constantly increasing, and that if no restraint be imposed, the consequence of this practice will annually become more important. This minute is well worthy of your attentive consideration, but we are sorry to remark, that the establishment of the office of Bazee Zemeen Dufter, in consequence of Mr Shore's proposal for examining into the several (ff 48r) titles under which such alienated lands were held in Bengal, and a similar institution afterwards formed for the like purposes, in the province of Bahar, should have baffled the efforts of the "most able and zealous servants, and produced nothing but the evil consequence of a divided authority" as we find it declared in Sir John Macpherson's minute of 19th July 1786, when

BM: Add Ms 21548: Vol II of Papers on Bazee Zemeen.

(Revenue) Letter from Bengal: 28.10.783
 (Extract)

@@

5. Previous to the commencement of the present Bengal year 1190, the chief of Chittagong recommended to the Committee a proposal for making ~~the~~ a khas settlement (@) with the zemindars and talukdars of that district in preference to farming it on an arbitrary jumma to be levied on near two thousand zemindars, which left so much room for intrigue, and an opportunity of very unjust and partial conduct in the farmer, and the Committee deeming the reasons urged by the collector on the subject to be just, and in addition to them remarking that this mode of settlement would enable him to render the assessment upon the zemindars consistent with the general care and welfare of the ryot, that it would diminish the opportunities of oppression in the first instance, and afford the surest grounds of detecting them, in case they should be committed, and at the same time without any apprehension of a decrease in the revenues; we approved of the mode of settlement thus proposed, and in addition to it, directed the Committee to give the collector proper instructions for (ff 40v) taking an account of all the Bazee Zemeen, or rent free land, held within the district, and to bring to the credit of Government such a proportion of that part thereof, which was held without legal authority, as in the Committee's judgement might be proper to demand from the proprietors; meaning that the collector should exercise so much of the office assigned to Mr Dynely as appertained to the Chittagong district, for which, from its distance, and the intended visitation of the collector, we thought him better qualified.

27. The Committee having laid before us some regulations proposed by their acting president for the better execution of the detail of the business of the Bazee Zemeen Dufter, or office for investigating the rent free lands they have met with our approbation, but are to be considered as rules for the conduct of the committee only, and not to be published lest it should prove an incitement to the people to withhold their title deeds. (@@@)

28. We have directed the Committee immediately to call upon Mr Dynely to report to us the progress which he has made in the business of his department, that we may transmit the same to you, as soon as possible; and we doubt not but that you will ultimately be satisfied of the necessity of such an office, (@@@) from the great detriment which the Company have experienced by the encroachments of unauthorized possessions.

EM: Add Ms 21547: Vol I of Bazee Zemeen Papers

NOTE: The underlining in paras 5 and 27 possibly does not belong to the original letters from Bengal but is added later by the owner of these two volumes are those who made them available. The paras also have marginal notes against them which are as follows:

@ Khas collection recommended rather farms

@@ To resume what proportion they thought fit of lands held rent free without title.

@@@ Rules to be kept secret.

@@@ great promised from the Committee.

Other Letters from Bengal on the subject extracted are:

Rev Letter from Bengal : 19.1.1784 (paras 6-7) ff 43

Rev Letter from Bengal : 21.8.1786 (paras 4-5) ff 148-9

Other major documents included are:

Minutes of J. Shore: ff 7-18, Rev Cons 31.5.1782; ff 24-8, Rev Cons 26.8.1783; ff 155v-168v, Rev Cons 16.10.1787

Macpherson Minute: ff 144-5, Rev Cons 19.7.1786; to B of R ff 145-7

Account of Jagheers in Suba Behar: ff 54v-81r

Allan Edward Young on Midnapore Enquiry: ff 130-2: dated 25.4.1785

Committee of Rev to Govt: ff 138-41, Rev Cons 10.3.1786

Shore Minute: ff 203-221v, Rev Cons 23.4.1788

you resolved to remit the completion of the enquiry to the several collectors, which measure, has our approbation.

(4) Mr Shore's letter dated Patna 29th Janu-1784, entered upon your Revenue consultations of the 12th March 1784, naturally attracted our serious attention. A letter from the Committee of Revenue of the 7th April 1786, speaks likewise very forcibly of the practice of the zemindars in the alienating their lands, to an enormous amount, (ff 48v) referring as a proof thereof, to the statement delivered in at different times by Messrs Verelst, Johnstone, Anderson, Creftes, Bogle and Shore.

20. From all these materials, we are fully convinced, that the Company since the acquisition of the Dewanny, has suffered, to a very considerable amount, by improper grants and unauthorised seizures. We say unauthorised, because we perceive that it is laid down in many parts of your records, and believe it is to be an unquestionable principle of Indian administration, that a zemindar cannot dispose of any part of his zemindary without the sanction of Government. But that these alienations should have been made to the extent stated by Mr Grant, both in his Analysis, (ff 49r) and in his letters explanatory thereof, seems upon our present view of the subject altogether problematical.

21. Sir John Macpherson however in his minute of the 19th July 1786, states the lost revenues, by all the estimates hitherto made, at not less than 1/3 of the total collections now brought to account. But in order that we may be enabled to judge for ourselves herein, we direct that you procure exact copies of such of the ancient revenue accounts as will throw light upon the subject, and that translations thereof be made and transmitted to us by an early conveyance unaccompanied by any comments or observations whatever.

22. In our letters in this department of the 12th April 1786, and 27th March 1787, we have very fully manifested our disposition to pay every possible regard to the rights of zemindars and other native landholders, but at the same time we cannot, nor ought we to overlook the several representations of our servants upon points which so materially affect our own. However it is not our intention (ff 49v) nor do we mean it necessary, to impede or interrupt the settlement which by our said orders of April 1786, was to be made with the zemindars for a term of ~~ten~~ years, upon principles of the most perfect moderation. Indeed this general and permanent settlement with the zemindars is wholly independent of the revenue which may accrue to the Company, from the recovery or reversion of any lands now in alienation. We therefore direct that you take the matter into your most serious consideration and that you furnish us with as accurate a statement as can be procured of all land held free of rent upon the plan of that delivered by the Committee of Revenue in September 1783, communicating to us at the same time your opinion how far the Company are benefitted by the enquiries or resumptions that have been already made, and what (ff 50r) regulations you would propose for the time to come, as well to secure our interest from infringement as to protect the inhabitants from injustice or unnecessary ~~danger~~ disquiet. At any rate, it behoves Government to impose such an effectual restraint on the zemindars as will prevent such alienations in future. For by Mr Shore's minute entered in your Revenue consultations of 31st May 1782 which has been already referred to, it appears that in order to restrain this practice, the zemindars and farmers in 1772, were bound by an express clause in their leases, not to confer any grants of land without the sanction of Government, but that nevertheless they continued to violate this stipulation with impunity.

15.16

29

127

Minute of Governor General Cornwallis on Bazee Zemin: 1.12.1790

On the 8th August 1788, the Board framed some regulations for enquiring into the titleholders of rent free alienated lands, but previous to the final adoption of them it was judged adviseable to refer them to the Board of Revenue, and the collectors, with instructions to report their opinion, on the probable consequences of strictly enforcing them.

Having considered the information contained in the reports furnished by the Board of Revenue, and the collectors, in conformity to these instructions, I shall now submit for the determination of the Board, such alterations in the proposed regulations above mentioned as appear to me necessary.

It may be proper to state briefly, the principles upon which the right of (ff 210v) Government, to resume grants of alienated land is founded.

By the ancient constitution of the country, the sovereign is entitled to a proportion of the produce of all lands in cultivation. It necessarily follows therefore that no land could be exempted by grant, or otherwise from the payment of a portion of its produce to Government, except by Government itself; since all such exemptions occasioned an immediate diminution of revenue.

/as

We now propose to assess the lands of the zemindars with a permanent revenue proportioned to the estimated present produce, and to relinquish to them all benefit arising from increased produce, in order to (ff 211r) encourage industry, and promote improvement. At the same time, it has been notified and expressly stipulated with the zemindars, that this relinquishment shall not extend to the produce of lands now exempted, with or without authority, from the payment of the public revenue, and as the estimate of the present produce on which the assessment is now fixed, has not included the produce of such lands, it is evidently reasonable, that any such hereafter found to have been exempted without authority or becoming again liable to taxation from the period of exemption being expired, should be assessed with an additional proportionate revenue in common with other lands. The proprietary right of the zemindars cannot in any degree affect the right of Government (ff 211v) in this respect, since all land is still as before liable to the payment of a portion of its produce, on account of the public revenue, and the same inference is deducible from the present as from the former principles; that no land can be exempted by grant, otherwise from the payment of a proportion of its produce to Government except by Government itself.

It is well known however that grants of this nature were made by the landholders, previous to the Company's Dewanny, ostensibly for religious or charitable purposes and the practice appears to have been tolerated by the Mahomedan Government, except when abused to so great a degree as to occasion a material diminution (ff 212r) of the public revenue.

The Company have humanely and politically limited their retrospective with regard to these grants to the period of their accession to the Dewanny; accordingly such grants as existed previous to that period, have always been held valid whilst those made subsequent to it, have been considered liable to resumption.

The grants of rent free lands, clandestinely made by the landholders since the year 1765 in favour of their relations and dependants or in fictitious names for their own benefit, are undoubtedly very considerable. The reports of the several collectors however evince, that the unqualified resumption of all these grants, would excite much clamour and disgust, and involve the multitude of people now maintained by them, in distress. (ff 212v)

BM: Add Ms 21548: Bengal Proceedings relative to Bazee Zemeen 1782-91.

By the 2nd limitation of the 2nd article, and the 7th article, all grants of rent free land are liable to resumption upon the death of the present incumbent, unless his title dees expressly specify that the lands are to descend to his heirs.

The late assistant collector of Calcutta observes with regard to the above articles, that the total quantity of land in Calcutta and Punchawungunj is stated in the accounts of the last measurement to be 9,523 Beegas in the possession of 2,191 occupants. That of this quantity 9,327 Beegas appear from the measurement made in the Bengal year 1171, corresponding with the year 1764 of our era, to have been granted previous to the Dewanny; that he imagines nearly (p 2138) the whole, would revert to Government upon the death of the present incumbents, as fewxif any are held by grants, conveying a right of inheritance.

The late collector of Jessore in his letter of the 3rd December 1788, remarks, "that the clauses above mentioned will create much dis-satisfaction as they virtually amount to a resumption, of almost all the rent free lands in the country; although the authenticity of the grants may be unquestionable, for he has frequently seen grants, and doubts not from the irregular method of the writers, in drawing out such deeds, it is common that the descent of the land to the posterity of the possessors, is not expressed."

The alteration which I shall now suggest in the regulations of the 8th August 1788, are calculated to effect the recovery of the defalcation from the public revenue occasioned (ff 213v) by the collusive grants of rent free land, that have been made by the zemindars with as little distress as possible to these, who are now supported by them, and to prevent similar alienations of the public revenue in future.

It has hitherto been generally the practice, upon the resumption of alienated lands, to dispossess the grantee altogether, and to restore the lands to the grantor, holding him responsible for the public revenue, assessed thereon. But as it is immaterial to Government whether the grantor, or grantee, is continued in possession of the land provided the public dues are recovered, I am of opinion that Government's resumption should be confined to the sovereign's share of the produce and that (ff 214r) the grantee or occupant should be continued in possession, and considered as the proprietor, upon his agreeing to pay his due proportion of the public revenue. By the adoption of this rule the holders of grants of rent free land declared invalid, instead of being totally dispossessed of their lands and reduced to immediate want, as heretofore, will be put upon the same footing as other land holders paying revenue to Government; and in the event of the settlement which may be concluded with them, being made permanent, many of them by improving their lands will reap a profit perhaps not far short of what they derived when exempted from the payment of revenue; as the constant apprehension of being dispossessed of their lands altogether, must have operated greatly to prevent the improvement of them to the degree of which they were capable. (ff 214r)

With regard to the grantors, if they have made an hereditary grant of land, free of revenue, there can be no injury to them, in confirming the grant, as to the property in the land, and setting it aside as to the exemption from revenue. As there may be some grants, however, which convey a life tenure only or a tenure resumable at will, and as it might be unjust to the grantor to continue the property in the land to the grantee beyond life in the first case, and beyond the pleasure of the grantor in the second, I would recommend that all questions regarding the property in the lands should be left to the decision of the courts of Dewanny Adawlut, within the jurisdiction of which the lands may be situated; Government settling the revenue (ff 215r) with the occupant and considering him as the proprietor until dispossessed, by a decree of that court. Landholders

who have alienated lands without transferring their proprietary right in the sale or from whose estates alienations have been made, without their concurrence, by farmers or others, when vested with the temporary charge of their zemindarries will thus have an opportunity afforded to them of recovering possession of their lands.

With regard to the lands alienated, subsequent to the Dewanny grant, and previous to the year 1772, when we first took the actual administration of the revenues into our own hands; I am of opinion that the assessment imposed upon them should be equal to one half only of the net produce; because I look upon (ff 215v) these grantees from long possession, and consideration of these alienations, not having been formally prohibited by our Government, until the latter period, (altho as has been already observed, they were at all times illegal) when a clause to that effect was inserted in the engagements, between the landholders and Government; and since annually renewed, as entitled to peculiar lenity and indulgence. Lands alienated since the period last mentioned, should be assessed in the same manner as other lands in the district paying (out) revenue to Government, agreeable to the rules prescribed to the Decennial Settlements.

The revenue assessed upon whole villages, or portions of villages, (ff 216r) yielding to the grantee, more than one hundred rupees annual rent, alienated previous to the present time, and which may be resumed in conformity to the regulations now proposed should be carried to the credit of Government after defraying such charges as may attend the resumption. The rent of portions of villages resumed the annual revenue assessed on which shall not exceed one hundred rupees, should I think, be relinquished to the person answerable for the revenue of such village during the period of the existing settlement, upon his prosecuting for it in the manner hereafter prescribed. The revenue arising from these little spots, will lighten the assessment upon the villages and consequently render it more secure and the proprietor or farmers, will have an interest in discovering them. Were it possible for Government to obtain information of (ff 216v) all these petty alienations, the benefit to be derived therefrom would be far outweighed by the trouble and expence which must necessarily attend the discovery of them.

The allotment of the total of the public assessment of each district on the several villages comprised in it as directed by the regulations for the decennial settlement will effectually prevent the alienation of whole villages in future because a village once inserted in the record of the allotment can not be struck out nor can the revenue once allotted to it be reduced without the knowledge of the officers of Government. Any village committed to be inserted in the records is declared forfeited to Government. Heretofore from the jumma not being so apportioned it was (ff 217r) for a zemindar to alienate villages and to prevent their being subjected to the payment of revenue in the event of his zemindary being let to farm by antidating the deed of alienation, or inserting the villages in the zemindary papers as having been exempted from the payment of revenue to Government previous to the Dewanny.

The record of the village allotment however, will not be a sufficient check to future alienations of portions of villages. To guard against these I recommend it to be declared "that any person who may hereafter purchase a village or villages either by private or at public sale shall be entitled to the property in the land and the produce, (whatever may be the amount) of all portions of such village or villages which may have been alienated subsequent to (ff 217v) the present period, and prior to the date of his purchase in addition to the revenue arising from any portions of such villages alienated previous to the present period; the amount of which shall not exceed one hundred rupees per annum". The adoption of this rule will afford to Government sufficient security against any future defalcations in the sources of the public revenue, from

the alienations of portions of villages, as upon every transfer of landed property it will become the interest of the new proprietor to discover any that may have been made and prosecute for the resumption of them.

It was originally my intention to have recommended the relinquishment of the produce of all resumed portions (ff 218r) of villages, alienated prior to the present date, altho yielding more than one hundred rupees annual rent to the proprietors, upon their prosecuting for the same, but as the accounts before us, do not furnish sufficient materials for ascertaining the consequent loss, and as some villages are very extensive and the portions of them alienated may possibly yield a considerable revenue it appears adviseable to adhere to the limitation already suggested. (@)

The deputation of Company's servants to enquire into the titles of the alienated landholders, agreeably to former practice, is liable to much abuse. No resumptions should take place until it shall be proved by regular judicial process that the person in possession of the lands, (ff 218v) is not entitled to hold them exempt from the payment of public revenue. I entirely approve therefore of the proposition of the Board of Revenue, that the Head Assistant to each collectorship shall be empowered to prosecute in the court of the collector of the district, for all lands which he may have reason to suppose are held free of revenue, under an invalid title, and that an appeal shall lie from the decision of the collector to the Board of Revenue, and from their decree to the Supreme Council, As an encouragement to the head assistant to be active in recovering the just dues of Government I would further recommend that a commission of 25% be allowed to the head assistant (ff 219r) on the first year's jumma assessed upon the lands resumed at his prosecution. At the same time it will be necessary to authorize the collector and the Board of Revenue to award damages in favour of the party prosecuted upon any suit appearing to have been instituted upon insufficient grounds, the amount to be deducted from the commission which may become due to him on land resumed.

Having premised these remarks I now submit the following regulations for the considerations of the Board.

Revenue Letter from Bengal: 31.1.1791
(Extract)

6. We transmit to you separate numbers in the packet a copy of a minute from the Governor General respecting the grant of rent free lands by zemindars and others, and a copy of a letter to the Board of Revenue, containing the regulations we have adopted in consequence of the Governor General's propositions. We trust that these regulations will prevent any similar grants being made in future, and that those which exist, will be gradually resumed with as little distress as possible to the present incumbents.

NOTE: The above minute is followed by the proposed regulation on "Bazee Zemeen" on ff 219r-224v. It has 14 sections. Then follows on ff 224v-239r Cornwallis's suggested instructions to the Board of Revenue.

The above minute, the letter to the Board of Revenue and the preceding communications from the Board of Revenue (enclosing the collector's replies etc) are originally entered in the Bengal Revenue Consultations dated 1st December 1790(vol P/52/21: pp 360-725). The Board of Revenue and Collector's communications are on pp 360-668; the Governor General Minute pp 669-95; and the instructions to the Board of Revenue on pp 695-725. The above Add Ms 21548 is preceded by Add Ms 21547 which contains material on the subject to Rev Cons of 23.4.1788. The two seems to have belonged to Burke.

@ The letter to the Board of Revenue, with some verbal changes, is a copy of the Minute. This particular para however is omitted from it.