

92. As it is in every point of view of the highest importance that the nature of the rights to be ceded to the proprietary landholders be thoroughly understood before the lands are sold, I shall first explain the nature of the tenures, under which all the land in the Tinnevelly Pollams, in Rannad and in Shivegunga district, excepting maniums and church lands, may be comprehended. First: villages of the Agrahrah Vadiy, or villages of which the absolute ~~proprietary~~ proprietary right is chiefly held by Brahmins. Secondly: villages of the Pundarah Vadiy, or villages of which the absolute proprietary right is chiefly held by Seedra inhabitants. Thirdly: villages which having gone to perfect waste, Seedra inhabitants were invited to occupy and to cultivate them.

93. First of the Agrahrah Vadiy. This tenure usually takes its name from the Brahmins, not only from their being inhabitants of the superior cast, but from the village being originally bestowed on them, and because they profess the chief authority amongst the inhabitants. It has been acquired in various ways, but chiefly it is presumed by Rulers, or other personages of rank and opulence giving them originally as endowments to communities of Brahmins, and by buying them from others for this particular purpose. This property has of course in the lapse of many years undergone many changes, and has been universally transferred, sold and purchased at the pleasure of the owners. It is essential to the validity of every transfer, that it be sanctioned and authenticated by every individual concerned in the property of his village. The property itself is denominated Pung or Bahgun, literally signifying share and proportion. Four of these Pungs constitute what is termed a Caray, and each village is said to consist of so many Pungs, and each individuals share of so many Caray, more or less. The right of property in the proportion of these shares, is ascertained in the village Koshan, which is an accurate register of this property in the same manner, as the Iyadum account is of its lands. The right of Caray rarely conveys a right to any proprietor to any specific spot of land in perpetuity, and whenever this practice prevails it seems a departure from the original institution. The property of the whole village is common to the whole number of proprietors. Every transaction of revenue, every matter of loss and gain is common to them, all to the extent of their respective shares, and as they are all jointly and separately responsible for the revenue of the village according to strict construction of their tenures; so they are all alike equally entitled to any emolument or advantage which may arise therefrom. So tenacious indeed are they of this established right of village benefit being in common /every that a sort of lottery takes place at stated times to make a new distribution of village lands, by which they change owners for a certain period, until the lottery is renewed. By this means, they generally continue to pass from one proprietor to another, so as to extend effectually indeed the the right of the general body to the whole village or common.

94. Secondly villages of the Pundarah Vadiy. Though the natives invariably make the distinction, it appears in fact more a distinction of cast than of tenure; since the difference is characterised by nothing more than that the influence of Brahmins, and their property, predominates in the Agrahrah Vadiy, while that of Seedra prevails in the Pundarah Vadiy. The former rarely allowing Seedra to intermix in their villages, for fear their

By E. Lushington, Collector Tinnevelly and Rannad Pollams, in his report to the Madras Board of Revenue dated 29th December 1800. The report, running into 108 paras, is given in Boards Consultations volume 132 (No 2406- 443 pages) on pages 153-308 taken from Board of Revenue Proceedings of 22.1.1801.



importance and estimation as a community of Brahmans may be diminished by a connexion with such inferior parties; and on the other hand, the Soodurs as carefully and jealously avoiding the admission of Brahmans, from the well founded apprehension, that the Brahmans however small their property, would draw to themselves too much consideration, usurp all authority, and invade their rights. This natural suspicion and jealousy together with religious distinction, has therefore occasioned that separation of them which is generally to be observed, and has had force to prevent, what the sale and transfer of lands was so powerfully calculated to bring about, the indiscriminate existence of casts in the property of villages. For your special consideration I shall here annex translate of a Bill of Sale from one ryot to another, upon the occasion of dispersing of one or more shares in a village of the Fundarah or Agrahrah Vadiky, and accompanying you will find translations and copies of similar documents.

The deed usually commences with a specification of the day of the week, the age of the month, the day, month, and year, of the Malabar Andoo, or cycle of sixty years, the year of the Saulevaganah Bagarthum and the Calyocogum Arda, together with the auspicious and happy position of the celestial bodies, and then commonly proceeds in terms to the following effect.

I AB of the village of C containing 28 shares do hereby execute to DE of the same village this deed of sale; that is to say having sold to you in this village one share of my own six shares therein, I do hereby execute to you this deed of the full and absolute sale thereof, and you having further paid, and I having actually received, one hundred chucks duly shroffed in full value thereof, you are accordingly to the extent of the share now transferred and sold to you, fully to possess and enjoy all nunjah peenjah islands, water, stone, topes, jungle riches, treasure, and every well which sinks beneath, or every tree that rises above the earth, with every general benefit of every sort, from father to son through every generation, as long as the waters of the Cauvery flow, vegetation lasts, or until the end of time, with the fullest liberty likewise of alterations by gift, bequest, sale or otherwise; and you enjoy all prosperity therewith. Thus with my fullest approbation I do hereby execute to DE this deed of sale which is written by Permaul Pilly of the village Conicopoly, and thus requires authentication from all the other proprietors of the village.

(signed) AB

95. This document contains within itself the best evidence of the sense which the natives entertain of the right acquired or alienated, under its sanction by the comprehension and absolute terms in which that right is defined; and nothing remain to be remarked but that while its style, is not the style of the present times, so the adoption of such a deed must have been the consequence of the universal acknowledgement of the right it is meant to convey.

96. Thirdly, the last general division comprised all those lands which the inhabitants are not considered at liberty to sell. They unquestionably form a very large proportion of the country, and are generally occupied by Sooder inhabitants. Though frequently confounded with villages of the Fundarah Vadiky they are very different. Whether in the early periods of Hindoo prosperity these villages were individual property like the Fundarah Vadiky, and escheated to the state from the demise of all the proprietors; or whether they were barren wastes before the inhabitants who now occupy them were invited to cultivate, it is not possible to ascertain, or if possible, would any benefit result



from it. It is sufficient for us to know that the grounds thus occupied from the time that they were divided among the first settlers, have in most cases continue to pass from one generation to another, that the land of each inhabitant is as well known as his house, and that it has never been customary to disturb his possession so long as he yielded to the ruler of the country a certain share of his labours. The distinction of these villages from those of the genuine Pundarah and Agrahrah Vadheky consists in their never having been purchased, and in there being no practices prevailing in them of Pungs, Carays, or Koshacon for the lands of the village in general, or any right indeed in the inhabitants to dispose of or alienate in perpetuity the lands they occupy as is possessed by the proprietors of the Pundarah and Agraharah Vadiky.

97. From year to year each ryot cultivates his own land, unless distress come upon him, or the supply of water be partial. In the one case, he lends or mortgages his right of cultivation to redeem it when he has again the means. In the other (in the case of Munjah land) all the inhabitants of the village assemble, and having determined the extent of land that may be cultivated from the quantum of water in the tanks, it is apportioned out and to each inhabitant, according to the extent of munjah land possessed by him in the village. When the crops have been out, every inhabitant again returns to his own land.

98. In explaining to you the nature of these tenures I have not sought to avoid detail, assured that your solicitude to be thoroughly informed of every difficulty to be avoided in the permanent settlement of these countries, will prompt a favourable construction of any apparent prolixity in the details transmitted to you of their present actual state.

99. In tracing their past situation, it is not to be discovered that during the revolutions of many ages from the reign of their first princes until the final downfall of the Hindoo authority, ~~as to the rights of the people to the lands of the country, excepting villages or lands totally waste, and that had escheated to the government, any question ever existed in any stage of the Hindoo history, as to the rights of the people to the lands of the country, excepting villages or lands totally waste, and that had escheated to government.~~ On the contrary they appear to have been transmitted to them from the most remote era down to the present time, without interruption. These rights are supported by usages which could never have prevailed but for their universal acknowledgement; and in the repositories of their history and their laws, we find the right of the people to property in lands, repeatedly acknowledged and preserved.

100. It has been the custom, to consider the Hindoo governments of old, despotic, and regulated solely by the arbitrary will of the reigning prince; theoretically viewed they were so, but in practice they had little of this character. The ordinances of their religion has generally the force and effect of laws, and in their operation they were beneficent and just. Even when the country was in later times ravaged by Musulman armies, and the adoption of the laws of Mohamed into the Hindoo jurisprudence, created universal confusion and engendered continual differences in the decrees of justice, no fundamental material innovations took place ~~in the~~ in the right to landed property, (however grievous the public assessment often proved) such as I have described, and the privilege of tilling the glebe which he first broke and brought into fertility, it has never been the custom to take away from the poorest cultivator, so long as he duly yielded the public share. It is true that infringements of this right occur more frequently in Shevigunga, and in the Timnevelly Pollams than elsewhere, but the frequency of them has not altered the general sentiments of their injustice.



101. Reflecting therefore upon the past and present instances of the country it appears to me indispensable, if we seek to conciliate the affections of the people to the new ~~order~~ system, and to ensure its stability, that the right of property in the Pundarah and Agraharah Vadiky be fully recognised, and that the ryot duly yielding that share of his labours, which it has been customary for him to cede to the state, be secured in his possession. The adoption of these suggestions produce two inconveniences. First considerable detail, secondly less inducement in principal landlords to purchase. The detail would arise from the division of the lands of the Agraharah and Pundarah Vadiky amongst the several proprietors of the villages, in order that each man's portion might be made responsible for the jumma assessed upon it. But if the village and all the proprietors were declared answerable for the whole jumma, such separation of interests would be unnecessary, and this plan has the advantage of assimilating to past usage. It may be urged that the country has not flourished under these tenures, and that past usage is the worse guide that can be followed. The reply to this objection is anticipated in your Board's remarks; want of improvement can not be attributed to the imperfection of tenures, but to that worst of all evils a variable assessment which has, and must for ever prevent land from obtaining its due value, and extinguish every incitement to improvement.

102. .... ( ends at para 108)

Sindapuntory

29th December 1800.

S. Lushington

Collector of Ramnad and  
Tinnevely Pollams.

The above report is followed with several annexures, No 5 (pages 311-44) giving a history and the sharing of crops in Ramnad, and No 21 (pages 345-52) being copy of a Bill of Sale.

Revenue Despatch to Madras: 31.8.1800  
(extract)

66. We can not quit this subject without expressing our satisfaction at the conduct of the present Collector of Poligar Peshcush, Mr Lushington, in the very able reports which he laid before you from time to time, respecting the state of the districts under his superintendence, the defects of the former systems, and the measures that ought to be pursued for their future management. The advantageous settlement which he has made for the unassumed pollams, and for the Ramnad province, as mentioned in your last revenue despatch of the 9th October 1800, entitle him to our particular commendation, and fully justify the ~~the~~ expectation you have formed of the advantages which the Company are likely to derive from his exertions in future.

Report of the Board of Revenue: 20.2.1801  
(extract)

307. We informed your lordship in our last general report of the Collectors success in realising the settlement he had made of the Ramnad province and that we would submit his promised report as soon as it should be founded.

308. This report has been lately received, and we shall as soon as the nature of the papers will admit, lay it before your lordship with our observations thereon.

p4 J. Lushington Report<sup>29.12-</sup> 1800



An idea of the sources of income and the details of expenditure may be had from the following notional statement, stated to be applicable to the various principalities in Payen Gaut or lower carnatic in the 1790s.

TOTAL BAURIZ OR SETTLEMENT

Rs  
1,00,000

I Charges at the local level (in grants of revenue at source )

i) Daiwadium (appropriated to defraying the expence of the people who perform temple ceremonies etc )	6,000	
ii) Brumadium ( Gooroo-Sumperdeam, Pundiss-expounders of laws and authors of books, and Ausreets) @	6,000	
iii) Musjeeds and Khyratee (Mosque benefices and alms to Mussulmans)	500	
iv) Ooligamanium ( The Barabuloties: Curnums, monigars, toties, etc)	6,250	
v) Oomlee ( Friends and relations of the ruler)	6,250	25,000

DETAILS OF ACTUAL COLLECTIONS

HOBBEWAR and GRAMWAR Rents	50,000	
PUTTY and WARRY or tax	12,500	62,500
Amauny Tank Produce	6,250	
Syr or Customs	3,125	
Baujy or taxes	3,125	12,500

TOTAL ACTUAL COLLECTIONS

75,000

II Disbursements of (collected) Revenue in land in money

i) Paishkuss of tribute		25,000
ii) Manawurty( Household disbursement of the chief, or prince)	2,343	782
iii) Shagridi Paisha ( Musicians and other lesser order of servants of the chief)	2,343	782
iv) Cacharee Sibbendy ( Principal Offices)	4,689	1,561
v) Mahl Sibbendy ( District Offices)	4,750	1,500
vi) The Taunyazaut (The army guarding forts etc)	14,060	4,690

~~TOTAL DISBURSEMENTS (from above)~~

vii) Feasts, Marriages, Entertainments, Annual Alms, Advertiser, Poets &c	6,250	
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28,185 40,565

TOTAL DISBURSEMENTS (from above)

68,750

BALANCE IN THE TREASURY

6,250

( The remainder- balance- is to defray whatever expences, may occur in the event of a warbesides keeping garrisons, stores &c in repair)

THE SEWEY WUSSOOL OR EXTRA COLLECTIONS AND DISBURSEMENTS

Collections

i) On the plough and sometimes on the cultivators	5,000	
ii) As Nuzzurana or Presents	5,000	
iii) Fines and Forfeitures	2,500	12,500

Disbursements

i) Durbar Curch or expences at the Presidency	2,500	
ii) Replaying Chiefs (on decease)	1,250	
iii) Marriage ceremonies	5,000	
iv) Tank Repairs	2,500	
v) Repair of Ch...	1,250	12,500

ICR: MacKenzie  
General 46  
M261-5



Collector, Ramnad to Board of Revenue: 29.12.1800  
(Extract)

34. Previous to the sequestration of Ramnad by the Nabob, the custom which had obtained from ancient times in the division of the crops were various and capricious; a particular detail of them promises no advantage but as a matter of curiosity I transmit a separate statement (No. 6). The total deductions previous to the general division may be estimated under (p 660) the various extraordinary heads therein enumerated at about per cent, but the frauds inseparable from the nature of such deductions would doubtless swell them to at least five per cent more. The impossibility, during the prevalence of such irregularities of ascertaining the dues of the circar, and the extraordinary advantages which the ryots had drawn to themselves under the cloak of them, induced one of the Nabob's managers, Nawas Ally Cawn, to make a thorough reform, by abolishing the whole, and prescribing fixed rules for the future division. His Highness's authority was however too much distracted by the factions of different Marown chiefs to admit of a complete execution of this standard during his administration, but it was generally established some years afterwards by Keetee Irla Pilly, the energy of whose management enabled him to improve and add to it, and thus amended, it continues the scale of partition at this day.

35. No fees of any description are given (p 661) before the cutting, or previous to the measurement of the grain; when this has been done in the presence of the circar servant, and of the inhabitants, the division takes place, in the following manner:

	<u>Cul</u> <u>Mer</u> <u>Measure</u>
For the Poodoo Shelawee in every ten cullers	2-00-00
To the inhabitants	4-00-00
To the Government	4-00-00

Appropriations of the Poodoo Shelawee is as follows:

To the cultivating inhabitants for seed	1- 3-00
To the cullender Brahmin	0-00-00
Cottocarnacces	0- 3-00
Cauramaambloom (right by inheritance acquired some years ago)	0-00- 3
Cuttembloom	0-00- 3
Carpenter and iron-smith <del>(this is only in some villages, a part of which goes to the Company and some to a Chettrum)</del>	0- 1- 4
Deshcawal <del>(this is only in some villages, a part of which goes to the Company and some to a Chettrum)</del>	0-00- 2
Talun Cawal	0-00- 2
Tandel (the collector of the taxes)	0-00- 1
Shreff	0-00- 1
Maunchataul (the name of a dancing girl)	0-00- 1
The shepherd	0-00- 1
Washerman and barber	0-00- 1
Shanaun or teddy man	0-00- 2
Pollen	0-00- 1
Neerpautchee (who conveys the water into the fields)	0-00- 1
Warun (His duty is to fix the chop over the heaps and to guard them)	0-00- 1
Parlar	0-00- 1
Shoe-maker	0-00- 1
	<u>1-11- 1</u>

10th: 1/286/52: Proceedings Madras Board of Revenue: Report on Ramnad by Mr S.R. Lushington, collector (some 25 years later also Governor of Madras) in proceedings 22.1.1801: pp 636-744, annexures 745, 746-76; Board Minute on pp 776 to go in circulation



(from pre page) 1-11- 1½

**Charitable Institutions:**

The Mudden of Tereowadu Teray	0-00- 1½
The Pagoda of Sebrameny Swamy	0-00- 1½
The cheultry of Sella Beepaula	0-30- 1½
The cheultry of Tripulawney	0-00- 1½
The cheultry of Chickol	0-00- 1½
The cheultry of Kooramalingam	0-00- 1½
The cheultry of Keesundrayar	0-00- 1½
The cheultry of Nynareoil	0-00- 1½
	<u>1-11- 1½</u>

Pala Sedunterums or various fees due to the Village Pagedas &c:

Pillayar pagoda	0-00- 1	(p 663)
Hyenaur pagoda	0-00- 1½	
Ummen pagoda	0-00- 1	
Mosques	0-00- ½	
Buédum	0-00- ½	
Durma Maganech, Naut Amblum and Naut Camessoco	0- 1-00	
	<u>2-00-00</u>	

A more particular detail of the nature of the charities, and offices (the) to which these Mauniums are granted is given in NO. 11.

The scale of partition for dry grain received in hand is as follows:

Upon a punjah produce of	10-00-00
Charitable institutions as particularized in the Munjah and in the proportion there fixed	0- 3- 2
Village Pagedas and Pala Sedunterums	0- 6- 4
Durma Maganech Naut Amblum and Naut Camessoco	0-10- 5
	<u>9- 4- 1</u>
To the Inhabitants 2/3rd	6- 2- 4½
To the Government	3- 1- 2½
	<u>9- 4- 1</u> (p 664)

36. This rate of division in the munjah prevails throughout all the talooks of Ramnad except Arnoomunglak, Anamuntageedy Orer, Gectaganand, Cotapalam; there, ten gullums only are allowed in one hundred for the Padeo Shelawee and from the Marleocam (?) only 5 per cent is granted to the maunumdars. The reason given for this distinction, is the greater quantity of paddy grown in these talooks. ...

NOTE: The Board's Collections volume 132( NO. 2406) also contains this report (pp 153-308, 309-52). None of the annexures referred to above are included in either.



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QPP

IT could but little serve the object of this enquiry, to attempt an investigation of the origin and establishment of the Gentoo nation in India; or to examine under what form the distribution of lands was first made amongst a people, whose antiquity seems to have eluded the enquiry of the earliest writers, and whose improvements in arts and manufactures excited the admiration and wonder of those who first visited their country.

LEAVING therefore this research to those, who have more ability and better opportunities for following it, the design of this Letter will be sufficiently answered, if a satisfactory account can be given of the general tenure under which landed property was held at an improved period of the Gentoo government, when the progress of science had established regulations, the forms of which still continue in use.

FOR this purpose, it may be sufficient to observe, that however the general property of the country might have been disposed of, or under whatever form of government it might have been ruled by the ancient Rajahs, the subdivisions of the land were made with all the security and encouragement which industry could require. For, by an express law of the Gentoos, it was declared, that the cultivation of the soil conveyed a right to the husbandman, who first brought it into improvement, of being continued in the management of it; and directed that his industry should be rewarded by certain shares in the produce, which, where no private agreement determined otherwise, were regulated to be, in improved ground, or grounds which had not been uncultivated more than two years, five-sixths of the crop; in grounds which had been uncultivated for three or four years, seven-eighths of the crop; and in grounds which had been waste for five years, nine-tenths.----But lest this

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John SULLIVAN: Observations on the Masulipatam Region

(32 3.2.1779)B.M.582.g.24.



extraordinary encouragement, for improving waste grounds, should induce the husbandmen to extend their views beyond their ability, or tempt them to neglect the cultivation of such lands as had been first intrusted to their industry, it was provided by the same law, that the husbandmen who should neglect to cultivate such lands, should be bound to give to the proprietor the amount of one-sixth part of the crop which should be produced upon other grounds of the same quality and extent, and to pay a fine of the same value to the government.\*

As a means of obtaining the most authentic information upon a subject of such importance, and of enabling the government to judge of the abilities of the husbandmen, a public officer was established in every village whose duty it was to form an exact register of the quantity of ground held by each husbandman, the part of this which was cultivated, and the number of working cattle he was possessed of; the produce of each man's industry became afterwards an article in this register; and the proportion he received of the crop, with the price of the market at the time, concluded the account.\* 2

THE accounts of each village, taken in this detail, were transmitted to other officers, charged with similar duties in the subdivisions of the provinces; who formed from them abstracts of the state of cultivation, the produce and capacity of their several divisions. These abstracts were again reduced, by the provincial registers, to a still more general scale; so that a particular state of the industry and cultivation in each province was constantly exposed to the eye of government.

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\* See Gentoo Code chapter 13.

2 \* See Barnard's Survey of the Jaghire, East India Records.



BESIDES the advantages of this particular information, a further security was established in favour of industry, by the policy of the Gentoo institutions; which connecting the interest of these officers of the revenue with the improvement of the lands, regulated their salaries by a commission upon the whole produce of the soil in their respective departments; and to encourage them to a faithful discharge of their duties, their offices were made hereditary; and by that means a tie seemed established, too powerful to be affected by any temporary advantages, either of opperssion or indulgence.

BUT lest this should not be a sufficient check upon their conduct, a further control was instituted in every village, by the association of the husbandmen; who, jealous of their rights, united for their common security; and to make their union the more effectual, named certain persons from amongst themselves, who, under the character of headmen of the village, were charged with the care of the common interests, and employed in transacting all the business of the society with the deputies of the government.

AND finally; ---as every regulation for the security of property would have been imperfect, where the property itself remained in any respect undefined; it was provided by the Gentoo institutions, that where particular agreements were made to supersede the established regulations with respect to the shares of the crop, such agreements should be executed in writing before the tillage was commenced; specifying the exact terms of the contract, and determining, in the most unquestionable manner, the extent of the husbandman's rights, before he yoked his oxen to the plough.



SUCH were the securities and encouragement held out by the Gentoos in favour of industry, under the protection of institutions, which seemed particularly formed for their advantage; the husbandmen exerted every ability for the improvement of their lands, and, by the simplest operation, obtained, through their industry, a right of property in the soil, which descended to their heirs, upon the easiest and most equitable condition; for it required only a continuation of that industry which first established their claim, and, by the exertion of which, the particular interests of the family could not fail to be extended.

SUBJECT to this general tenure were all the lands of Hindostan, held under the government of the Gentoos; and though, in the course of time, property must have suffered many changes, purchase and sale having been permitted, under certain restrictions; yet, whether the husbandman grew into the absolute proprietor of the soil, or the labourer into a husbandman; the general system felt no alteration, the country continued to flourish, and those riches came to be heaped up, which the Mahomedans afterwards plundered and dispersed.



India Office. MS  
Revenue & Dept. by JAMES CUMMING  
30. NW. 1810

An Historical Account of the Administration of  
the Land Revenues in the Territories under the  
Presidencies of Fort St. George

(contents XXXVIII + 921)

Deals with all areas separately as they come under the Company during 1690, 1749, 1762 and 1792 onwards. (1799, 1800 & 1801)

pp.893/4

It has further been seen that the various productions of the soil, differing as they do materially in value, and in the expense of culture, and liable to particular contingencies have been assessed on principle applicable to each description of produce; that, in the Nunjah or paddy lands which are always covered with water by rivers or artificial means, the produce was, formerly divided in kind, according to a warum or customary mode of division, being generally half to the cultivator and one half to the government; that the produce of 'punjah' lands, watered only by the falling rains, requiring only partial supplies, and, therefore, not so frequently exposed to failure, which the articles of production which are various on the same ground, ripen at different periods of the year, had been generally assessed with a money rent; as had likewise the more valuable products which come under the description of garden and plantation produce, which as they were more expensive in the rearing and management were assessed at the lowest rates\*

(\*We have stated the rates of assessment in each district whenever it could be done. This information is sometimes given in the tabular statements which accompany the reports of the collectors and not in the Reports themselves, but the statements are frequently omitted to be sent to the India Office.)

pp.895

It is customary throughout that territory (and it is believed in every part of Hindostan) for deductions to be made from the gross produce of the land, as appropriations to the Municipal officers of each village; and for the maintenance of the pagodas and other public establishments.

The village officers are those who in various ways administer to the necessities and wants of the little community to which they belong. The shares of the produce which they receive, are, of the nature of fees or a remuneratory consideration for the services they render. Those to the pagodas and other establishments are charitable appropriations. Both these descriptions of allowances in kind are called 'maraha' or 'russooms'.

The cultivator also paid certain fees or perquisites in ready money called 'Sandward' for defraying the expenses of oil and stationery in the cutcherry of the village; and for other purposes.

pp.905/6

It is true that in most of the territory off the coast under their authority, the land revenue now exceeds the amount derived from them, under the assessments of native governments. But those governments though they had acknowledged principles of assessments, the collections made on the inhabitants were not confined to these,.....

pp.917

There is another circumstance which has rendered the situation of the cultivator under the British Govt, far more comfortable and happy than it was before they became subject to its rule; and by which all other blessings extended to them, are, as it were, confirmed and secured and that is, the vigour, the



the efficiency and if we may be allowed the expression, the unity of its authority which neither acknowledges nor permits of a divided town; but which keeps all power in subserviency to its own.....

pp.921

.....It was formerly a usual thing for the Zamindari and others to be refractory in regard to their payments; and it was found generally necessary throughout the country to employ a regular military force in the business of the collection. This is no longer done except in an extraordinary case; the rents are paid with punctuality, and whenever there is a balance outstanding against a District <sup>it</sup> in almost every instance <sup>to</sup> be ascribed to inability and not to a contumacious spirit.

30.11.1810

James Cummings



PRES-BRITISH LAND RIGHTS IN INDIA

A XI  
6  
gpp  
[ Report of Mr Beaufey, Secretary Board of Control: early 1792

HM 382 (78-9)

ancient

By the ~~current~~ system of India, the situation of a ryot was much superior to that of a tenant at will; nor was he subject to arbitrary exactions at the pleasure of the zemindar. While he continued to pay the rent and fulfil the conditions to which by the custom of his village he was bound, he could not be legally dispossessed, and if taxes unauthorised by the government, or by the usage of the district were demanded, the courts of the capital as well as those of the province were open to his complaints; for the protection of the cultivator of the soil was described as the first duty and often became the first object of the Magistrate.

Even in the ruins of this system traces of its principles are easily discovered, for among the numerous assessments that now burthen the lands of the ryots, a tax which is called the original rent invariably takes the lead and has the semblance of governing the rates by which the other branches of the land tax are determined.

But the ancient privileges of the ryots, their claim to continual possession on the terms of a reasonable and established payment, and their exemption from all ~~it~~ imposts but those which custom or positive enactments have duly authorised have perished with the government from which they derived their force.

Discussion on Occupancy Rights: April-October 1790

Minute of Mr Law: 8.4.1790

...Whilst the sovereign could take as much as he chose of the produce of the soil, the zemindars had but a precarious right; what he is entitled to in lieu of the surplus above government's demands seems undetermined, although it is generally admitted that he ought to have either separate Moshaira or a fifth or a tenth of the gross revenue. If a zemindar disposed of any part of his estate, what could he bestow or sell but that precarious share, which might be spared to him...

Minute of Mr Chapman

...At all event, whether the zemindar be proprietor or not, in a country where the government is entitled to so large a portion of the immediate produce of the soil, I should think an interference in detail justifiable, that would be unnecessary and unwarrantable in another.

In England, and I believe in other European states, the land &c taxes for which an estate is immediately answerable amount to a small sum comparatively to the value of the estate itself, and let a landlord neglect or rack-rent it as he pleases, and ruin his tenants, government runs no risk of losing its present or future proportion

|| IOR:H.M. 382 (page 7809) and 384B (pages 191-433)



of the produce.

Here the case is widely different. A zemindar of a large division by neglect, oppression or extortion may in a short period so desolate a country committed to his charge, that although from the sale of his interest in it Government might secure the revenue of the current year, yet the effect of his misconduct of the diminution of the public resources shall be left for many succeeding seasons...

Earl Cornwallis: 12.5.1790

...I therefore propose that all Talookdars being the actual proprietors of the lands comprising their talooks and who now pay their revenues through the mediation of any zemindar be immediately rendered independent of such zemindars, and that the rents of the latter be settled exclusive of the talooks so separated.

Earl Cornwallis: 4.6.1790

By the ancient constitution of the country the produce of every beegha of land in cultivation is divided in certain proportion between government, the proprietor of the soil, and the cultivator. A zemindar therefore who makes over to another his proprietary right in any part of his lands by a deed of sale, ... is not entitled to any share of the produce of such lands...

Mr Speke

...The Governor General is of opinion that the separation should be made "the obligatory clause being nugatory" and he supports his opinion by various deductions from a principle which he asserts in the ancient constitution of the country: "that the produce of every beegha in cultivation is divided in certain proportions between the government and the proprietor and the cultivator".

I had understood that our knowledge of the ancient constitution of the country was still admitted to be too inaccurate, or that as far as we knew it, the constitution itself was considered as too inapplicable at this time to be taken as the grounds of a general decision, upon such a question as the present one; ...

Mr Law: 30.6.1790

...If men have been in possession for time immemorial, such occupancy should I think, confirm them as independent, indeed they cannot prove a negative vizt that they are not ~~landholders~~ leaseholders. If the zemindar asserts and bring evidence that they are leaseholders the collector will investigate and take the tax accordingly, leaving a regular decision for the Dewanny Adawlut.

Mr Graham

...Was Mr Law's opinion of occupancy alone to be made the rule for deciding on the proprietary right to the soil and the claims which might be preferred by inferior ryots and cultivators determined thereby, I believe that the bulk of the zemindars and talookdars would have little or no land left....

Mr Cooper



Mr Cooper, acting President, Board of Revenue

...I entirely agree in opinion with Mr Graham,....  
With respect to the occupancy of the Talookdars there  
is no question on it before the Board...

Earl Cornwallis, proposing in letter to Board of Revenue; 9.7.1790

... We think proper to revoke such part of our orders  
of the 19th ultimo as regards Talookdars who have lost  
their title deeds, as also that part which directs that  
the Talookdars and zemindars who may be dissatisfied with  
the decisions of the collectors, made under our orders  
above mentioned, shall be allowed an appeal to your Board,  
and direct that where Talookdars have no title deeds to  
produce, but ground their right upon long possession the  
collectors separate them from the authority of the zemindars  
and conclude the engagements with them for the revenue  
assessed upon their talloks...

Mr Law: 19.7.1790

...The zemindar is proprietor of the soil, it is now  
everywhere allowed, but this is more clearly expressed  
by saying he is proprietor of one tenth of its produce.  
With the remaining nine tenths he has not the smallest  
connection...



## DISTRAINT OF CULTIVATORS PROPERTY

Minute of Mr Thomas Law, Member Board of Revenue: 15.12.1790

...In England where the Lord is not so liable to inability of liquidation of the light land tax by any delay he is allowed to distrain. How much more requisite than is such permission in this country where the Government take 9/10ths of the proprietors assets, and temporarily oust him upon failure; indeed the right to distrain seems a natural resumption of one's own crop upon the under tenants, on the security's declining declining to give the equivalent engaged for, and the only measure to cause punctuality whilst for its abuse exemplary damages may be given.

Minute of Mr Vanderheyden: 15.12.1790

...I agree with Mr Law in thinking that the right to distrain is an indispensable natural power of any zemindar or other over his own property when the party contracting with him fails in fulfilling the conditions of his contract, and when he is bound to perform other engagements which the adherence of others to those they have made with him can alone enable him to perform. I think also that this authority is complied in every engagement between a zemindar and under-tenant of every description.

Minute of Mr Chapman: 15.12.1790

I am of opinion that zemindars and head farmers should be allowed the powers of distraint and the restrictions and penalties under which Mr Vanderheyden proposes they should exercise it appear to me well calculated to prevent the abuse of it.

Mr Graham: 15.12.1790

...Considering the objections to which the authorities now universally authorised by every description of landholder over their under-tenants and ryots are liable, and which are detailed with great ability by our secretary in his report on his deputation to Serapeer, recorded on our proceedings of the 8th April last, together with the consequent recommendations of this Board to his Lordship in Council in the remedies therein suggested, I am decidedly of opinion that previous to formally vesting the zemindars and farmers with the power of distraining for rents, under the restrictions proposed by Mr Vanderheyden, and such others as may upon further consideration of the subject be found necessary, the petty courts of justice, recommended in the former resolution ought to be established.

Mr Law

I agree with the Board in approving the restrictions recommended by Mr Vanderheyden.

The tehseeldars will supply the place of the petty officer for investigating trivial causes till the Governor General in Council can take up the proposition of Mr Harrington in his excellent Serapeer report.

IOR/P/52/23 (24.12.1790)



Resolution of Board of Revenue: 15.12.1790

Resolved it be recommended to the Governor General in Council to allow to all landholders and farmers a power of distraining for rents due to them from their tenants and under renters, under the restrictions proposed by Mr Vanderheden, and such further restrictions as may be hereafter found expedient.

Board of Revenue to Government: 15.12.1790

Considering the delays and losses to which landholders and farmers may be liable from not having the power of distraining for arrears of rent until the collector shall have adjusted the accounts between them and their tenants and under-renters we beg leave to recommend it be made a regulation, that all landholders and farmers of land may distrain for rents due to them from their tenants and under-renters under the following restrictions, and such other as may be hereafter found expedient....

Reply of Government: 24.12.1790

It appears to us that the existing regulations vest sufficient powers in the landholders to enable them to realise their rents, from their under-tenants and ryots, and that the latter may at all times by a prosecution in the Revenue Adawlut, obtain ample redress for any oppression which may be exercised upon them by the zemindars. Should experience however hereafter evince the necessity of extending the power of distraint already vested in the zemindars, we shall upon your representation take the subject into further consideration.

On ~~the~~ your letter to the collector of Chittagong we must observe, that the present exigencies of Government can have no relation with the collection of the public revenue, in the exaction of which you are at all times to consider the general regulations alone as the rules for your guidance...

Representation of Board of Revenue forwarding letter of J.H.Harrington, Commissioner Rajshahee of 23.6.1792 : 29.6.1792  
Rajashahee Commissioner:

...In England it has been found necessary to allow landlords to distrain and sell, under restrictions, the personal chattels of their tenants for the speedy recovery of arrears of rent; and perhaps a similar authority to the landholders and renters in this country may be the least objectionable power that can be entrusted to them under proper precautions to prevent as much as possible an abuse of it. Of this however the Board and Governor General in Council are the proper judges and as it has been heretofore under their consideration, I ~~had~~ forbear enlarging further on it, tho I have thought it my duty to notice it under the conviction I feel of the urgent necessity of an explicit rule of conduct being prescribed for the guidance of the landholders and farmers in the collection of their rents; and affording them more effectual support than they can receive from a judicial process only.

Reply of Government to Board of Revenue: 20.7.1792

We transmit to you for your information and guidance the enclosed Regulations vesting landholders and farmers of land with a power of distraining and causing to be sold



certain property belonging to their under-renters, ryots or dependent talookdars for realising arrears of rent or revenue that may be due from them...

IOR: P/52/23x 47 (20.7.1792). pages 601-18; Regulation pages 619-72. Above extracts pages 611-2 and 618. Previous extracts (Dec 1790) from pages 370-1, 375, 375-6, 376-7, 380, 380-1, and 363-4 of Board's communications of 15.12. and Govt reply of 24.12.1790 from page 535-7 of P/52/23. Pages 382-532 and 541-744 of P/52/23 contain details of Balances.

#### Rate of Assessment in Jessore

R. Roehen, Collector of Jessore to Board of Revenue: 22.3.1790

The present rate of assessment was fixed by Mr Sherbourne in 1193 at Rs 1-8- per beegha for Naulee and Murreehum (or lands producing rice, mustard, wheat, barley, mussoor &c) Rs 3 per beegha for house rent, Toot (mulberry), sugarcane &c and 12annas per beegha for Deerabad (or puttul land brought into cultivation) exclusive of Khurcha or charges which amount to about 5 annas in the rupee. So that the ryots pay at the rate of Rs 2 per beegha for lands in the district of Jessore...

Statement of produce and charges of a beegha of land in Mahomedshahy.

Produce on rice ground, (average of 3 years)		Charges	
7 mds of paddy	Rs 3-8	Charges of cultivation	0-12
Produce of mustard, barley etc (2nd crop)	1-8	seed	0-4
		malguzarry	2-0
		charges of 2nd crop	0-8
		seed	0-4
	Rs 5-0		3-12
		Remains for Ryots	Rs 1-12

This is formed upon the produce of two crops which is by no means a general case, so that for all land of this description there remains for the ryot Rs 1-4 and for those that produce only one 8annas per beegha; hence the profit to a ryot holding 5 beeghas of land, three of which yielding two crops, and two one would be only Rs 4-12 for his subsistence. The cultivation of his land does not so occupy his time as to preclude



him entirely from other occasional employment but ryots in general have no other vocation. I must observe however that the rate of the assessment of Rs 1-8 is by no means general. It varies in pergunnahs and even in the villages of the same pergunnah. Some ryots do not pay above Rs 1-12 including all charges whilst I met with others again who paid Rs 2-4. But the greater part pay about Rs 2 per beegah.

Estimated production in some villages of Serroopeer  
Report by Harrington: 22.3.1790

...The usual quantity of land cultivated with one plough, requiring two oxen, a man and a boy may I believe be fairly computed, on an average 8 beeghas, (of the dimensions before explained). Supposing which I submit a further statement founded on the two foregoing, shewing the proportions of the different articles cultivated which is obviously necessary to exhibit the proportion of the bent to the total produce, and for this purpose I have taken 16 beeghas, the estimated extent cultivated with two ploughs....

...Total value of produce	Rs 40-6-0
deduct Seed	Rs 2-6-0
Remaining produce	Rs 38-0-0

or Rs 2-6-0 per beegah.

In this account I have only added 8 annas per beegah to the Shellelde account, the Bhadree crop as the Augonee Dhan transplanted to the land....

( According to Harrington the standard beegha is 80cubits multiplied 80 cubits, ie, 6,400 sq cubits: 1600 sq yards; His measurement in three villages of Serroopeer made the 'local' beegha measure to 2839 sq yards, ie, 1 beegha 15½ cottahs of "standard" beegha. The rates of rent quoted by him for adjoining areas arel. Rs 3, Rs 2-8, Rs 2 ; and Rs 1-12-5, Rs 1-10-10, Rs 1-8-5.)

Board of Revenue on Serroopeer Report: 8.4.1790

8. The proportion of the rents paid by the ryots of to the produce of the lands cultivated by them with opinion how far the same is equitable or otherwise?

The Board, on the facts stated fully coincide in the Commissioner's opinion that the general rents of the ryots of Durpnarain's zemindary are not equitable, as they are considerably lower than the rents paid in other parts of the same pergunnah, and in the adjacent parts of the pergunnahs and they also deem them inequitable on a general consideration of the stated produce of the lands. On both grounds likewise they deem the commissioner's valuation to the zemindar at one rupee per beegha , fair and wholly unobjectionable on his part.

Conclusion on Defects

5. Their rents being liable to annual variation the zemindar may avail himself of every favourable circumstance attending the produce, or price, to demand an increase in consequence of which they must be discouraged from improving their lands by manure as well as from



extending their cultivation by additional labourers' implements and may be deprived of the means of making provision for unfavourable accidents.

The Board admit the defect and consequences stated but see no remedy without infringing the proprietary declared to be vested in the zemindars. The Governor General in Council alone can decide whether their rights admit of the necessary modification to allow the interference of Government for any permanency of lease to the ryots.

Minute of Mr Law: 8.4.1790

...Whilst the sovereign could take as much as he chose of the produce of the soil, the zemindars had but a precarious right; what he is entitled to in lieu of the surplus above government's demands seems undetermined, although it is generally admitted that he ought to have either separate Moshaira or a fifth or a tenth of the gross revenue. If a zemindar disposed of any part of his estate, what could he bestow or sell but that precarious share, which might be spared to him.

IOR: P/

Proceedings of Bengal Board  
of Revenue dated 22.3.1790 and 8.4.1790.