CHAPTER II

THE DECLINE OF THE OLD ARISTOCRACY

Immediately after their annexation of the Jullundur Doab in 1846 the British functionaries quite naturally decided to lay down some policy towards the jagirdars. The jagirdars constituted the most powerful social group in the Doab and the British functionaries under John Lawrence shared his belief that the peace and prosperity of their new acquisition was to depend on the correctness of their policy towards these jagirdars.

In a way, John Lawrence's own mind on what that policy should be was indicated by the immediate orders that he had issued to be conveyed to the jagirdars. In these orders he had told the jagirdars not to collect anything over and above the land revenue of the lands given to them in jagirs. They were not to levy, as they had done earlier, capitation taxes. They were also to refrain from exacting forced labour or collecting customs and transit duties. He informed the petty jagirdars, holding fractional parts of the villages in jagirs that the assessment of the land revenue on 'the-entire-village' bases would be made by the Government officers who would then apportion the share of the land revenue to be collected by each jagirdar. He declared that all jagirdars
were to keep their records with the Government approved accountants on the lines laid down in the regulation provinces and the jagirdars not doing that were not to be entitled to any legal redress.¹

Soon after John Lawrence had issued these orders, he insisted on the Supreme Government through his immediate superior, Henry Lawrence - his elder brother and Governor-General's Agent on the North-Western Frontier - that no time be lost in formulating a jagir policy for the newly acquired Doab. He argued that this was necessary because the extent of land that was held in jagirs in the Jullundur Doab was enormous and any delay in laying down a policy would create complications of both financial and political natures in future. While thus insisting on the formulation of a policy, as early as possible, John Lawrence assured the Supreme Government that the British were not bound to any particular jagir policy for the Jullundur Doab. The Jullundur Doab had come to the British as a conquered territory and they had every right to decide on any course that they deemed fit.

The British were not pledged to them by any treaty, as was the

1. Foreign Deptt. (Pol.) NAI, Prodg. No. 2443, dated 31st December, 1847, John Lawrence, Commissioner & Superintendent, Trans-Sutlej States, to Col. Lawrence, Agent to Governor-General, No. 690, dated 28th November, 1846, Para-62.

2. Foreign Deptt. (Pol.) NAI, Prodg. No. 2185-97, dated 31st December, 1847, Agent to Governor-General, North Western Frontier, to F. Currie, Secretary to Government of India, with Governor General, No. 260, dated 9th November, 1846, Para-1 & 2.
ease with the Cis-Sutlej jagirdars who had succeeded in getting the British committed to a certain policy before recognising them as their overlord.\(^3\)

John Lawrence spelt out the policy that he wanted to be formally laid down in a note that he submitted to the Government just within six months of his becoming the Commissioner of the Jullundur Doab. In a general way what he had advocated in that note of 16th November, 1846 was the resumption of every jagir, while simply granting to the occupants of a certain number of years a life interest, so as to ensure, gradually and steadily, but without any convulsion, the annihilation of every jagir tenure in the course of years. John Lawrence justified this line on the plea that when followed in the Delhi territory earlier, it had produced the best of effects.\(^4\)

In one of his recommendations which concerned what he described as service jagirs, he was opposed by Henry Lawrence. He had recommended that occupant of every service jagir should pay twenty-five percent or one-fourth of the assumed

\(^3\) Foreign Deptt. (Pol.), NAI, Prod. No. 2185-97, dated 31st December, 1847, A Note by the Commissioner and Superintendent, Trans-Sutlej States, dated 16th November, 1846, Paras 4 & 5.

\(^4\) Ibid., Para-6; B.S. Ah, British Policy Towards the Panjab, 1971, Page-103.

\(^5\) Foreign Deptt. (Pol.), NAI, Prod. No. 2185-97, dated 31st December, 1847, Henry Lawrence, Agent to Governor-General, North-Western Provinces, to F. Currie, Secretary to Government of India with Governor-General, No. 260, dated 9th November, 1846. Para-3.
rent of that jagir to the new government. He wanted this on the plea that the lot of these jagirdars had improved a great deal with change of masters in the Doab. He had insisted that four annas in a rupee was a very fair charge for that improvement, more so when this one-fourth jumma was on their returns of the assumed rent of the jagirs under them and not on returns determined after investigation.

The Governor-General laid down the policy to be pursued by the British in the Jullundur Doab in March, 1847. It was in the form of seven rules and broadly followed the recommendations of John Lawrence made in his note of 16th November, 1846. He had laid down these rules with the full knowledge that Henry Lawrence was opposed to them. That, however, did not matter because after the Treaty of Bhairowal was signed between the Lahore Government and the British, Henry Lawrence was deprived of the powers of supervising John's administration of the Jullundur Doab. The rules laid down by the Governor-General were as follows:


8. Ibid.


Foreign Deptt. (Pol.), NAI, Secret Despatch from the Court of Directors, No. 12, dated 28th March, 1849, Para-29.
1. All grants for the provision or maintenance of the former rulers deposed or the former proprietors dispossessed be maintained in perpetuity.

2. All bonafide endowments made for the maintenance of religious establishments or buildings for public accommodation be maintained as long as the establishment or buildings were kept up.

3. All persons holding villages or portions of the villages free of rent or on money payment, or for which no service was to be rendered by grants made by Maharajas Ranjit Singh, Kharak Singh or Sher Singh, be maintained in their holdings free of rent during their lives. Each case which was to be opened for the consideration and the order of the Government on the death of the holder, was to be decided on its merits.

4. All persons holding lands or grants as above were to pay nasakunam, pashkush or the like, were to continue for their lives, subject to the payment of quarter jumma, and on the death of the holder the lands were to be resumed and assessed at full jumma.

5. All persons holding land for which service of any kind was to be rendered to the Sikh rulers, including Bedis and Sodhis who were expected to perform religious services for the benefit of the donors were to hold for life subject to a payment of 1/4 jumma, and the case of each such tenure was to be reported for the consideration of Government on the death of the holder.

6. Grants made by persons not having authority to alienate the Government revenues were to be resumed.

7. Where no zamindar existed a holding for three generations constituted a title and entitled the holder to have his case adjudicated by the foregoing rules.

In applying the above rules laid down by Hardinge, John Lawrence and his enthusiastic subordinates not only showed promptitude but also a great deal of harshness. That was not surprising if we keep in mind John Lawrence's opinion of the jagirdars as a class. He believed that the "existence of the jagirdar was as inconsistent with the civilization and improvement of the country as that of the feudal barons of
Moreover, most of the Jullundur jagirdars did not belong to the Doab, but were strangers there and their attitude to the English was not likely to be different from the Cis-Sutlej jagirdars who had openly come out against the British in the First Sikh War. According to John Lawrence, there was then, perhaps, no portion of the British Empire where the resources of the country were so little at the British disposal, or where a less friendly feeling was evinced towards them. Most of the Cis-Sutlej jagirdars had forgotten the benefits that they had reaped in the four decades of British sovereignty over them and were extremely lukewarm in rendering the help expected of them to their overlords in a war. Some of them had actually supported "the enemy" against the British. That was because, felt John Lawrence, the jagirdars in the Cis-Sutlej States were the conquering race and as such looked on the British as their competitors and rivals and not as their friends. Forty years' security from outward enemies and immunity from taxation had not erased their feelings against the British. 11

John Lawrence felt that jagirdars in the Jullundur Doab would be no different than their brethren in the


Cis-Sutlej States and so it was natural for him to entertain the strong opinion that 'to get rid of them' in the Jullundur Doab was 'a political and social necessity.' Little wonder that in the year or so that he and his subordinates decided the cases of the Jullundur and Hoshiarpur jagirdars under the rules formulated by Hardinge, they showed a harshness which added to the resentment of the jagirdars which would have been there even if they had been treated sympathetically. After all, according to the rules, the two most powerful jagirdars of the Jullundur and Hoshiarpur districts — old misaldars and the religious grantees — had not been granted their jagirs in perpetuity as they had hoped for. They had also lost their contingents as also the attached social status. The smaller jagirdars were no better. In the period of anarchy and confusion from 1839 to 1845, many of them had obtained jagirs to the retention of which they had eagerly looked forward. They were, however, deprived of these jagirs by John Lawrence. All this had been done in a very short span of a few months in 1847 and also with a good deal of harshness, which naturally caused great resentment among the Jullundur and Hoshiarpur jagirdars against the British.

The resentment showed itself in the Second Sikh War when the jagirdars in the Jullundur and Hoshiarpur districts by and large showed their sympathies for the insurgents against the British authority over the Lahore kingdom under

the terms of Treaty of Bhalrowal. During the War, Ram Singh, the Wazir of Naurpur, raised a rebellion in the hills of the Jullundur Doab which, though unsuccessful, inspired others to follow his example. So great was the resentment in the final stages of the war in the Jullundur and Hoshiarpur Districts that Bhai Maharaj Singh chose these districts for his anti-British crusade in the confident hope that the jagirdars of these districts would extend him an enthusiastic support.

The anti-British feeling manifested by the jagirdars of the Jullundur and Hoshiarpur Districts in the Second Sikh War did not go unnoticed. It, in fact, to some extent saved the jagirdars in the greater part of Panjab, which came under the British three years after the British had taken over the Jullundur Doab. When the Board of Administration chose to discuss the jagir policy to be adopted there, Henry Lawrence pleaded against the application of the Jullundur Doab policy in the newly acquired Panjab and did not completely fail in his attempt to be soft to the jagirdars there. His attempt to get the policy amended for the Jullundur and Hoshiarpur Districts also, however, did not succeed. The old policy was actually pursued with greater vigour in the Jullundur and Hoshiarpur Districts. John Lawrence, now a member of the Board of Administration headed by his brother did not forgive the jagirdars in the two districts for their role in the Second Sikh War and he found an enthusiastic supporter for the approach in Lord Dalhousie, the Governor-General of India.
in whose time the one year long Second Sikh War had taken place. While referring to the Jullundur and Hoshiarpur Districts in his despatch of 7th February, 1850 to the Court of Directors, Dalhousie wrote:

".....it is a remarkable fact, and one which shows how thoroughly opposed are these jagirdars tenures to the spirit of our rule, and the civilization and improvement of the country that the majority of these feudal chiefs rose in rebellion during the last war, and that they did not all do so, may be attributed to the zeal and activity of the local officers. The real grievances may be expressed in a single sentence that they were not allowed to oppress the people and had no claim to be treated like similar jagirdars in the Cis-Sutlej, for the simple reasons that the rights and possessions of the latter were solemnly guaranteed to them in 1803-9 on certain conditions. .... They fulfilled their compact on their part well. But the jagirdars of Jullundur Doab were no aid to British Government but literally a source of danger. Moreover, by the treaty of Lahore no such promise was made to Jullundur jagirdars. On the contrary it was distinctly stated in the subsidiary article, signed at Umbritsar a few days after the treaty, the only document in which they were mentioned, that Jagiars would be maintained only for the lives of occupants.14

All these jagirdars were not only present in the campaign, but such was their confidence of success, that every man and boy able to bear arms was mustered, mounted and joined the Sikh army."15

At the close of War, thus, the British had decided to further annihilate the Jullundur and Hoshiarpur jagirdars.

15. Ibid., Para-12.
The reason for that decision was political but the British rationalised it on the ground that they were not bound to any liberal treatment towards the jagirdars in the Jullundur and Hoshiarpur Districts by any formal treaty. Under the circumstances, the Governor-General naturally deprecated any general reconsideration of jagir cases already decided by John Lawrence as the Commissioner of the Jullundur Doab.

He recorded:--

"I can find no solitary argument that can justly be advanced in favour of these Jullundur jagirdars. Public faith, policy, the public will are all either against them or in no way pledged."

Lord Dalhousie was, thus completely one with John Lawrence in treating jagirdars in the Jullundur Doab most harshly. That was particularly to be the case while dealing with the misaldars in the Jullundur and Hoshiarpur Districts.

While pursuing this policy, the Board of Administration that was to execute this policy, found itself in an awkward position. The awkwardness arose from the fact that now Jullundur Doab was not an independent administrative division but a part of the wide domain under the Board consisting of (i) the Panjab annexed on 29th March, 1849, (ii) the Cis-Sutlej British possessions and (iii) the Jullundur Doab. In the Cis-Sutlej area, the policy, as already noted, was to confer the jagirs of the old misaldars.

17. Ibid., Paras-20 & 21.
in perpetuity. The policy in the Panjab newly annexed could be the same. How, then, could it be proper, under the circumstances to continue a different policy in the Jullundur Doab? As if to accentuate the embarrassment felt by the Board, the Court of Directors in one of their despatches asked for the Board's justification for giving jagirs to the misaldars on a life tenure when their counterparts in the Kangra District, the Hill Rajas, had been granted rights in perpetuity. The Court of Directors made it quite clear that of the rules laid down by the Governor-General in March, 1847 to be followed in deciding the cases of the various types of Jullundur jagirs, they would, at least now, like rule 1 and not 3 to be followed in deciding the cases of Jullundur and Hoshiarpur Districts.

The Board of Administration, however, did not act on the suggestion of the Court of Directors, possibly because John Lawrence did not want it and Lord Dalhousie supported John Lawrence.

That, this was so, would be clear from the decision given by John Lawrence on the application put forth by the descendants of Jodh Singh Ramgharia. The descendants of Jodh Singh had put forth a claim of perpetual jagir rights on two villages in the Jullundur Doab, which were once a part of an extensive possession of their father who on the eve of the annexation of the Jullundur Doab was the head of one of

the most important families of the original conquerors of
the Doab. What seems to have encouraged the descendants of
Jodh Singh to put forth their application was that John
Lawrence had just then recommended a perpetual jagir to a
family in the Cis-Sutlej area on the plea that it had belonged
to the family of the applicants for more than six generations.
In the case concerning the descendants of Jodh Singh, John
Lawrence conveniently closed his eyes to the fact that they
too had held the two villages for more than six generations
and recommended that the two villages be conferred on the
descendants of Jodh Singh only for life. Perhaps because
this recommendation had come too soon after his decision on
Cis-Sutlej case mentioned above, it forced the Court of
Director not only to reject the recommendation of John
Lawrence in the particular case of the descendants of
Jodh Singh but also to lay down a general directive for
similar cases in future. They directed that in future the
cases of the jagirs held prior to the ascendancy of
Ranjit Singh when shown to have been uninterruptedly held by the
descendants of the original jagirdars should have the benefit
of rule 1 which meant that they were to be conferred the
jagir in perpetuity. By the time, however, this directive
came, quite a good number of misaldar jagirs held on a life

20. Ibid., Para-32.
tenure had already lapsed to the British government and the descendants of one time rulers of the district were deprived of the only means which gave them a superior social status.

The treatment received by the other classes of jagirdars in the Jullundur and Hoshiarpur Districts at the hands of the Board of Administration was even worse than the one received by old misaldars. The Bedis and Sodhis who also had started claiming their jagirs in perpetuity were denied that privilege. Jagirs held against sanads and regarded invalid by the over-sealsous British officers were declared 'outright lapse.'

This jagir policy initiated in 1846 was, thus, continued to be followed in the Jullundur and Hoshiarpur Districts under the Board of Administration for about four years more during which the Board had administered the Panjab. The natural impact of that policy was a further deterioration in the social position of the class which had earlier enjoyed a very prominent position in the social set up of that area. Before 1846 the jagir villages were states within states. By the beginning of January 1853 when the Board of Administration was abolished, these states were on the road to annihilation and the position of the jagirdars was far from enviable.

John Lawrence who had pursued this policy in spite of the opinions of the Chairman of the Board of Administration, Henry Lawrence, to the contrary believed that by weakening, if not completely annihilating the jagirdars as a class, the
British would win the favour of the masses of the Jullundur Doab. While justifying his policy, John Lawrence had argued that the ultimate annihilation of the jagirdars would save the cultivators from the tyranny of the jagirdars. The latter had oppressed them in numerous ways but the most invidious of them was the collection of numerous dues which even the Sikh law did not allow them. John Lawrence's policy was pursued with vigour because Lord Dalhousie supported him.

The immediate gainer of the policy pursued between 1846 and 1849 and continued between 1849 and 1853 was not so much the cultivator in general as the samindar, the traditional head of the village brotherhood, claiming proprietary rights over the village. Earlier the samindar would collect the revenue of the village due to the jagirdar by virtue of the Government assignment made to him but now the samindar would be reluctant to do so. The result was that the jagirs had started looking a liability to at least some of the incumbents.

That this was so first came to the notice of the Panjab Government when it was under the exclusive direction of John Lawrence who on the abolition of the Board of Control in January 1853, had become the Chief Commissioner of the Panjab. Finding it difficult to obtain the revenue from the jagir worth Rs. 500/- a year in Dhadda village of the Jullundur District, a lady by the name of Reshan prayed to the Commissioner of the Jullundur Doab to grant her a pension in
lieu of her jagir. It was a novel prayer and so while accepting the request of Reshan, the Commissioner brought it to the special notice of the Financial Commissioner, who in his turn, drew the attention of the Chief Commissioner to it. When soon after this case, numerous other requests of the same type were made by jagirdars in both the Jullundur Doab and the Cis-Sutlej areas, John Lawrence was forced to lay down general directions for a speedy disposal at the Commissioners' level of such cases. His directions were that such requests be quickly granted and the Commissioners undertake the collection of the land revenue from the jagir lands on behalf of the government and pay the proceeds to the jagirdars but after deducting 3½ per cent as the expenses incurred in the collection. This was made a rule applicable to all such cases.


The practice by which a Government official would collect the land revenue and pay the equivalent of the jagir to its incumbent after deducting a certain percentage of the collection came to be called the dustak system. This was because the Government officials entrusted with the work of such a collection often served on the defaulters notices known by the name of dustak. 26

The dustak system was welcomed by the jagirdars in the Jullundur and Bhojigarh districts as a boon but only for a while. They realised within a couple of years of its introduction that it was not as beneficial to them as it appeared at its start. What was due to the jagirdars was not collected for months in 1854 and 1855, in fact, not till they had successfully put the Tehsil officials in good humour. 27

The Tehsildars as a class had sabotaged the collection because under the dustak system they were not getting the one percent of the collection that they got from the same work done on the Khalsa land. The Tehsildars became willing collaborators with zamindars through whom they were expected to collect the land revenue. What enabled the zamindar to collaborate with the Tehsildars was that under the newly introduced dustak system, the former could be held responsible for the delay in


27. Ibid., Para-4.
the collection of the land revenue only after being served with a notice to that effect.28

In January, 1856 when Lord Dalhousie laid down the reins of office, the jagirdars in the Jullundur and Hoshiarpur Districts were feeling sullen. Most of them had a life interest in jagirs and were finding it difficult to collect their shares either on their own or through the Governmental agency. That, of course, had not worried John Lawrence. He had planned for the extinction of the jagirdars as a class in Jullundur and Hoshiarpur Districts as the Chief Commissioner of the Doab and was mentally quite prepared for the discontent among them. But his unconcern was not shared by the new Governor-General.

No sooner did Lord Canning take over as the Governor-General than he was obliged to decide on the previous directions of the Court of Directors for the conversion of Jullundur and Hoshiarpur jagirs from the life tenure into 29 perpetuity. He ordered, one may safely surmise to the great surprise of Sir John Lawrence, a reconsideration of jagir cases.

28. Ibid. cit.
29. (It was desired by the Court of Directors for favourable consideration to any special cases in which the holders had not participated in the general dis-loyalty of the class during the last Sikh war).
The Governor-General’s interest resulted in quick reconsideration of numerous jagirs in the Jullundur and the Hoshiarpur Districts. These jagir cases were reported to the Government of India and on 1st May, 1857 were released in perpetuity to the lineal male heirs subject to their good conduct and to the pleasure of the Government.

The jagirdars of the two districts were still feeling jubilant over the good fortune that had been showered upon them on 1st May, 1857 new development when the North-Western Provinces, Rajputana and Delhi were carried away by the upheaval, variously described as the Mutiny, the First War of Independence and the Great Uprise of 1857-58. If at that moment the jagirdars in the Jullundur and Hoshiarpur Districts remained aloof from that upheaval, they only reflected their


31. Foreign Deptt. (Pol.), NAI, Prodg. No. 453, dated 1st May, 1857 D.F. Moleod, Financial Commissioner, Panjab, to H.R. James, offg. Secretary to Chief Commissioner, Panjab, No. 577, dated 20th December, 1856, Paras 1 to 16.


happiness and contentment for the just-finished reconsideration of their cases.

The upheaval of 1857-58 accrued further benefits to the jagirdars of these districts. These benefits were partly due to their loyalty to the British during the rising and partly due to the change in the social policy now adopted by the British all over India. The earlier policy of annihilating the jagirdars as a class was now replaced by that of preserving them all over the country in the hope that they would ultimately act as shock absorbers for discontent in the lower strata. That gave an additional momentum to the pro-jagir trend initiated by Canning in 1857 in the Jullundur and Hoshiarpur Districts.

Of the two major benefits conferred on the jagirdars of the Jullundur and Hoshiarpur Districts immediately after 1858, one which was, perhaps, looked upon by the jagirdars as more tangible of the two was the improvement effected in the duastak System by numerous changes made in its working. The most significant of them were that (i) in future only 2 percent instead of 3½ percent, was to be imposed as Government's share for undertaking to collect the jagir share of the land revenue from the jagir, (ii) the incidence of this

two percent was to fall in equal proportion on the jagirdar and the zamindar and (iii) the right given to the jagirdar to claim the collection of the tehsil officers as a justifiable legal redress. Perhaps to dissuade the Tehsildars from sabotaging the collection, it was declared that (iv) half of the two percent received by the Government by undertaking the collection of the land revenue under the dusumak system would go to the Tehsildar who did a particular collection.

The second benefit received by the jagirdars of the Jullundur and Hoshiarpur Districts after the upheaval of 1857-58 was the general declaration of the British that in future the jagirs in the two districts would be treated at par with those in the Cis-Sutlej area. This principle was, it may be recalled, denied to the jagirdars in the Jullundur and Hoshiarpur Districts in 1846 on the plea that whereas the British were pledged to a certain lenient attitude towards the jagirdars in the Cis-Sutlej area by a treaty signed between the British and those jagirdars before they had agreed to come under the British protection, there was no such British pledge with regard to the jagirdars in the Jullundur and Hoshiarpur Districts. The British had conquered the Jullundur Doab by the sword just as the jagirdars of the Doab had earlier conquered it from some other occupants. All their rights and privileges were thus at the mercy of the British.

35. Ibid., Para-5.
The loyalty shown by the jagirdars of the two districts to the British in 1857-58 changed the argument. The new policy initiated by the declaration mentioned above was justified on the ground that almost all types of jagirdars in the Trans-Sutlej Districts were not only the same class but the same people. It was only an accident of history that had separated them for some time. A great uprising had taken place in 1759 and armed bands of the Dal Khalsa had spread over the entire area between the Jamuna and the Indus, if not beyond the two rivers in the south-east and the north-west. They were these armed bands, called the Misals, who had apportioned the lands on both sides of the Sutlej and constituted the new class of jagirdars in both the Cis-Sutlej and Trans-Sutlej States. The facts that in 1809 the Cis-Sutlej area had come under the British and a little later Trans-Sutlej Districts were conquered by Ranjit Singh, and these two areas had been under two distinct masters for about three decades and a half cannot, it was now argued, justify two different jagir policies in the two areas which were now administered by the same Government. So, the hereditary jagirs of Jullundur Doab were now to be treated at par with jagirs of Cis-Sutlej States.

It was inevitable that with the numerous jagirs, thus, becoming hereditary in the Jullundur and Hoshiarpur Districts,

a few issues which were being ignored earlier by the beneficiaries of the jagirs and the Government alike should have started attracting notice. One such issue was the law of succession to the hereditary jagirs and the other of dowries to the married and unmarried daughters of the jagirdars. Both the issues were interlinked and both cropped up almost at the same time.

The problem of succession arose with the Government declaration that the misal dar jagirs in the Jullundur and Hoshiarpur districts were to be held in perpetuity. That was natural. Earlier such jagirs lapsed to the Government on the death of the original grantee. But now to whom were they to go? The immediate decision was that such jagirs were to go to the male lineal heirs of the original grantee. But who was the original grantee? It was proposed that the person in whose favour the grant was released in 1846 though then only for life, at the first enquiry after annexation, be now recorded as an original grantee — and was readily accepted.

When the Financial Commissioner pointed out that this would raise the problem of the jagirs already lapsed to the government on the death of the 'original grantee,' it was decided that the rule of perpetuity adopted on 1st May, 1857 was to apply with retrospective effect and the jagirs already

37. Foreign Deptt. (Rul.), NAl, Prodg. No. 92, dated 26th November, 1852, C. Allen offic. Secretary to Government of India, to The Board of Administration for the affairs of the Panjab, No. 4436, dated 25th November, 1852.
taken over by the government as lapsed were to be returned to the male lineal heirs of the deceased. For the jagirs other than the misaladar jagirs it was now laid down that rules earlier adopted by the Supreme Government to Cis-Sutlej States were to be applicable to the Jullundur and Hoshiarpur jagir cases also. That meant that the females, both widows and daughters were debarred from succession to the jagirs and only sons were to inherit them.

With the decision that neither the widows nor the daughters were to inherit the jagir becoming public, it was inevitable that scores of questions would crop up in due course. Were the widows to be given any maintenance? If so, at what rate? How about the unmarried daughters of the late jagirdars? were they to be compensated for the loss of inheritance in the jagirs of their late fathers and if so, in what form was that compensation to be made? And how about the married daughters and the daughters who had lost their husbands?

The above questions were also tackled on 1st May, 1857 when the Jullundur and the Hoshiarpur jagirs were made perpetual. It was laid down that every one of the widows and unmarried daughters of the late jagirdars were to be given a pension on the model of their counterparts in the Cis-Sutlej

38. Foreign Deptt. (Pol.) NAI, Prodg. No. 178, dated 21st February, 1851, Secretary to the Government of India with the Governor-General, to The Board of Administration for the affairs of the Panjaban, No. 461, dated 12th February, 1851, Para-3.
States and at the rates prevalent there. About the compensation to the daughters, all that was decided then was that an unmarried daughter or the daughters collectively would be entitled to seven years purchase of pension by way of dowry at the time of their marriages as compensation for the inheritance denied to them. Similarly it was provided that a widow or widows collectively would be entitled to a fixed proportion of the value of their shares as life pensions subject to the condition that on the marriage of the widow a consolidated sum equal to five years purchase of pension was to be allowed to her by way of dowry. The rules for the grant of dowries to the unmarried daughters were laid down by the Commissioner and Superintendent of the Trans-Sutlej States in a circular dated 8th March, 1858. It was provided that the daughter of a deceased jagirdar was to be given at the time of her marriage, an amount equivalent to seven years

39. Foreign Deptt. (Fol.), NAI, Prodgs. No. 461, dated 1st May, 1857, G.F. Edmiston, Secretary to Government of India, to John Lawrence, Chief Commissioner of the Panjab, No. 1993, dated 1st May, 1857, Para-5. (The Pension was not to exceed Rs.50-0-0 and the rates of pension were to be as follows:

- If the value of lapsed share exceeds Rs.50-0-0 per annum, the amount of pension to be half.
- If between Rs.30 to 50., Rs.30-0-0 per annum.
- If below Rs.30-0-0, the whole.

The immediate consequence of this order was a large number of marriages of these unmarried daughters who had been finding it difficult to find suitable husbands for themselves because their fathers had passed away and those who had inherited the jagirs would not give them any dowry. Soon, according to the British functionaries in the two Districts of Jullundur and Hoshiarpur, there were hardly any unmarried daughters to be found among the families of the jagirdars. In fact some of the widowed daughters also went in for re-marriage and claimed seven years' pension as dowry.

A ticklish problem cropped up soon after the celebration of unprecedented number of marriages of the daughters of the deceased jagirdars. The problem was posed by the large number of applications from the widowed daughters of the jagirdars for a retrospective application of the orders of 8th March, 1858. The question demanding immediate answer was whether it was desirable for the Trans-Sutlej administration to concede to the basis on which the widowed daughters, or for that matter even daughters not widowed, were to be given the seven years' pension as dowry. The question was raised by


Captain O.J. MacLeod Farrington, the Deputy Commissioner of Jullundur. His immediate officer, Edward Lake, the Commissioner and Superintendent of the Jullundur Doab had felt that it was desirable to do so and he strongly recommended that course. He seems to have done that to alleviate the sufferings of those daughters of the jagirdars who had lost their husbands or were otherwise feeling very uncomfortable at their in-laws' places. Edward Lake's recommendations were, however, not accepted by the Financial Commissioner whose main argument was that it would be both inconvenient and unnecessary to apply the orders of 8th March with retrospective effect. Normally it was the duty of those families in which the jagirdar's daughters were married to provide for them on the death of their husbands and normally they did that. Edward Lake's suggestion was that where this was not done either because the particular families, in which jagirdars' daughters were married, had gone destitute or due to the innate cruelty of the in-laws, applications may be considered as special cases for the purposes of applying the


orders of 8th March, 1858 with retrospective effect. And it was this suggestion that became the rule for the future.

No sooner was this problem solved than a new one cropped up. It concerned the succession to a perpetual jagir on the death of a beneficiary, who had inherited part of a jagir from the original grantee, and who on his death was survived by no male heir of his own. The problem was whether his share of the original jagir was to lapse to the Government or pass on to the surviving brother or brothers who had already inherited their shares of the jagir of the original grantee. D. Simson, the Deputy Commissioner of Hoshiarpur, had posed the problem in the form of a hypothetical case which ran as follows:-

"A dies leaving 3 sons B, C and D who succeed to the mafes. Some time after succeeding B dies leaving two brothers C & D but no male heir. Was B's share of the mafes in that case to be inherited by his two surviving brothers C & D or escheat to the government for want of direct male heir?"

The quick decision given by Edward Lake, the Commissioner and Superintendent of the Jullundur Doab was unambiguous. He laid down that B's share would escheat to


when Edward Lake gave that decision, he did not realise that it would immediately raise the problem of maintenance allowance for the widows of the jagirdars who had passed away without leaving any sons. Within a few months of his decision, his office was flooded with numerous applications from such widows. Perhaps not realising that the cases necessitated a well-thought-out policy, he started giving decisions which ultimately turned out to be erratic as would be clear from a comparative study of some of the important cases taken up by him in 1858 and 1859.

One such case was that of the jagir left behind by Gainda Singh who had a jagir worth Rs.2,216-10as-3ps in the villages of Upran and Singhpura. He died in 1858 leaving behind three sons by two wives. Following the rule laid down by the Government of India on 1st May, 1857 that Jagirs should be released at half rates to the heirs, Major Edward Lake issued an order on 10th August, 1858 that half the value of jagir left behind by Gainda Singh be distributed as follows:-


48. Foreign Deptt. (Fol.) NAI, Prodg. No. 453, dated 1st May, 1857, D.F. Mcleod, Financial Commissioner, Panjab, to H.R. James, offg. Secretary to Chief Commissioner, Panjab, No. 577, dated 20th December, 1856, Para-5 (See Statements also. This rule was approved by the Government of India on 1st May, 1857, vide its letter No. 1995).

But before this order could be executed, Kishen Singh died leaving behind his young wife, Gulab Kaur, as a childless widow to whom he also bequeathed a large debt. That raised two questions for the Jullundur administration, one concerning the widow's share in her husband's jagir and the other relating to the payment of the debt behind by Kishen Singh. There were three courses open to administration with respect to the jagir. One was to give to Kishen Singh's widow her husband's jagir, which he would have received had he not died for some time, in full, the second was to give her half of her husband's share and take over other half as lapse to the government and the third was to give Kishen Singh's jagir to his real brother, Bishen Singh, and hold him responsible for the maintenance of the widow. Major Lake chose to follow the third course. He bestowed Kishan Singh's jagir of Rs.250/- on Bishen Singh and fixed a sum of Rs.100/- to be paid by him to Kishen Singh's widow as her maintenance allowance. With regard to the payment of the debt, Lake ordered that it would be met by Bishen Singh alone and his brother's widow, Gulab Kaur, be free from all encumbrances. Unfortunately for Gulab Kaur, this order of Lake contradicted Panjab Government's circular No. 8 of 1857 which had directed that the inheritor of a jagir was not liable to pay the debts.
of his predecessor unless he also inherited latter's other property. The result was that in 1860, Kelvill, the Officiating Commissioner and Superintendent of the Trans-Sutlej Districts refused to execute Edward Lake's orders and asked Gulab Kaur to clear the debts of her late husband.

Another case posing a different type of problem came up with the death of Man Singh who had a jagir worth Rs.416-10as-8ps in a village Surhal Kasian in the Jullundur District. Man Singh was survived by two sons, Bakshish Singh and Abhen Singh, from his first wife who had died during his lifetime, second wife Karam Kaur and a widowed daughter-in-law, Jus Kaur, wife of his deceased son, Ranjit Singh. The problem before the administration was to provide for Karam Kaur and Jus Kaur. The Jullundur Administration did not solve the problem by following the line adopted in the case of the Jagir left behind by Gaina Singh. Instead of giving half of the jagir left behind by Man Singh to the two sons and hold them responsible for the maintenance of the two widows, Karam Kaur and Jus Kaur, in the form of pensions fixed by the Government, the Jullundur Administration divided


53. Jagir Register, Jullundur, Statement No. 1, Case No. 5.
half of the jagir left behind by Man Singh as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bakshish Singh</td>
<td>Rs. 60/-</td>
</tr>
<tr>
<td>Kishen Singh</td>
<td>Rs. 60/-</td>
</tr>
<tr>
<td>Jus Kaur</td>
<td>Rs. 60/-</td>
</tr>
<tr>
<td>Karan Kaur</td>
<td>Rs. 60/-</td>
</tr>
</tbody>
</table>

The Jullundur administration justified its action what it had done by making it out as a special and isolated case. Actually to execute its decision in this case, it sought a special sanction of the Provincial Government.

Making of Man Singh's jagir case a special case turned out to be a pandora's box. Soon more jagir cases started becoming 'special cases,' so much so that by 1859 it appeared to those claiming share in perpetual jagirs that no laws existed and succession to jagir shares depended completely on the whims of the British functionaries.

A case which attracted considerable notice that year concerned succession to a jagir left behind by Sudh Singh, a jagirdar of Loh village in Hoshiarpur District. When Sudh Singh died, he left behind three widows, one son, Basawa Singh, and a widowed daughter-in-law, Hem Kaur, married to Sudh Singh's son, Kishen Singh who had predeceased his father. By an executive decision, the British functionaries in the Hoshiarpur District laid down that half the jagir of late Sudh Singh would...

laps to the Government and the remaining half be divided equally between Basawa Singh and Hem Kaur. It made no provision for the three widows of Sudh Singh. The decision was more than liberal to Hem Kaur but she did not like it. That was because, it seems, she had decided to live in future at her father's and not at her in-laws place. She appealed to a Court of law for pension in place of the share in the jagir. The Court did not feel sure it could concede to the request and called upon some 'other jagirdars' to arbitrate. These 'other jagirdars' did not completely grant the request of Hem Kaur and gave a decision which was in the nature of a compromise. According to this decision Hem Kaur was allowed a pension of Rs. 160/- per annum in addition to eight bighas of land and an independent house. This decision had, obviously, not calculated on its reaction on Hem Kaur's mothers-in-law, widows of Sudh Singh and step mothers of Hem Kaur's late husband. Every one of the three mothers-in-law asked for a similar decision or share as was granted to Hem Kaur and thus put the Hoshiarpur Administration in a fix. Perhaps because conceding the request of the three elderly widows would have left nothing for Basawa Singh, the administration decided not to execute the arbitration and at the same time reduced the money pension of Hem Kaur from Rs. 160/- to Rs. 60/- per annum.55

The jagir cases of Gaida Singh and Man Singh proved infectious in one sense. It became commonplace for childless widows to prefer cash pensions to shares in the jagirs. That

55. Loc. cit.
was because cash pensions saved them from the troubles of collecting the land revenues from the lands assigned to them as jagirs. The zamindars who had proprietary rights over the lands given as jagir were seldom keen on obliging the jagir claimants at the time of collection.

The popularity of such pensions among widows is represented by the case concerning the jagirs left behind by Nagina Singh in Jagatpur village of the Jullundur District. Nagina Singh died leaving behind two wives of whom one was childless. The senior wife, Aus Kaur, was unlucky to have lost her only son during the life time of her husband. The other wife was the mother of two sons, Man Singh and Khasan Singh. Aus Kaur typified a general preference for maintenance allowance among childless widows to a share in the jagir when she accepted an allowance of Rs.60/- per annum from Man Singh and Khasan Singh.

Possibly one important reason for that tendency among the childless widows was that the Jullundur Administration encouraged that tendency in 1858 by being liberal in the amounts granted as pensions. That was, at least, the policy pursued by Edward Lake as the Commissioner and Superintendent of the Jullundur Doab. The line adopted by him in the case connected with the jagir left behind by Dewan Singh of Sarhali in the Jullundur District would bring out Lake's approach very clearly. Dewan Singh had three sons, namely Budh Singh.

56. *loc. cit.*
Fateh Singh and Dalel Singh. Of the three, Dalel Singh had died during Dewan Singh's own lifetime, leaving behind his wife, Chand Kaur, a childless widow. Sometimes before the First Sikh War when Dewan Singh died, Budh Singh, Fateh Singh and Chand Kaur had entered into an understanding by which jagir was divided between Budh Singh and Fateh Singh after leaving "four ploughs of land" to sustain Chand Kaur. This understanding worked well during the lifetime of Budh Singh and Fateh Singh but broke down after both Budh Singh and Fateh Singh died leaving behind Kirpal Singh (only son of Budh Singh) and Kehab Kaur (childless widow of Fateh Singh) as the two sole claimants to the jagir left behind by Dewan Singh. Chand Kaur was forgotten because the records were silent about her "four ploughs of land." She, therefore, moved the court of Rai Bansi Lal, Extra Assistant Commissioner of the Jullundur District for a maintenance allowance. Rai Bansi Lal granted Chand Kaur an allowance of Rs.100/- per annum, half of which was to be provided by Kirpal Singh and the other half by Kehab Kaur. When this decision went to Edward Lake for approval, he doubled the allowance of Chand Kaur on the plea that it should bear some equitable relations to the jagirs enjoyed by Kirpal Singh and Kehab Kaur, both of whom had inherited a share of Rs.350/- each in the jagir left behind by Dewan Singh after the usual lapse of fifty percent to the government.

While the widows were thus being provided for by cash
allowances on terms which had begun appearing more favourable than before, a new dimension was added to the succession rules applicable to the jagirs in the Jullundur and Hoshiarpur Districts. That was because of the case pertaining to the jagir left behind by Khasan Singh of Meerpur Lakha in the Jullundur District. Khasan Singh was survived by two wives, two sons and one widowed grand daughter-in-law and her one son. Khasan Singh's two wives were, Sahib Kaur and Anand Kaur. Sahib Kaur was the mother of two surviving sons of Khasan Singh. Anand Kaur was the mother of one son, Jawahir Singh, who had died during the life time of his father leaving behind his wife, Mehtab Kaur and a son. Soon after the death of Khasan Singh, Anand Kaur claimed half the jagir meant to be bequeathed to the survivors of the late jagirdar on the plea that, for the division of family assets, her family had always followed the chundaband, as distinct from nagdiwali, practice. Her plea was accepted and that led to numerous applications by the widows of jagirdars for the partition of the perpetual jagirs of their deceased husbands on chundaband principle.

The British functionaries in the Jullundur Doab did not react favourably to this new plea. In their views acceptance of the chundaband principle was likely to raise numerous problems. The confusion created by the case arising out of the claims on the large jagir of Rs.3,00/- per annum left behind by one Sardar Achhaal Singh of Alwalpur gave them an opportunity to come out openly against the adoption of chundaband principle for succession to perpetual jagirs.

58. Ibid. cit.
When Achhal Singh died, he was survived by his mother and two wives. Mehtab Kaur, one of the two wives, had two sons Partap Singh and Ajit Singh while Prem Kaur, the second wife, was childless.

Soon after Achhal Singh's death, the Government of India, on the suggestion of the Jullundur Administration, gave half of jagir left behind by him to Partap Singh and Ajit Singh in equal proportion. It, however, enjoined on both the successors of Achhal Singh to set aside three chumasens of land and an annual sum of Rs. 200/- as pension for Prem Kaur. Prem Kaur, however, moved the Court of Capt. Farrington and claimed one-half share in the jagir left behind by her husband on the chundaband principle. Capt. Farrington, feeling confused, appointed an arbitration committee to decide the case. He so constituted the committee as to have half of the members on it as the nominees of Prem Kaur and the rest of her two step-sons. Perhaps he did so in order to create the impression of fairness about the decision of that Committee. But actually there was a complete lack of decision. Its members gave two conflicting suggestions for resolving the dispute. The nominees of Prem Kaur suggested that she should receive one-third of the jagir. It appears they did not suggest one-half, as claimed by Prem Kaur, because of their consideration for the mother of Achhal Singh for whom they suggested one-fourth of the jagir. Only the remaining 5/12 of the jagir left behind by Achhal Singh, they suggested, be equally divided between Partap Singh and Ajit Singh. The nominees of Partap Singh and Ajit Singh, on the other hand, suggested that Prem Kaur be given an annual allowance of Rs. 200/- and three
ashmaana of land as a sop to make her agree to it, in addition to a two storied house in the fort of Alavalpur with stables and out-houses attached to it.

Captain Farrington agreed to the former suggestion and gave his decision to that effect but immediately an appeal was lodged against that decision by Partap Singh and Ajit Singh in the Court of the Financial Commissioner. They based their appeal on two grounds: first, that no widow of a jagirdar was entitled to a share in the jagir when she was survived by sons, and secondly that any arrangement which made the widows independent of their male relations would lead to serious complications and affect the honour and domestic happiness of the family.

The arguments advanced by Partap Singh and Ajit Singh appealed to the Financial Commissioner who reversed the order of Capt. Farrington. He agreed with the second set of arbitrators, and gave a decision which was the same as was originally suggested by them, except that he was a little more liberal to Prem Kaur than they were. He fixed the allowance for Prem Kaur at Rs.200/- but increased the land to be given to her to five ashmaana from the three as had been suggested by them.

Possibly because Achhal Singh was one of the biggest jagirdars in the Jullundur District and his widows were

59. Ibid., Para-3.
60. Ibid., Para-4.
related to all the top families in the district, the case attracted a lot of attention both of the people and the British functionaries in the Doab. The British functionaries now made a frontal attack on the chundaband principle. They particularly opposed its application to the conquest tenure jagirdars in the Jullundur and Hoshiarpur Districts. That worried Major Lake, the Commissioner and Superintendent of the Doab who felt it necessary to request the Financial Commissioner for some general rule other than chundaband for succession to jagirs.

The Financial Commissioner did not prove quite obliging in the matter but when the case went upto the Panjab Government it decided that the rules prevalent in the Cis-Sutlej area be strictly applied to the succession of jagirs in the Jullundur Doab also. To prevent any ambiguity in those rules P.S. Belvill put them categorically as follows:

61. Ibid., Para-5.


63. Foreign Deptt. (Pols.) NAI, Prodg. No. 179, dated 21st February, 1851, Secretary to Government of India with the Governor-General, to The Board of Administration for the affairs of the Panjab, No. 461, dated 12th February, 1851. Para-3.

(Also Boards letter to Commissioner Cis-Sutlej States, No.207, dated 21st January, 1852).

1. That no widow was to succeed to a jagir share.

2. That no descendant in female line was to inherit.

3. That on the failure of a direct heir, a collateral male heir was to succeed, if the common ancestor of the deceased and the collateral claimant was in possession of the share at the time of primary investigation of the jagir tenure in Trans-Sutlej States in 1846.

4. That alienation by a jagirdar of portions of his holding whether to his relations or strangers was to be neither officially recognized nor officially recorded.

5. That one or more sons of a common ancestor in possession at the first investigation, being entitled to a share in the jagir possessed by such common ancestor was/were to be held and declared responsible for the maintenance of widows left by deceased brothers, who, had they lived, would have shared with such son or sons.

The Financial Commissioner wanted this categorical statement of the rules to be applied in future in the Jullundur and Hoshiarpur Districts. He ordered that registers be prepared for perpetual jagirdars in both the districts, the way it was done in the Cis-Sutlej States. It was expected that the steps now taken would place the tenures of the Trans-Sutlej conquest jagirdars on the same footing as those on which the jagirdars in the Cis-Sutlej area maintained theirs. These rules of succession for conquest tenure jagirs of Jullundur and Hoshiarpur Districts were finally approved by the Government of

It is interesting to note that while the jagirs were thus being divided among the sons and the maintenance allowance was being liberally granted to the widows and the daughters on the demise of the incumbents of those jagirs, a proposal was unsuccessfully mooted to introduce the principle of primogeniture for succession to the jagirs. That was because of divisions and sub-divisions which were rapidly reducing jagirs to smaller and smaller fragments. The Panjab Government was all along conscious of this problem but could convince the Government of India only in 1859 when the rule of integral descent to a single heir was sanctioned by the Governor-General in the case of all grants of land revenue made after November 1859. Left to himself the Governor-General would have liked to apply the rule with retrospective effect but legal considerations prevented him from taking to that course.

The numerous jagirs granted in 1859-60 as rewards for the services rendered in 1857-58, created a new class of jagirdars. They differed from the earlier jagirdars in as much as their jagirs were not to be divided among all male heirs in equal shares on the death of the incumbents.

Soon after this new class was inducted in the social

set up of the Jullundur and Hoshiarpur Districts, the possibility of another problem cropped up at the Governor-General level in 1860. It was felt that the good effects of the principle of primogeniture might tempt jagirdars whose successions were governed by the rules laid down in 1859 to choose voluntarily for primogeniture. Consequently in May, 1860, Lord Canning wrote to his Under Secretary:

"It is politically desirable that primogeniture should be encouraged. The Governor-General believes that a more unfortunate prospect cannot be before people, especially a people amongst whom society is of a feudal form, than that of the gradual dissolution of all their wealthy and influential families into numerous poor and proud descendants. His excellency also believes that the task of governing such a people in contentment becomes more and more difficult as this change progresses."

Acting on these guidelines in 1861, the Government issued a circular by which the grantees, who had been granted jagirs before November, 1859 over lands of which they were also proprietors, were given the right to opt for any rule of succession as entered into an agreement between each one of them and the Government.

But Government's expectation was only partially realized. Some of jagirdars who had been granted jagirs before 1859 did enter into an agreement in 1861 by which they agreed to the


68. Ibid., Para-4.
application of primogeniture in their jagirs but a majority of them chose for a slightly higher share to the eldest sons as Haq Sardaris.

A natural consequence of this was that now there were four types of jagirdars in Jullundur and Hoshiarpur Districts rather than two as they used to be previously:

(i) Those jagirs in which the law of primogeniture was prevalent as a custom of the family and their jagirs descended accordingly.

(ii) Those jagirs which were released in perpetuity and the jagirs descended, according to the custom, equally among the male heirs.

(iii) Those jagirs whose incumbents had executed the deed of 1861 and accepted the law of primogeniture.

(iv) Those jagirs whose incumbents had under the bond executed in 1861 opted for a method of inheritance according to which they had agreed only to 'a small additional share to the eldest son as his Haq Sardari.'

In the decade that followed these four types of jagirs got institutionalised, in spite of the doubts being expressed about the legality of the proceedings connected with the bonds executed under the letter of 1861. To obviate any possible upsetting of the existing jagirs in future, Panjab Laws Act 8 of 1872 was so framed in parts as to legalise all that the Government had done under the circular referred to above. While doing that the Government's intention also seemed to have been to give a fillip to the rule of Primogeniture.

and encourage more jagirdars to adopt it than was the case in 1859, but an unintentional flaw in one of the clauses of the Act of 1872 prevented those who now decided to shift over to it. Moreover, the Act bound the hands of the Government as it prescribed that in all cases in which Government had declared any rule of descent to prevail in any family or families of assignees of land revenue, such rule of descent shall be held to prevail, and would prevail among them from the time when the declaration was made.

The result was that in the seventies and eighties of the nineteenth century jagirs in the Jullundur and Hoshiarpur Districts continued to follow the rules decided for them in 1861. Majority of them were still governed by the law of inheritance according to which the jagir was sub-divided in equal or roughly equal proportions among the sons of the deceased jagirdars. By the beginning of the nineties, the fragmentation of jagirs had gone to such great lengths as to reduce a powerful class to extremes of misery. In this way, a complex nature of the inheritance of the jagirs continued for another two decades which led to the fragmentation and sub-division of jagirs. But it was only in the year 1892 that the British Government was awakened from its slumbers by the jagirdar families of Ambala District, who in a meeting held on 26th July, 1892 requested the Government for the enforcement of the law of primogeniture to their jagirs with a maintenance allowance to the younger sons out of the property
left by the deceased. Not only this, there was another voice raised in 1893 in the Western Panjab by Mr. Wilson, Deputy Commissioner of Shahpur who wanted the Government to maintain the importance of a class that was sinking into oblivion. It was highly desirable, he felt that, in the interest of the Government and of the old aristocracy of the country, these jagirs should descend integrally. To him, it seemed essential that this class was preserved as it could be a source of strength to the Government as also it could lead to a social stability in the country.  

The Financial Commissioner requested the Government to do something at the earliest for the issue demanded an immediate decision. The Panjab Government moved into this matter and the Lt. Governor agreed on 18th September, 1894 to the views of the Financial Commissioner for the preparation of statements of jagirs of the value of not less than 5,500/- released in perpetuity before 25th November, 1899.


A circular to this effect was issued by the Financial Commissioner on 2nd November, 1894 to all the Commissioners of the Panjab. Financial Commissioner, working on the basis of the statements supplied by the Commissioners, classified the then existing jagirs as follows:

1) Those in which succession to the assignment according to the law of primogeniture was made a condition of the original grant.

2) Those in which no such condition was made at the time of the original grant, but in which Government had since declared that the rule of primogeniture would regulate.

3) Those in which no such condition was made by Government, but in which the rule of primogeniture prevailed in the family, and had been acted upon since the assignment was made.

4) Those in which no such condition was made by the Government at the time of the original grant, but in which the jagirdar executed a deed in 1861, accepting the rule of primogeniture as regards to future successions.

5) Those in which no special condition regarding succession was made at the time of the grant, but in which primogeniture was not the rule of the family and had not been observed in cases of succession.

6) Those in which the conditions of the grant did not limit succession to single heir, and in which succession practice had not been so limited.


Financial Commissioner further bifurcated the category No. 4 into parts in order to make it more clear:

a) Those in which the condition of primogeniture which was agreed to in the deed of 1861 by the executioner had since been observed; or in which no occasion had arisen for observing that condition because of there being a single heir on each subsequent succession.

b) Those in which the condition agreed to in 1861 was disregarded, and the rule of primogeniture to the subsequent succession was not followed.

Financial Commissioner was of the view that no action obviously was necessary in respect of those jagirs which fell under the Category No. 1. As regards the jagirs coming under the Categories No. 2, 3, and 4(a), the Financial Commissioner felt that the Government should not hesitate in authoritatively declaring by Gazettee Notification that rule of primogeniture would prevail to all future succession to every jagir. He further opined that the jagirdars be induced to execute the deed of 1861, and accept rule of primogeniture as the future rule of succession to jagirs.

If the Government had authoritatively declared primogeniture as the rule of succession, opined the Financial Commissioner, the Deputy Commissioners could have provided for the maintenance out of the jagir for the younger members of the family but in the absence of an authoritative declaration of the rule of primogeniture and also when the jagirdars refused to execute deed, the only other alternative left with

76. Ibid., Paras 5 & 6.
the Government was the amendment of Section 6, of the Panjab
Laws Act of 1872, which barred the Government from making any
interference with the succession to jagirs. If the
Government could not do anything, Financial Commissioner
continued, it was better to let the things remain as they were.

The only alternative available to the Panjab Government
was to write to the Government of India for taking measures
for stopping the devolution and sub-division of jagirs.

The Government of India agreed with the Lt. Governor
as to the political expediency of preventing the larger jagirs
from being parcelled out through a recurring process of sub-
division. The Governor-General was rather disappointed to
note that only a few jagirdars had executed deeds of agreement
in 1861.

Because of the pressing urgency to save the jagirdari
class from degeneration and consequent gradual deterioration
in the social status of many of the leading families in the
province, the Government of India took up the matter for
giving it a serious thought.

The Government of India, however, did not agree with

77. Loc. cit.
78. Ibid., Para-8.
dated March, 1899, File No. 2, T.W. Holderness, Secretary
to Government of India, to the Revenue Secretary to
Government of the Panjab, No. 330-202-2, dated 9th
February, 1899. Para-1.
the Lt. Governor on the line of action proposed by him for an authoritative introduction of the rule of 'primogeniture, subject to the acceptance of the heir so entitled by Government in the case of all jagirs of the value of Rs. 250/- and upwards, created or confirmed before 1859 in Cis-Sutlej States and the Panjab proper.' The Governor-General in Council rather did not consider it right and politic in the matter of imposing the rule of primogeniture to go beyond the proposals earlier embodied in Lord Canning's declaration of 1860, and decided:—

1. It was to be declared forthwith and authoritatively that in case of jagirs to which the condition of succession according to the rule of primogeniture was laid down as a condition of the original grant and;

a) the Government had since already declared that rule was to regulate succession; or

b) that rule had been acted upon ever since and had prevailed in the family; or

c) the then jagirdar bound himself by deed in 1861 to accept that condition, and either the rule of primogeniture had been acted upon ever since or the question had never arisen because of there having been only single heir to inherit on each subsequent succession.

The rule of succession was to be of primogeniture, subject to the acceptance by the Government of the single heir from time to time succeeding under the rule.

2. In the case of other jagirs to which the condition of succession according to rule of primogeniture was not laid down at the time of original grant, the present assignees, or their successors in interest were to be

80. Ibid., Para-2.
81. Ibid., Paras-6 & 8.
invited to make declaration to accept a like rule of succession, and that declaration whenever made, was to be binding on them and their families even if:

a) the then jagirdar bound himself by deed in 1861 to accept that condition and the rule of primogeniture had since been observed; or

b) that rule had not been acted upon and did not prevail in the family; or

c) the succession had not in fact been in accordance with that rule.

3. If any jagir had diminished in its value below Rs. 250/- per annum in the course of sub-division of the original grant was to be excluded from its scope.

4. In the case of any revenue assignment in respect of which the rule of primogeniture had been declared under 1 & 2 to prevail, the Deputy Commissioner was to determine at each succession suitable maintenance allowances for the younger members of the jagirdar family.

5. Not only this, the Government of India went a step further by declaring that any revenue assignment, in respect of which rule of primogeniture had been declared to be the rule of descent, were not liable to attachment by the Civil Courts. This proposed measure of the Government was to give material inducement to the revenue assignees to accept the invitation of the Government to declare the rule of primogeniture as a rule of succession in respect of their revenue assignments.82

Under these circumstances, the Government of India favoured the idea of giving legal effect to these proposals, by amending the Section 8 of the Panjab Laws Act of 1872, and a copy of the Act in the revised form was sent to the Panjab

The revised draft of the Section 8 of the Panjab Law Act of 1872, after incorporating certain alterations suggested by the Legal Remembrancer, Panjab, was introduced in the Legislative Council by C.L. Tupper, Financial Commissioner on 14th July, 1900. C.L. Tupper’s speech in the Legislative Council at the time of the introduction of the Bill clearly defined its aims & objectives. This bill, as he opined, reconciled the disparity in the old Panjab rule and the rule of English law which were at conflict, by reviving the power of regulating the succession to the revenue assignment with the consent of the grantee. He opined that the Sikh rulers resumed grants at will, and the Panjab authorities, inheriting perhaps some of the traditions of their predecessors, and relying on the tabularasa of previous tenure which Lord Dalhousie proclaimed, had been disposed throughout to assert that Government of the day had an inherent right to regulate successions to the proceeds of its own bounty. The Government at the time of making or confirming a grant possessed an absolute power of regulating the succession but when once the conditions of a grant had been prescribed and the grant actually made, this absolute power was lost. That was


why the Government of India felt the expediency of giving legal shape to the principle of primogeniture for integral descent to single heir, whether it was in accordance with the custom, the terms of the grant, or because of the acceptance by the grantee. So this was both expedient and just and was to be applied as under:

1. The cases which were to be taken up were those of perpetual jagirs exceeding Rs.250/- in value held from some date prior to that of the orders of 25th November, 1859.

2. The Government, if satisfied that the rule of primogeniture actually prevailed in the family and had been continually and without breach observed in all successions to the assignment since it was made, would declare accordingly, and this was then to prevail for the future.

3. However, the intention was to introduce the rule of primogeniture or some modifications of it, which would have the effect of preventing or diminishing the disintegration of the jagir; the jagirdar was to be given the opportunity of executing a written instrument accepting such a rule of descent which then declared by the local Government was to be binding in all future successions.

4. A form of instrument was prepared and approved by the Government. It was to be circulated to all commissioners for use by jagirdars. It contained two important provisions which were not included in the Bill. These were, firstly, if the person under the rule of primogeniture, was unfit to succeed, the Government could pass it over in favour of the next fit heirs and secondly it was conditional on the descendant for making adequate provision out of the grant for the proper maintenance of the widow or widows and child or children (if any) of the last or any previous holder.

5. It was observed in the last clause of the Bill that jagirdars by accepting the rule of integral descent to a single heir could exempt their land revenue assignments from attachment.

6. Finally, no one was under compulsion to execute the written instrument proposed, but the leading jagirdars of the Province had an opportunity of co-operating with Government in a political matter of importance. It was hoped that many of them would avail themselves of this opportunity, and would thus establish on a firm basis a most salutary rule which was conducive to the dignity and stability of their houses and to the ends of good administration, and would do much to ensure the ability of their successors to serve the state not less than their own.

The Bill was again moved in the Legislative Council after the recommendations of the Select Committee and was passed by the Legislative Council at its meeting held on 22nd September, 1900. The assent of the Lt. Governor was obtained on 13th October, 1900. This Act was termed 'The Jagir Descent Act of 1900' to be applied for the inheritance of revenue assignments.

The results of the application of this Act were rather discouraging as only six jagirdars responded in all to the invitation to execute instruments. An enquiry was made and it appeared to the Government that if a further inducement was given, there was some hope of a certain number of jagirdars agreeing to adopt the law of primogeniture as a rule for the succession to their jagirs. The inducement was in the shape of the grant of right to jagirdars to adopt a successor to jagir

86. Rev. & Agri. Deptt. (Free Grants), (F.C.R.R.), Prodg. No. 10 dated 12th November, 1900, Extract from an abstract of Proceedings of a meeting of the Legislative Council of the Panjab held at Simla on the 22nd September, 1900.

in the event of failure of male issue, and such a permission was a personal concession.

The permission of the grant of heritable right of adoption was to be given in respect of certain perpetual jagirs to be carefully selected with regard to the influence, position, history and services of the family holding the particular jagir. It was also contemplated that the acceptance of the rule of primogeniture was to be a condition of the grant of the right to adopt.

It was evident to the British Government that the influence of perpetual jagirdars was great and it was immaterial to them whether the successor was an adopted son or a direct heir. All that they wanted was that the adopted son should be always from a good family, well-brought up and generally suitable. Moreover, there was no difference at all in the adopted son and the direct heir if the wrong choice was not approved by the Government. By the right choice, the Government thought that the adopted son would have the same influence and this was all that the Government needed.

On 26th February, 1901 the Panjab Government explained in writing to the Government of India the need for the grant of


89. Ibid., Para-2.
privilege of adoption in special cases in which specific adoption was required, as it could induce the jagirdars to accept the rule of primogeniture for future successions to their assignments. If it was not granted, the Provincial Government argued, there was a great danger that the jagirs would be so sub-divided that no advantage would be gained by applying the rule of primogeniture to them. It was further stressed that with these assignments, the rule of primogeniture as already applied under Jagir Descent Act had not yielded good results.

Lord Curzon, Viceroy and Governor-General of India, forwarded the recommendations of Mackworth Young, the Lt. Governor, Punjab, to George F. Hamilton, Secretary of State for India on 22nd August, 1901. Lord Curzon agreed with the Punjab Government that as a matter of policy it was desirable to save the jagirdar families as traditional leaders of the people. They were always a source of help to the Government in times of trouble and also were the recipients of special favours from time to time as the opportunities arose.

The Secretary of State for India reviewed the matter on 8th November, 1901 and sanctioned the proposals of the Local Government for the bestowal of the power of adoption on

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90. Ibid., Para-3.

91. Rev. x Agri. Deptt. (Land Revenue) NAI, Prod. No. 51, dated August, 1901, Lord Curzon, Viceroy and Governor General of India, to The Right Hon'ble Lord George F. Hamilton, His Majesty's Secretary of State for India, No. 42, dated 22nd August, 1901, Para-3.
specially selected perpetual jagirdars who accepted the rule of primogeniture.

The drastic steps and inducements of the British policy to the jagirdars for preventing the sub-division of jagirs and saving them from socio-economic de-generation by the institution of rule of primogeniture and the grant of heritable right of adoption were too late as the process of fragmentation of their jagirs and the socio-economic deterioration had already been almost completed. The right of heritable adoption as a special concession at this stage was of no value as the most formidable class of the Jullundur Doab had already been ruined for lack of consistency in the policies followed by the British Government. This concession was not likely to be valued much by this class. It was of little avail to the vigorous men who had sons or hoped to have them. Only old men who had lost all hopes of having sons were going to apply for the concession.

Moreover, such concessions, politically motivated as they were, did not carry much favour with the jagirdars. The British Government wanted these influential persons to be loyal to the British Government just as their great grandfathers had been in the year 1857-58. British Government also wanted to utilize their influence in keeping down occurrence of violent crime, in fighting internal disorders arising due to political awakening.

among masses, and in facing external danger as also the threat posed by the money-lending class. But the British Government was already too late to achieve the desired ends, for, at this late date this formidable aristocratic class of this region in majority of cases had already lost all affluence, power and prestige.