CHAPTER-VI

THE COMPANY AND RURAL ADMINISTRATION:
AGENCIES OF INTERVENTION

The strategies of intervention developed by the Company's state inevitably led it to refashion the existing agencies and develop new ones. Both were practically parallel, though one can say that revenue experiments and efforts to augment collection led to changes in the domain of agencies. This provided the necessary inputs for developing the broader structure of colonial administration through parliamentary debates, legislations and directions from the Court of Directors.

VI.1 Collectorships: Early Formulations, 1772-1781

What had begun as a loosely structured set of initiatives in revenue administration and interventions to regulate existing practices and norms converged in concerted action to establish collectorships as a final form of regulator. This came about as parallel development to the permanent settlement with zamindars. Thus a permanent plan of administration, conceived long back, took final shape in the hands of the authors of Permanent Settlement.

Option regarding agencies in the domain of revenue assessment and collection were exhausted. Farmers during what has been known as the farming settlement years of 1772-1777 and 1781, sazawals and amins in districts where much of land khas, and supervisors, collectors and members of Provincial Council, all responsible for the settlements every year served the early colonial government in managing the revenue business.¹

In such affairs the distinction between native and European agency had hardly mattered. The revenue situation was far too volatile for any agency to reap complete

¹ J.E.Colebrook, Digest, Plan for the Settlement of the Revenue of Bengal and Behar for the Bengal year 1188, formed by the Committee of Revenue and submitted by them to the Hon. Governor-General and Council, 29th March, 1781, pp220-223; FR 2
advantage out of a settlement. The remnant or survivals of previous regime, its modes and procedures, worked upon by a host of interests within the administration and agrarian society at large formed the basis on which the revenue administration of the colonial order had to be based. The collectors recognised the role of the native agencies which alone formed the base of the collection structure that ultimately secured revenue. However their power in the countryside would be considered illegitimate without governmental sanction, and this prerogative lay now with the Company. This was clearly recognised by the Governor General in 1776, when he underscored the importance of governmental action: “The farmers will not be obeyed unless enforced by Regulations so framed to produce their own effect without requiring the hand of Government to interpose its support; and the latter though it may feed the luxury of the zamindars, or the rapacity of the farmers, will prove no relief to the cultivator, whose welfare ought to be the immediate and primary care of government.”

Thus collection through farmers backed by Company regulations, or zamindars - in some cases both operating conjointly - were the models of the revenue system in operation till the Decennial Settlement. Collectors showed an aversion to khas collection primarily because he was not certain about fulfilling the revenue engagement, and in some cases they admitted that the revenue could be realised through khas if the entire responsibility was left to the zamindar’s dewan. But the subordination of this agency to the laws and authority of the collector had to be established, and that was the most crucial feature of the reorganisation of collectorships in 1781-92.

The nature of supervision by farmers, as sanctioned by regulations has been discussed above. This section will discuss how farming and early colonial agencies interacted to begin a new period in rural administration. The period following the introduction of settlements with farmers as a general policy saw a virtual withdrawal

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2 GGinC, RD, 1st November, 1776.

3 BRP 23rd April, 1789, vol.65.

4 Chapter-IV, pp.256-259.
from the field of implementation of regulation, which was now left in the hands of farmers, with Provincial Councils of Revenue exercising control from above. Even the Court of Directors concurred with the policy of withdrawal when they ruled that there was no for collectors of districts to have a fixed center of residence as the business of collection rested with farmers for the next five years. But in areas where some special requirements had to be provided for by Company supervision, collectors were appointed. Such requirements arose in central and northern regions of Bengal where the Company’s interests - and private interests too - were involved in the extension and supervision of mulberry cultivation.

Much of the land for mulberry cultivation were scattered over what was called the Huzoor zillahs, the administration of which was an important aspect of Company’s revenue policy. Lands in these zillahs scattered over a wide regional area had their origin in the disposal and alienation of lands within the zamindaris which had fallen in arrears. Such land either became khas, under the superintendence of khalsa, or were allowed to continue as mazkuri under the jurisdiction of the former zamindar, paying only the takseemi with the rate of taxes imposed on the province. In the latter event the zamindar by complaint or interposition of powerful interest procured an order for their dismemberment and authorization to remit directly to the khalsa. Both were called Huzoor zillahs and some zamindaris came to exist thorough the unification of several portions of land.

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7 Colebrook, op.cit. p.219.

8 CCKa, 20th July, 1772, Committee’s minutes on huzoor zillahs.

9 Ibid.
The Committee of Circuit at Kasimbazar made a plan for the re-arrangement of the *huzzoor zillahs* This area comprehended widely scattered areas over central and northern Bengal. The Committee took decisions regarding these *zillahs* which were important from the administrative and economic points of view. These *zillahs* had formed the core of the Dewani superintendence and included lands for mulberry cultivation. Due to changes in method of procurement of silk and introduction of filature, the entire business of silk growing and procurement required the appointment of a fixed collector. The Company thus attempted to reorganize the silk growing districts under a compact administration. Bauleah and Laskarpur provided silk for wounding at Kasimbazar. Bhooshna, Mahmudshahi, Myhetty and Kaustabad provided the silk for Kumarkhali. Further silk investment was provided at Rangpur in Ghoraghat and Edrakpur; Syedpore, Sultanpur-Belphuliah, Talabpore and Nikulpore forming parts of Jessore district were major silk suppliers to Kasimbazar. Thus Laskarpur and Bauleah were grouped under collectorship of Thomas Pattie; Bhooshna, Mahmudshahi and Myhetty under an additional member at Kumarkhali; Ghoraghat and Edrakpur under collector Richard Phipps; Syedpore, Sultanpur-Belphuliah, Talabpore and Nikulpore under collector of Jessore; Baharband and Babannpore under collector of Rangpur. These divisions continued under Provincial Council of Revenue.

The silk producing districts suffered from famine, depopulation and oppression of the revenue collectors during the years 1770-72. Simultaneously there was a debasement in the quality of silk accompanied by a rise in price of the
Company’s investments. The collector of Laskarpur found that the rise in prices in general was occasioned by the famine, and “also in some degrees though perhaps not so essentially from desertion of ryots”. But, the more grievous cause, according to the collector, were reasons behind the measure of arbitrariness introduced in the variation of the rate of rent payable by the ryots. First, was the imposition of mathotes, without any regard to the patta of the ryots, to cover the deficiency arising tracts of land going waste. The worst affected, according to the collector were the khudkasht ryots who had to bear the loss of revenue in other areas imposed upon the them. Secondly, the ryots of Laskarpur paid rents for a certain quantity of land though afterwards death or desertion in the families or inability to cultivate had rendered the cultivable portion of its original dimension. The collector stated that these two causes operated most grievously between 1769 and 1772 mainly owing to the calamity of the famine which combined with the oppressions of the revenue collectors, were the probable reasons for the rise in price of investments. The decline of khudkasht is an important theme in the historiography of late eighteenth century economic history of Bengal, which has been critically examined recently. Laskarpur and adjoining areas were regions affected most by the famine of 1769-70. It is thus quite normal that the collector’s report should have highlighted this aspect. However to draw a general picture of change for the whole province on the basis of this evidence would be unwarranted.

However at this point certain important considerations made their appearance in the Company administration’s agenda. This was the question of ascertaining the value of land, which we have already stated. The other question was regarding rent of the soil. If revenue demand was to be considered as a portion of the net produce, it

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15 CCKa, Lr. from collector Laskarpur, 25th August, 1772.
16 Ibid.
17 Ibid.
18 Ibid.
could be ascertained only if the extra impositions were taken off as rent could only correspond to productivity of the soil and labour. Collectorships from this time onwards addressed this question on a basis of priority. Decline of the *khudkasht* because of extra impositions, which was the early colonial administrative view, could thus be a symptom of a precarious rent situation, leading to a decline in productivity of land and labour.\(^{20}\)

In one sense the collectorships can be viewed as nodal centres for coordinating special economic interests like manufacture and trade in salt and silk, and also matters relating to land-revenue. In the re-organisation of districts of south-eastern part of the province adjoining Dhaka, one notices that a number of factors had to be taken into consideration. First, that Dhaka was an established commercial and administrative centre of long standing, with revenue estates of an older aristocracy located in close proximity was a fact important in itself.\(^{21}\) It was also an important centre for availing credit to pay land-revenue or investment in trade.\(^{22}\) Second many of the securities for advances of money to talukdars and zamindars for land-revenue, and to zamindars and *molungees* resided here, though the supervisor of Dhaka reported that it was increasingly difficult to obtain securities for this purpose.\(^{23}\) As a result the amount of salt contracted for decreased. Third with Dhaka as the operational base a conjunction between trade, particularly in salt, and land-revenue farming had developed. This was evident in the activities of men like Gokul Ghoshal and Khwaja Michael. Ghoshals purchased taluks in Dhaka and Chittagong, and was security for salt farms of Sandwip held by Syed Peer Mohammed. Khwaja Michael had zamindari in Buzurgumedpore and was also a salt farmer.\(^{24}\)

\(^{20}\) FR 2:; CCKa, Lr. form collector Laskarpur, 25\(^{th}\) August, 1772.

\(^{21}\) BRP 8\(^{th}\) April, 1790, vol.89.

\(^{22}\) BRP Lr. from collector Chittagong, 9\(^{th}\) January, 1789, vol.58 part I.

\(^{23}\) Proceedings of the Committee of Circuit at Dhaka, (henceforth CCDa), Lr. from Circuit to President and Council, 3\(^{rd}\) October, 1772.

\(^{24}\) BRP 8\(^{th}\) April, 1790, vol.89; BRP 15\(^{th}\) June, 1787, CCDa, Lr. from collector Chittagong, 3\(^{rd}\) October, 1772.
The Council decided to separate the districts held by the supervisor of Dhaka into supervisorships in 1772, thus effecting a re-organisation of component districts in the area. But this obviously affected the interests of those who wanted to hold on to the commercial and administrative nexus in Dhaka. The Committee of Circuit at Dhaka felt that allotting different components of the district of Dhaka into a number of inferior divisions of administration was not necessary, because land-revenue had been collected with success though the district was large, there was security for discharge of rents, and as the component districts were close to the city of Dhaka, the former residence of the Subah, it brought in large number of people from outside. Many zamindars and talukdars resided in the city and rendered themselves amenable to a judicature which would be difficult in the mofussil. Khwaja Michael’s plea for allowing him to pay revenue in Dhaka instead of Tipperah in 1789 reiterated the same points.

The period of agrarian reform and change since 1772 by the early colonial administration experienced dislocations which compounded the general crisis of falling assessments that Company had been facing since the accession to Dewani. The Company servants deputed to the districts had acquainted themselves sufficiently by then with the nature and mode of collections. The concern in the districts till then was ensuring punctuality in revenue collection without defaults and also ensuring minimum defalcations. Posting of Company servants in the districts were made basically with these objectives in view, and their efforts to uncover reasons behind recurrent balances led them to understand that actual collections from the subject peasantry was higher than the revenue remitted to the government, though balances of revenue accrued.

Initial reaction of Company servants in districts was to curtail the expenses of zamindari management. Burdwan experienced such measures after the district was taken over by the Company. Fall in assessment rates and aggregate value of the jama

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25 CCDa, Lr. from collector Chittagong, 3rd October, 1772

produced a train of thought in the official mind, which however had divergent tendencies as we have already noticed. The experience of managing zamindaries, and collecting revenue in Rajshahi and Dinajpur led men like Grant and Mckenzie, a member of the Board of Revenue to believe in 1789, that dewani officials and landed proprietors had been responsible for large amount of concealment, and the profits of that went towards meting excess expenditures. 27 Thus by 1780s a deeper and structural understanding of defalcation and concealment emerged, whose focus was on non-assessed or under-assessed resources, suggesting collusive activities in assessment, higher mofussil collection, and, consequent diminution of total assessment and sadar demand. Thus the emphasis was no longer on simple reduction of expenses and removal of impositions, as in the 1760s and early 1770s, but rigorous assessment procedures, carried out in many districts to “discover” under-rated assets held by proprietorial classes and vested interest.

Shore had a different explanation for the existence of under-rated assets, and he held that the burden of taxation on land was quite heavy and no further increases would be advisable. He viewed the process from the end of the society’s resources. He believed that some resources always existed in mofussil which were not levied on, or levied on only at the will of the zamindar. And the state chose to go after the examples set by the zamindar in levying dues, and increased its demand through imposition of abwabs from time to time, as and when the necessities arose. 28 These perspectives, regarding the nature of the processes that worked itself out in the relation between state and economy, and the dislocations in them changed the notion of interior district administration. Administration now had to delicately hold certain threads, and regulate conditions rather than make an attempt at intervention. The agenda and the concerns of new collectorships were not limited to ensure only a punctual collection of revenue, but was wider, and had to address question of managing rural affairs in a changing situation.

27 BRP 3rd-13th April, 1789, vol.64.

28 FR 2, par. 37.
Two phases of intervention had thus been attempted by the end of 1770s. One phase had commenced with the agenda of revenue reforms in 1769, under the plan of Harry Verelst and Richard Becher. The second phase began under the stewardship of Warren Hastings after he was appointed the Governor of Bengal.\textsuperscript{29} By 1781 it was more or less agreed that the temporary plan put in operation since 1773 be abandoned, and the permanent one held in abeyance had to be adopted.\textsuperscript{30} The idea of appointment of collectors to oversee the revenue administration got a fresh lease of life. The Governor-General and Council in their Revenue Department in 1781 took certain decisions regarding the revenue administration which showed that revenue or agrarian administration had gone a long way in joining the two issues of agrarian settlement and district administration.

First it decided to implement the permanent plan adopted in 1773, whose central feature was that all collections be brought down to the Presidency and administered by a Committee.\textsuperscript{31} Secondly the Provincial Councils set up for superintendence and collection of revenue be dissolved. The collectors posted in a few districts were continued.\textsuperscript{32} Third they took cognizance of the fact that the amount of assessments must depend on the capacity of the different districts. In some assessment will be found already too great, in others it will admit of an increase. The Council retained the optimistic hope that increase will take place in most part. Also they were confident that they now had accurate accounts of the settlement, receipts, balances and remissions, from the year 1772-73 to 1781, as well as the zamindari and \textit{ijaradari} expenses. The Amini records it was believed would also furnish the \textit{hast-o-bud} accounts of many of the districts, from the year 1773-74 to 1776, and for a longer if necessary. Fourth, the Council came to the determination that there were three modes of settlement and revenue management that prevailed in the country. These

\textsuperscript{29} How these plans unfolded has been discussed in chapter I.

\textsuperscript{30} Colebrook, \textit{Digest}, p.213.

\textsuperscript{31} ibid. p.214.

\textsuperscript{32} ibid. Plan for the Settlement of the Revenues of Bengal and Behar, for the Bengal year 1188, formed by the Committee of Revenue, 29th March, 1781, pp. 221-223.
were leaving the lands to the zamindars, or to farmers, or to keep them *khas*. They held that it would not be advisable to give either of these modes an exclusive preference over the rest, but adopt them severally as circumstances might have required. Finally, regarding the question who was to make the settlement in either of the cases, the Committee of Revenue held that it would be difficult to follow a general rule for that. The Committee of Revenue ought to execute the task in many cases as possible, but in some it would be most expedient to leave the detail to the collectors. However the Council objected to formation of settlement by the collector as he was the person in charge of the collections. Thus collectorships playing a positive role in the formation of settlement and collection emerged from this period.

These salient points regarding the policy of guiding or administering agrarian matters does indicate that, in 1781 the Company’s perspective was more holistic and comprehensive than it was in 1770. The Company servants deputed to districts were not send merely to ensure punctual collection or detect resources, though it was a very important part of their duty in 1780s, but with a wider mandate regarding agrarian matters. This is indicated clearly by the records of the period which suggest that problems in agrarian matters were being located and addressed by the collectors in assessing their own role.

VI.2 Collectorships: the Definitive Stage, 1781-1793

Intervention in the agrarian society through the machinery of the previously existing regime and introduction of new regulations threw up for the early colonial administration a host of problems and questions. At the initial stages of their intervention in the revenue and agrarian administration the Company was guided by an idea of retaining intact what it believed was the essential constitution of the society which they had taken for rule. In this the rights of the zamindar featured prominently, particularly in many decisions that were taken regarding vesting of controlling

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33 Ibid.

34 ibid. Governor-General and Council to the Committee of Revenue, 30th March, 1781, p.224.
powers in the supervisors and *amil*, though such powers and decisions to let land out on farm had the effect of superseding the zamindari as an agrarian agency. This seeming contradiction in the policies of early colonial administration was resolved when the government recognised that zamindari and its component units served the basic purpose of organising productive resources of agrarian society, and it was only the zamindar and the *amilah* who could implement vital decisions. It was quite well understood by 1788 that it was only the power of the zamindar that could prevent imposition of additional taxes. The *patwari* and the *karamchari* were under his command and they gave much less credit than what the ryot actually paid. The collector of Rajshahi proposed that the zamindar be removed from his estate for a certain number of years if he could not prevent impositions. Further as the *hast-obud* in Rajshahi did not contain any account of land but only the amount that each ryot paid, the zamindar could be induced to rectify the abuses committed in the assessment of those lands that are collusively assessed at too low a rate by a proportionate addition to his *sadar malguzari*, if such concealment were not reported by the zamindar to the collector, and, if that were discovered. The collector reported that the zamindar alone had the means of ascertaining the quality of soil and the infinite variations of value that local circumstances produced. These matters were beyond the investigation of any person who had not made that the business of his life. To explain this situation the collector stated that people of the district continually had the necessity of distinguishing between the *sadar* and *mofussil*, 'by which they mean in this instance, the difference between the general knowledge that can reach the governing power, compared with the real state of things in detail'. The *naib* if he never left the *pargana cutcherry* would form a very defective judgement of the state of villages. The zamindar if he relied on the *naib* or the *dewan* would know as little of his *pargana* and the collector might 'often be working day and night upon the most

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35 CCRM, 22nd October, 1770.

36 HMS vol. 385 Information by Mr. Speke in a letter dated 23rd May, 1788; BRP 23rd April, 1789, vol.65.

37 ibid.
mistaken principles and acquiring not knowledge but confirmation of error'. He was thus decidedly of the opinion that a permanent power as that of zamindari ought to be the foundation of *mofussil* management.\(^{38}\)

It is noteworthy that the collector was making an argument for the existence of a permanent power in *mofussil* management, and not merely stating a case for revenue engagement on a permanent or annual basis. What had been observed by the early colonial administrators was that though rapid alterations in the form of revenue management since 1772, or 1765, made the agrarian condition fluid, the basic structure of revenue administration and notions of legitimate authority remained the same. For that reason mere external interventions through regulations and collectorships could not succeed, though there always remained a need for interposing a superior legal entity. In some districts the collectors felt the need for asserting overriding powers over the zamindars for the very same reason that made the zamindars virtually indispensable. In Purnea the collector reported that the zamindars held the opinion that collector was under a necessity of making a settlement with them and that had weakened his influence. Therefore he demanded that the collector should have the power to set aside any zamindar for incapacity, oppression of ryots and profligacy of character.\(^{39}\) This attracted criticism from authorities in Britain who commented that if incapacity be a sufficient ground for dismissal of zamindars, and if the collectors were to be judges, then in what sense of the word could the zamindar be called a proprietor. However in the situation that prevailed in the late eighteenth century, it was quite apparent that in forming the settlement and collecting rent zamindars could exercise arbitrary powers. In Purnea a class of tenants, the *istimrar* or those who could take land for cultivation on a temporary basis could entrench their rights by circumventing revenue procedures which had fallen in disuse or beyond the power of the government to control.\(^{40}\) In both cases the collector reported that it was

\(^{38}\) ibid.

\(^{39}\) HMS vol.385 Report from Mr. Heatly dated 7th March, 1788.

\(^{40}\) Ibid.
the poorer ryots who suffered either heavy exactions at the hands of the zamindar or eviction by the *istikmar* ryots who forced them to abscond. Revenue manipulation and entrenchment of right to continue as rent collector or cultivator was the objective of both, and this was secured through either collusion with or willful negligence by the zamindari *amlah.* Collectors of Rajshahi and Purnea both attributed the reason for this breakdown of procedures to changes taking place in the zamindari *cutcherries* at the *sadar* and the *mofussil.*

Changes taking place during the course of the second half of the eighteenth century threw up a few more problems which the Company at the basic level of administration had to address. These problems were not present uniformly all over the province. It varied according to changes that took place in the course of events in the recent past, and also changes in geography to some extent. Some districts which were affected by the famine experienced dislocations of a sort not experienced by other ones. The revenue conditions thus responded differently. In districts like Chittagong and southern Dhaka land reclamation had extended the arable and revenue paying area which to a great extent compensated the decline in the rental within the core area of the Dewani administration. Thus between these areas and the outlying ones the problems seemed to have acquired a variegated character. Thus the collectors towards the end of the period which closes with the Permanent Settlement were addressing a number of problems which had a deep continuity with the past, but had to be attended expeditiously due to the changed perspective of the state regarding managing agrarian affairs.

One was the question of making a claim to revenue of all lands. This included lands under *bazee zamin* and those which had escaped assessment. The collectors anticipated a fundamental change with the coming of the Decennial Settlement and the issue of the new *pattas.* Till the new *pattas* were issued the zamindars entered into agreement with the government for a specific revenue, and by the terms of the 

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41 ibid.

42 HMS vol. 385 report of Tilman Henckell dated 25th of June, 1788.
kabuliyyat were debarred from all claim to a remission of revenue on the plea of the unexpected calamities. Thus the revenues of the government were secured though the zamindars were ruined. But with the new pattas it was a very different case, for the government then engaged in all detail of the mofussil and derived revenue from all land that was brought into culture. In many districts the collectors perceived this as a basic change to come about in the years to come.

Second problem was the question of migration of paikasht ryots in central Bengal from one district to another. In this the question of new pattas, interpretation of the orders of Board of Revenue regarding that and formation of jamabandi were significant.\(^{43}\) Birbhum district had lands which were cultivated by migrant ryots from Rajshahi and Burdwan who took those on paikasht tenure. Ryots paid their revenue according to the jamabandi of the previous years, fixed by their pattas. However the zamindar had changed the rates of assessment and fixed a new jamabandi which had the sanction of the Board. The dewan of the Birbhum complained that the ryots instead of paying the rents at the rate fixed by the new jamabandi forcibly carried away their crops to Burdwan from where they came.\(^{44}\) This was obviously the mode of escaping government dues because the customary mode of securing paikasht ryot revenues was by the attachment of crops.\(^{45}\) However in the neighbouring district of Burdwan the paikasht ryots were exempt from payment of their revenues according to the jamabandi of the present year, and thus the verdict of the collector there, on the appeal by Birbhum dewan was that paikasht ryots ought to pay revenues according to rates of the previous year's patta. Birbhum collector and dewan thus pleaded with collectors of Rajshahi and Burdwan that government’s instructions be followed and their officers be asked to assist the farmers of Birbhum to collect their rightful dues.

\(^{43}\) BRP Correspondences between collectors of Birbhum, Rajshahi, and BR, 9th January, 1789, vol. 58 part I; BRP Correspondences between collectors of Birbhum, Burdwan, Governor-General in Council and BR, 3rd April, 1789, vol.64; Regulation IV of 1794, Rules relative to pattas vested in the Collector.

\(^{44}\) ibid.

\(^{45}\) BRP 17th April, 1787, vol.14 part I; BRP 9th January, 1789, Lr. from collector Rajshahi to collector Birbhum, 9th January, 1789, vol.58 part I.
The collector of Burdwan argued in favour of the ryots and stated that, if the rents were raised at the discretion of the zamindar in the middle of the year 'after they had been at the labour and expense of cultivating the grounds upon the faith of the revenues being collected from them at the same rate as formerly, they would hereafter give up every idea of renting the *paikash* lands in Birbhum district.'\textsuperscript{46} Similar orders were passed by the collector Rajshahi who also stated that those same ryots were *khudkasht* in Rajshahi and that the harvests and *kists* falling at the same time it would be a grave injustice to order a 'farmer to surrender his ryots to another and with respect to tenure for inferior claim.'\textsuperscript{47} Migration of *paikash* ryots continued from Murshidabad -Rokunpore, Fatehsingh and Kungong-, Burdwan - Azmatshahi and Rajshahi. Instances of ryot migration of this nature showed that the official decisions were very much in favour of the zamindar though the demand for *paikash* labour existed.\textsuperscript{48}

Thirdly, the collectors had to play an important role in areas where land was sequestered from existing zamindaris and talukdaris to form new ones, and particularly where measurements of land were ordered.\textsuperscript{49} Measurement was also ordered where government felt the necessity of forming a *hast-o-bud* to ascertain the real ability and actual produce of land. As we have noted that government’s policy was to derive revenue from all lands under cultivation, *hast-o-bud* was to be formed on the real ability and actual produce of the lands, and the quantity of land on which assessment were to be levied would be greater.\textsuperscript{50} In Bishnupur zamindari the collector recommended measurement of land and formation of new *jamabandi* to equalize the assessment on such lands at reduced *jama* by the family and dependents of the

\textsuperscript{46} BRP 3rd April, 1789, vol.64.

\textsuperscript{47} BRP 9th January, 1789, vol.58 part I.

\textsuperscript{48} ibid.

\textsuperscript{49} BRP Lr. and enclosures from collector Dhaka 24th November, 1790, vol.104.; GGinC, RD, Extract of a letter from collector of Birbhum to BR dated 18th January 1788, 14th May 1788, vol.131 part I.; BRP Lr. from collector Jessore, 8th December, 1788; BRP Lr. from collector Jessore, 7th November, 1788, vol. 55 part I.; BRP Lr. from collector Chittagong, 9th January, 1789, vol. 58 part I.

\textsuperscript{50} HMS vol. 385 reports from Rajshahi and Jessore.
zamindar, and to remedy the defect in the ryoti *patta* which did not specify the quantity of land held in cultivation.\(^5\) In Dhaka the collector recommended measurement to settle the ancient claims of a zamindar family, against the interests of the talukdars who had appropriated the private lands of the zamindari to form talukdaris out of it.\(^6\) The results of measurements tended to be weighted in favour of settling original claims either of the state or the zamindar. However in this process those who pioneering some agrarian activities, like the talukdars carrying out extension of cultivation frontiers in Jessore and southern Dhaka tended to lose, as their acquisitions could be exposed. Thus measurement could also have had a negative impact on the revenue situation where land was being brought under cultivation, because it could reveal the resources acquired by the ryots. In Jessore the collector had to withdraw from the process of measurement in order to facilitate the extension of taluks.\(^7\) Cultivation of lands in the taluks bordering Sundarban promised to be a source of profit to the government because ‘independent of the individuals already invested in possession of their respective taluks there are applications for a very great quantity for which *sanads* will be speedily granted as that spirit of opposition which has hitherto prevailed in the zamindars .......... in a great measure subsided.’\(^8\) Similarly in Dhaka the collector objected to the measurement proposed by his assistant in the zamindari of Rajnagar, and the pargana of Buzurgumedpore, to settle disputes between the talukdars and descendants of the Raja Rajballabh. It was apprehended that measurement would raise much clamour amongst talukdars, ‘more so as they conceive the zamindars wish it for a precedent to establish a right to measure their lands at any future period’.\(^9\) His assistant however agreed with him that it would be a useless expense to measure the jungle lands which formed part of

\(^{5}\) GGINC, RD 12th Sept. 1788, vol. 139.; BRP 18th March 1790.

\(^{6}\) BRP 24th November, 1790, vol. 104.

\(^{7}\) HMS vol. 385 report from Tilman Henckell dated 25th June, 1788.

\(^{8}\) BRP Lr. from collector Jessore, 7th November, 1788, vol. 55 part I.; BRP 24th November, 1790, vol. 104.

\(^{9}\) BRP 24th November, 1790, vol. 104.
the Sundarbans to settle the trifling revenue derived from them. He wondered why at all the proprietors would agree to measure it when that it would entail an increase in cost. He also recommended the same measure for jangalbari taluk, or the lands possessed under talukdari patta which joined the talukdar to clear away the jungle and bring the lands in to productive state, giving it to him and his heirs in perpetuity with the right of disposal of it, either by sale or gift, exempting him from payment of revenue for a certain term and at the expiration of it subject him to a specific asal jama, with all increases, abwabs and mathotes. The assistant gave the opinion that measurement of it would be necessary to ascertain the quantity for which the zamindar was to receive his revenues. The proprietor of the taluks objected to this saying that their lands had been measured once in 1168 and since then owing to the power and influence of Rajballabh they had paid the increase which he required for abwab and mathotes which were subsequently levied. The current zamindars admitted this, but said that the terms of the patta subjected them to the payment of such increased abwabs and mathotes that were imposed to provide a sufficiency to discharge the dues of the government. Similarly in Sandwip of Chittagong district the zamindars complained that measurement of land and subsequent assessment were unfairly done. The zamindars that the assessment favoured the talukdars, while the collector stated that the measurement had been carried to answer the talukdars prayers for an equitable assessment.

Thus the avowed objective of the government’s land-revenue policy was to secure the revenue of lands on the real ability and the actual produce of the land. It was expected that that the rate of assessment would be lower than existent rate though the quantity of land on which it would be levied would be greater. The new pattas were required to express the rate of assessment and the total quantity of land, but not

56 ibid.
57 ibid.
58 BRP 12th October, 1789, vol.78.
59 HMS vol. report from Mr. Heatly dated 7th March 1788.
the total amount which the collectors held that should depend on the crop output. But in reality measurements could actually prove to be counter-productive to the government's avowed objective, and only a local appraisal frequently undertaken could have brought about the desired results.

Measurements were also necessary to render proprietorial possessions particularly the taluks compact, and it is possible to discern an administrative approach in this matter. This was in keeping with the general administrative policy of rendering districts compact with proprietorial possession of zamindari and talukdari estates located within a district. Though some collectors argued for compact taluks on the ground that it reduced the charges of collection in the district as whole, in most cases it was advocated from the point of view of simplifying collection procedures. Districts that had widely scattered proprietorial possessions like Dhaka measurements and batwara or division of estates had to render the possessions intact and distinct. The question also had implications for formation of jamabandi where different rates of assessments prevailed. The amin of Seroopore reported that the boundaries or divisions of land had been rendered meaningless if rates of assessment were considered. By 1790 the administrative thrust of the Company was towards forming an estimate of the revenue capacity of the districts. In order to register the estimates over time of a given area the current distribution of the country into districts was adopted, and the variations in assessment and collection, since the administration under supervisors, in each mahal included in the district's area, so defined, were calculated. An idea regarding the regions having an uniformity in terms of collection procedures was thus formed. Authorities in Britain and in Bengal agreed that contiguity in territorial possessions of zamindari and revenue districts ought to be maintained. But the crucial difference between earlier and the modern period was that

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60 BRP Lr. from collector Midnapur, 16th December, 1788, vol.56.
62 BRP 22 October, 1789, vol.79 part I.
63 BRP Lr, from Accountant to BR, 1st March, 1790, vol.86.
the zamindari would have none of the governmental function that it had under the Nizamat.\textsuperscript{64}

In the formation of new collectorships in Bengal importance was given to centrality of the collector's station within a compactly defined revenue jurisdiction. This had problems for those agrarian interests who had created revenue estates over a dispersed area through purchase of small zamindaris or talukdaries. The policy of rendering proprietorial possessions intact to lend uniformity to districts under collectors made it inconvenient for those proprietors who resided in principal cities like Dhaka, Murshidabad or Calcutta and made revenue payments at the sadar of Murshidabad and Dhaka or the khalsa in Calcutta. Khwaja Michael's plea to allow him to pay revenue in Dhaka instead of Tipperah the seat of the new district on the ground that availability of credit was easy was not allowed by the authorities\textsuperscript{65}. Similarly Lokenath Nandi made similar plea to continue payments in Murshidabad.\textsuperscript{66} The government's decision to create smaller and compact district almost invariably rested on the ground that ryots would be able to obtain justice expeditiously whenever any excess imposition of revenue took place.

During this period of dislocations in the mode of collections certain changes in the collection of kistbandis took place. In Bishnupur the collector informed that the payments of the district, account revenue was never according to the kistbandi. When the settlement was made with the zamindar it was customary for him, as the state of the crop would justify, to issue a demand for a certain number of anas in the rupee upon the farmers. If the pooneah was held in bhadra the farmers and kutkinadars demanded 5 anas from the ryots and till this demand was realized no fresh talab was issued. But invariably the intermediaries collected more than this demand from the ryots. The collector now continued with the same practice but with the difference that

\textsuperscript{64} Shirin Akhtar, _Role of Zamindars in Bengal, 1707 to 1772_, Asiatic Society of Bangladesh, Dhaka, 1982, pp.15-146.

\textsuperscript{65} BRP 8\textsuperscript{th} April, 1790, vol.89.

\textsuperscript{66} BRP 7\textsuperscript{th} October, 1791, vol.121.; Also refer BRP 29\textsuperscript{th} July, 1791, for the same.
he did not allow more to be collected from the ryot than what was demanded from the farmers. Also the *kistbandi* drawn up with the zamindars pre-supposed a regular demand to take place as late as the month of *fagun*. If the register of actual collection was made according to this *kistbandi* it would appear that a *mahal* was not in balance when it really was. The collector thus had to change the monthly payment of the zamindar without making any alteration in the demand on the ryot. The *kistbandis* and periods of payments came under scrutiny in Dhaka where frequent balances occurred due to talukdars absconding their taluks or natural calamities. The government were always delayed by more than a month. The zamindars thus could not pay according to the *kistbandi* and thus the collector proposed to the Board that they take into account a number of factors, so that they have time to collect upon the demand, and to bring into Dhaka and *shroff* it, and lastly the *kistbandi* ought to be so framed that he *sadar* demand for *baisakh* should answer the *mofussil* produce in the *jeysth*. Thus the collector now not only had to ensure that revenue was collected punctually but also monitor the process of its collection.

Finally the security of transmission of revenue to the central exchequer was an important function of the collectors, particularly because in some districts like Birbhum and Rajshahi, turbulent ryots obstructed its movement. Some of these incidents were possibly simple acts of brigand, but it could also arise out of the ryots opposition to the mode of assessment or collection.

The combined effect of all these aspects was the development of a structured body of rules governing collectorships and the revenue appropriation methods. This started taking shape after 1793, that is the final settlement with landholders, and continued as experiments with different sets of rules of revenue administration well into the nineteenth century.

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67 BRP 28th December, 1789.

68 BRP 2nd December, 1788.

These rules appertained to many aspects of rural administration. The collectors were to examine the title deeds of the talukdars to ascertain their right of separation. They were to determine how to proceed if the title-deed was not forthcoming.\textsuperscript{70}

One of the most important features of post-1793 revenue administration was the power regarding recovery of revenue. Under this the collector virtually acted as a magistrate though formal powers were still not conferred.\textsuperscript{71} These powers were modified in 1794 and 1795.

Thus within the span of time between the appointment of supervisors and reorganisation of collectorships in 1787-88, changes had taken place in the field of revenue administration and agrarian structure which had to be accommodated. The collectorships were thus viewed as either models of administration replacing the zamindaris, or, in an altered situation where the zamindars were to be proprietors of land in the main, an agency for conjoint operation in agrarian administration. Thus it was not merely coincidental that investigation into jurisdictional rights and privileges of the zamindar, and the reorganisation of the collectorships had taken place exactly at the same time.

The Governor-General in Council directed that the collectors should form the settlement with zamindars under their jurisdiction as soon as the plan for the arrangement of the country into collectorships was completed.\textsuperscript{72} The settlement was to be made with zamindars but if his incapacity on some ground could be proved, the Board was authorized to choose a person to settle with. The same order further stated that one of the principal objects of the Act of 1784 was to settle and establish upon the principles of moderation and justice ‘and preparatory to it ascertain what are the

\textsuperscript{70} The talukdars deriving their tenures from zamindars were to be considered lease-holders only, Regulation VIII of 1793, Re-enacting the rules for the Decennial Settlement.

\textsuperscript{71} Regulation XIV of 1793, for the recovery of arrears. Regulation XVII of 1793, powers regarding distraint and sale of property for rents.

\textsuperscript{72} BRP 20\textsuperscript{th} February, 1787, vol. 10 part I, Lr. from GGinC to BR, dated 5\textsuperscript{th} February, 1787.
real jurisdictions, rights and privileges of zamindars, talukdars and jagirdar under the
customs of and customs of the Mahomedan or Hindu government and what are
the tributes, rents and services which they were bound to perform to the sovereign
power. These were also the orders of the Court of Directors who had in their
general letter prescribed several regulations for laying out an arrangement of the
country in to collectorships, in accordance with following rules: (a) each zamindari
was to remain under one authority; (b) in the disposition of several parganas in to
collectorships their contiguity be considered; (c) no collectorships be so small as
S.Rs. 500,000, unless it be a frontier district. By the operation of this order the
number of collectorships was sought to be reduced. In accordance with these
directions from the Court of Directors and the Governor-General the Board issued
orders to collectors on 20th February 1787 along following lines: (1) Whether new
taxes have been imposed by the zamindar or farmers in the past three years. (2)
Whether zamindars, farmers or renters exercise any oppression, which required
interference from government. (3) Collectors were to report on the imperfections in
the system of collections as exercised by renters. (4) Collectors to give attention to
future establishment of permanent rules for the management of the collections in the
mofussil. (5) regulate kistbandis adopted to periods of realizing the collections.
(6) Prepare an account of all zamindars, talukdars, jagirdars or native landholders who
since the Company’s accession to Dewani may have been absolutely deprived of their
land. (7) Furnish the Board with a history of zamindars in the district.

The reasons for which zamindaris were sought to be kept within the ambit of a
single collectorship as far as possible were, that subjecting a zamindar to different
jurisdictions would necessitate the different establishment of officers; accounts of the
revenues of the zamindari would not be exhibited in one statement; the attention of

73 Ibid.
74 Ibid.
75 Ibid.
the zamindar would be divided between different authorities. But the remedy could not be very practicable always. If zamindaris had to be rendered compact alongside collectorships, lands had to be detached and compensated, if portions of one estate covered more than one collectorship which for some landed estates would mean alienation of land. But on the other hand there would be jurisdictional problems for collectorships and the Dewani and Faujdari adalat if the jurisdiction was extended over those portions of zamindari which were detached from it, particularly because a number of zamindaris, in the perception of colonial rulers, had become refuge for dacoits. However the Board and the Governor-General’s Council thought that though a perfect arrangement may not be practicable it could be possible to make the distribution of collectorships more complete and directed the collectors to report the imperfections and inconveniences that existed. However the Board had already initiated the process of “formation of the country into collectorships”, which included a survey of the revenue history in a territorial manner, to show ‘the mahals, taluks and inferior portions of land under any denomination which may have been separated from any zamindari or collectorships and had been placed under distant authorities in order to re-annex them to their proper places’. It also included preparation of a plan for new kistbandi for the different renters, so that on one side period of payment to the sadar was not unnecessarily protracted, nor renters were put into any inconvenience by premature demand. History of the zamindaris showing from the beginning to the end all defalcations and annexations of revenue, were also prepared.

Thus the question of jurisdictions, in the legal sense, of the zamindaris, their ‘real’ rights and privileges, were deemed to be as crucial as the functional powers in

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76 BRP 26th May, 1789, vol. 68 part II.
77 ibid.
78 ibid.
79 ibid.
80 BR Resolutions, 20th February, 1787, vol. 10 part II; BRP 2nd March, 1787, vol. 11.
the sphere of revenue collection. The Board required information along two lines regarding the zamindars. We have already noted that the collectors were asked to report on the powers that the zamindars exercised in reality, in the regular activity of revenue collection. 81 Simultaneously James Grant the Chief Sereshtadar was enquire in to the nature of the tenure of the zamindars. Results of Grant’s enquiries had a bearing on the construction of the parallel authority of the collector. Grant’s enquiries encompassed the notion of jurisdiction, rights and privileges on a much wider scale than it was conceived in the sense that it was referred to in the proceedings of the Board. The term comprehended in its meaning, all categories “applied indiscriminately”, according to Grant, to express the position of a rajah or sovereign Hindu prince made tributary by conquest or treaty, or an officer of Mughal government. Secondly landholders within the Company territories in the hills and jungles and tributary rajahs. 82

Thirdly those who could be referred to as zamindars in the official parlance of the Board, the actual point of reference by the Board in all its queries, or those who “hold their ehtemam or trusts virtually or in form by sanads, letters patent, commission of appointment in definite leasehold or territorial charters and explicit or conveying or ascertaining zamindari tenures under Mughal Dewani administration.” Grant’s examples of this category were from among those who had received sanads under the Dewani in the recent past. This category of zamindars according to Grant, held mazkurat or nankar as their real right. But most crucially they had the privilege of being a channel of authority in rural society in the perspective of the state. 83 These were: (a) the first essential or that by which the zamindar is entitled to stand in the place of a perpetual farmer-general of the lawful rents claimed by the government within the circle of his jurisdiction. (b) zamindar as the channel of mofussil saranjami disbursement. (c) zamindar as the channel of improving waste grounds. (d) zamindar

81 BRP 20th February, 1787, vol.10 part. II
82 BRP 13th March, 1787, vol. 11.
83 Ibid.
as the channel of granting *pattas* to untenanted farms. (e) zamindars had the privilege of distributing internally, as he pleased, the burden of *abwab* or additional assessment. (f) zamindars had the privilege of adoption or nomination of a successor with the approbation of the sovereign. (g) zamindar had the privilege of being considered to the appear in the or presence by deputy.\(^{84}\)

Zamindaris were thus the principal nodes and agency in agrarian administration the territorial contiguity of which had to be maintained while installing an alternative rural administration. This was the principal question that the Board addressed to the collectors in the reorganisation of the country into collectorships.\(^ {85}\) The territorial contiguity between the parganas and taluks, the compactness of the districts, and the contiguity of zamindaris were referred to in the instructions from the Council and the Court of Directors. The collectors invariably referred to two problems while separating and annexing *mahals* to form a district, that is, location of the centre of collectorships in the district and its distance from the outer reaches of the territory, and, the implications of these situation for collection of revenue and administration of justice in revenue matters. A number of districts had changed boundaries through annexation and separation of *mahals*. As a result the distance between the *mofussil cutcherries* and the centre of collectorship increased or decreased.\(^ {86}\)

Twenty nine *mahals* of Jessore were annexed to Nadia to maintain contiguity with that district because either they formed boundaries with parganas of the district or were on that side of the district though the distance of the *mofussil cutcherries* of the parganas were greater from Nadia than from Jessore. Some were transferred purely from the point of view of convenient distance like the two that were transferred to Twenty-Four Parganas. Similarly parganas from Bhooshna, Dhaka,

\(^{84}\) ibid.

\(^{85}\) BRP 26th May, 1789, vol. 68 part II.

\(^{86}\) Ibid.; BRP 2nd March 1787 vol. 11.
Murshidabad and Rajshahi were transferred to Jessore to maintain contiguity with other parganas as well as for the sake of reducing distances. 87

Twenty-Four Parganas annexed eleven independent taluks with an aggregate jama of S.Rs.66268 which earlier paid revenue at Nadia to reduce the distance between mofussil cutcherries. These included important possessions like Ichhapore held by Raja Nabakrishna at a distance of 24 coss from Krishnanagar, Sukhchar held by Joynarayan Ghoshal at a distance of 27 coss from Krishnanagar, Borro held by Ram Ram Babu at a distance of 30 coss from the same, and Naseerabad and Dattarseh held by Khwaja Aratoon at 30 coss from the same. The mofussil cutcherries of these taluks stood at a maximum distance of 10 coss from Rasapagla the centre of Twenty-Four Parganas district. Thirty-two independent taluks in Nadia with an aggregate jama of S.Rs.32280, situated in the zamindari of Burdwan were transferred to that collectorship to maintain a contiguity between Burdwan collectorship and the zamindari. 88

Another reorganisation of taluks took place between Murshidabad and Nadia. Fourteen independent taluks including Bycarrah held by Nandaram Mallik and Dadpore held by Khushal Chand with a total jama of S.Rs.11222 and situated at a distance of 30 and 43 coss respectively from Murshidabad were annexed to Nadia. The collector of Murshidabad proposed the annexation of more mahals to Jessore, Dinajpur and Bhagalpur to maintain contiguity. The collector further reported that proprietors of pargana Rokunpore, Kantanagar and Radhaballabhpur had lands in almost every collectorship of Bengal but dividing them to other collectorships would occasion a very heavy expense to the proprietors or they would be under the necessity of keeping up separate establishments for each creating confusion in the zamindari accounts. 89

87 BRP 29th October, 1789, abstract tables and list of districts proposed to be annexed, with notes on proprietors who held land.

88 Ibid.

89 Ibid.
Dinajpur district had scattered possessions of land by many proprietors who paid revenue at Murshidabad. In *taraf* Bhomar land was held by Kantubabu and his descendants for which he paid revenue under the 'general title' of Kantanagar at Murshidabad. This comprised eighty-three villages separated from pargana Santosh This was now included in Dinajpur collectorship for reasons of distance - 9 coss - and being bounded by Dinajpur zamindari on all sides. *Taraf* Belagatchhee held by Gangagovind Singh, paying revenue to Murshidabad comprised fifty-seven villages separated from parganas which were part of zamindari of Dinajpur and bound on all sides by it. Prankrishna Singh held the village of Aranagar and paid revenue to Murshidabad under the denomination of pargana Kaismpore which was separated from pargana of Santosh. Similarly Laksminarayan Kanungo held *taraf* Bengalleepore, under the denomination of pargana Rokunpore paying revenue to Murshidabad. This was formed out of the parganas of zamindari of Dinajpur, with villages that were made *kharij*. Anandaram Roy zamindar of pargana Taherpore, holding *taraf* Keenda, Durgacharan holding *kismet* Bamnea, Laksminarayan Kanungo holding *taraf* Shibpore, and Chand Kabiraj holding *taraf* Shaikh Kamal, paid their revenues at Murshidabad. The district of Rangpur had ten parganas which paid revenue at Murshidabad including the zamindaris of Bhitarbandh and Pataldah and these were annexed to the collectorship. One pargana in the outlying part of the district was separated and annexed to Dinajpur.90

Birbhum district included lands bordering Rajshahi, Burdwan and Murshidabad, and the collector proposed that the best method of forming boundaries would be to render their parganas compact, or take the course of a river to be a natural boundary. In Bhagalpur (Rajmahal) the collector reported no inconveniences from the distribution of the land but reported that south-east extremities of the district are too far from the residence of the collector. Similarly in Burdwan the lands annexed from Nadia were too distant from the residence of the collector but the collector reported that it did not involve any inconvenience so far as collection was collection of revenue was concerned. Reports from, Chittagong, and Sylhet suggest that in this

90 ibid.
context the collectors were referring to a common set of issues which arose from the experience of rural administration of the past twenty years or so.91

Distance between outlying parts of the district and the residence of the collector appeared significantly in Bhagalpur, Burdwan, Chittagong, Nadia and Sylhet.92 The questions which were raised had bearing on the experience gathered in revenue administration in the past twenty years. This pertained to the relation between the zamindars and the ryots in the domain of revenue collection and *adalat* justice system. The collector of Bhagalpur and Chittagong both pointed out the problem of locating the residence of the collector at a distance from the *mofussil cutcherries* which tended to give zamindars more powers in matters of justice and revenue collection.93 The grievances the collector of Bhagalpur noted occurred mainly among poorer classes of the population who would not travel a great distance to seek redress for their grievance, making the zamindar and the officers on the spot the true dispenser of justice. However the collector of Burdwan noted that in a district like where the revenue machinery was centralised collection of revenue could without any let or hindrance. But still the question of fair assessment of revenue required intervention by a separate agency which invariably had to be the state.94 The collector of Chittagong reported that in remote north-eastern part of the district the question of the inhabitants having recourse to *adalats* dealing with revenue matters was not very important because the region’s productive capacity was meagre. The ryots produced cotton which they exchanged at the *haats* and the revenue generated by them of was not of much significance. However what the collector considered as important was increasing the aggregate revenue of the district or the *jama* by adding lands with a more productive yield and revenue to those of less productive ones. This would

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91 ibid.

92 BRP 29th October, 1789, Lr. from collector Bhagalpur, 15th July, 1789; Lr. from collector Burdwan, 1st July 1789; Lr. from collector Chittagong, 22nd June 1789; Lr. from collector Nadia, 29th June 1789; Lr. from collector Sylhet, Lr. no. 63.

93 Ibid., Lr. from collector Bhagalpur, 15th July, 1789; Lr. from collector Chittagong, 22nd June, 1789.

94 Ibid., Lr. from collector Burdwan, 1st July 1789.
increase the extent of the less productive areas as those would join the more productive ones of adjoining collectorships. But as this could inordinately increase the dimension of the district, the collector suggested a central point of residence for the collector. He believed that multiplicity of business for *adalats* in revenue matters particularly did not from the extent of the district but from the size of population. 95

The Council and Board studied the problems in their entirety and after an examination analysed those in the following manner: first, the problem related to distances (a) the distance of established courts, *dewani* and *faujdari*. (b) The difficulty from distance of situation of ascertaining and correcting abuses in the collections. (c) The expense and risk of conveying the receipts to the public treasury. Second the inconveniences which could be obviated by a redistribution of the *mahals* and parganas, (a) The necessity of establishments at *sadar*, on the part of the landholders. (b) The subjection of the landholder to different authorities. (c) The division of the revenue of a zamindari in different statements including the necessity of adjusting the *jama* of an entire taluk or zamindari. 96

J.H.Harrington the secretary of the Board, who conceptually arranged the problems in the above manner, drew certain conclusions from those. First according to him, the distance of *adalat*, as mentioned by the collector of Bhagalpur, was the most serious problem as it would lead to "extensive prevalence of oppression of the weak by the powerful. The question of protecting the rights of the weak meaning the ryots generally, became paramount and the role of a public magistrate came into focus. The question as he raised it was, whether the ryots or subjects were "entitled to a due administration of justice in return for their contributions or as a people subjected to our dominion by conquest, peaceably relinquishing a large proportion of the annual produce of their industry to their conqueror". 97

95 Ibid. Lr. from collector Chittagong, 22nd June, 1789.

96 Ibid. Lr. from J.H.Harrington, Secretary Board of Revenue to John Shore, President Board of Revenue.

97 Ibid.
Second question addressed a more practical problem of agrarian administration, that is of collection of revenue, which to Harrington was of equal moment to the first if by the term collections was meant demands for land rent on the ryots, as well as exactions in the collections thereof by the landholder and their agents of all description now cognizable by the collector only, and these being all matters of private interest were subjects of litigation. Moreover there were issues relating to the process of collection, or agents employed for that purpose. Exclusive to these cases there was often occasion to employ persons in the collections on the part of the government who for acts done in their official capacity, could not with propriety be made subject to a court independent of the collector. Moreover there were many regulations which to be duly enforced required the vigilant attention of the part of the collector. In all instances Harrington believed the new residence of the collector would be obviously advantageous. The third addressed a more functional problem of maintaining security, and transmission of revenue to the public treasury. Harrington felt that it would be obviated if the landholder was required to make payment at only at one collectorship. The necessity of maintaining two establishments of sadar officers including vakil, poddar and mohrir would not be required. 98

Though the collectors adverted to problems which could arise if zamindars exercised independent control in revenue collection, the emphasis was on subjecting the process of collection to the adalat or the system of justice. Though concern was exhibited in the official proceedings for the patta and establishing a fair and advertised rate of assessment, what was discussed in the context of the collectors control over outlying parts of the district was regularity in revenue payments and the possibility of bringing defaulters under the purview of the adalat. However it was felt that ryots would be if they were placed at a distance from the collector’s control. The idea of holding the ring between the zamindar and the ryot, alongside regular collection of revenue had been a part of the government policy since 1772, but twenty years later or so this effort seems to have been replaced by institutionalised system of justice, which satisfactorily answered colonial ends.

98 ibid.
However the colonial administration could address some of the problems which it grappled over the past decades. These were the problems it encountered in forming bandobast and settling the jama. The rates of assessment, concealment and alienation of land could be brought under scrutiny through supervision of mofussil cutcherries. This is not to suggest however that the vexed problem of discovering concealed assets could be entirely managed. But the collectors in their notes regarding separation and annexation of mahals gave importance to maintenance of the original revenue units - zamindari and talukdari - in their original form from the point of view of records and accounts.

VI.3 Agencies for Revenue Collection and Agrarian Society

The act of collection of rent in the mofussil required enforcement of the assessed rate of demand as a legal obligation of the ryots to pay. This was imposed on various classes and categories of ryots who had to accept, given the proprietorial structure and the nature of the grant, or, the holding of the ryot, as an obligation the holder had to acquit for the continuity of land holding and cultivation. Above discussion on the nature law enforcement in the rural countryside had aimed to show that the presence of coercive machinery, if not regular coercion, was required to ensure that collection of revenue could be “properly” made and remitted to its desired destination i.e. the treasury of the central exchequer.

However as no state could seek to achieve this end by coercion alone - which would have caused enormous disruption to its regularity - a machinery sanctioned by the state and held to be legitimate in the eyes of the subject was put in place, and that acted as the authorised machinery for rent collection. This was institutionalised in the right to tahsildari or the right to collect revenue. In fact the zamindar, particularly in parganas where the agreement for revenue was between the talukdar and government, was said to be standing in the position of tahsildar.99 However more often this was

considered to be an officer for the collection of revenue from the holders of landed property.

It is in this context that one should understand the changes in the agencies deployed for the purpose of collection of rent, which might be interpreted as improvisation or innovations in mode of collection by the early colonial state. In the various experiments that the Company conducted in revenue collection, the practice of farming land to the highest bidder through public outcry mode has attracted maximum criticism since very beginning. Of the reasons why there was great resentment to this mode of revenue engagement, deployment of the farmer’s own gomasta and other agents in revenue collection, their conduct and revenue raising methods ought to receive serious attention. This was noticed quite early in 1767 when there were complaints against the practice farming out land to powerfully connected personalities like Gokul Chand Ghoshal and Nabakrishna Deb, who were accused of sending their gomasta into country to exact arrears of revenue from under-renters. 100 Around the same period Muhammad Reza Khan had rack-rented the districts of Purnea and Rangpur, but here the explanation behind rack-renting was attributed to high demand by the government rather than immoderate valuation of farm. 101 Thus what formed the basis of allegation against the farming system was largely a moral argument, that exaction by farmers had gained a tacit legitimacy in the eyes of the Company and, as a method of fulfilling engagement it was particularly evident in the activities of Gokul and Joynarayan Ghoshal at Chittagong and Dhaka. 102 Thus in this context it was the erosion of traditional rights which gained significance in the eyes of contemporary observers, both foreign and native. Thus in the historiography of the late eighteenth century the idea of anarchy unleashed the farmers and their agents occur recurrently to suggest a virtual abdication in favour of private self-interest and sacrifice of the idea of governance.

100 Rev. James Long, Selections, no. 951
101 AM Khan, op.cit. pp 151-54.
102 BRP, 15th June 1787.
However evidences from government regulation between 1772 and 1787 suggest that the Company was able to opt for different modes of settlement with different social groups or hold the lands khas for a limited period. It had at its disposal a machinery for realisation of the surplus, but till the middle of the decade of the 1780s it had very little of control over its conduct. The first set of regulations which evinced an idea of centralized control over this machinery were guidelines to the collectors and the Board of Revenue in 1787. Till then for a length of time in 1770s the farmers and other sub-contractors of revenue were provided institutional support through regulations which allowed them a degree of freedom and autonomy from the direct control by administration. The policy continued even after the recall of zamindars as main revenue payers to government, and many clauses which ensured the indigenous revenue collector’s autonomy in 1772 were repeated in 1781. However in 1781, the Committee of Revenue was able to state rather clearly what the role of the executive officer of the government would be with regard to formation of settlements with zamindars. The government decided to send sazawal directly to the zamindar or let it to farm, where the zamindar had refused to conclude engagement after the amount of settlement was fixed. But with regard to the control over farmers there was no innovation in policy.

But efforts of the Company should not be judged from the point of view of ability to exercise control directly, because its policy in that regard never spelled out in clear terms what that exercise of direct control would be. But it is certain that through each stage of administrative intervention it was increasing its ability to control the agencies and institutions under native control. The khalsa was reorganised after its transfer from Murshidabad in 1773 and its daftars, which supervised the various aspects of revenue assessment and collection process was reconstituted. This was a measure attempted at reorganising the central machinery. It also outlined the role that the Company servants and the native officials were to play in revenue

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103 These regulations have been discussed in the section on faujdari.

104 J.E.Colebrook, Digest, Plan for the Settlement of the Revenue of Bengal and Behar, 29th March 1781, p.221.
administration at the central level. At the intermediate level similar relations existed between the Provincial Councils and the naibs appointed to different districts.

However these rearrangements hardly touched upon the life of the ordinary ryots. What mattered was the nature of authority primarily for exaction of rent exercised in the mofussil. Here room was left wide open in 1770s for the farmers and their agents, the kutkinadars or the under-renter and the amlah of the cutcherries to operate. But the Company made attempts to reduce the burden on the assessment on the different classes of rent payers by taking off certain special items of demands from the jama. These pertained to perquisites and fees out of the rent collected for members of the erstwhile government. The supervisor of Rajshahi reported that he had discontinued collections for cazee rusoom and forfeited that item from the jama though the cazee demanded that it to be continued on the ground that it was not a part of the malguzari. Similarly Rangpur supervisor considered that collections on account of the servants for naib kanungo and kotwal were an imposition on the jama because it was collected directly the “gang” who benefited from it. At Purnea the collector removed items that burdened the jama like the nazrana to the faujdar and the dewan and abwab faujdari. These charges were deducted from the gross collection at the cutcherry of the pargana or the sadar. But often these were levied as special impositions on the ryots too. An example of this was the abwab faujdari levied at Purnea and the haldaree tax on marriages at Nadia. It is apparent that a host of interested people and their families forming a social group in the mofussil subsisted on the collections and deductions from it in proportion to their demands against the service rendered. At Purnea these included talabana or charges to incurred in paying various categories of officials involved in the process of revenue collection, deehdari or charges of keeping people at harvest time and nazrana and rusoom to

105 CCRM, 7th February 1771, Lr. from supervisor Rajshahi
106 CCRM, 6th November, 1770, Lr. from supervisor Rangpur.
107 CCRM, 31st December, 1770, Lr. from supervisor of Purnea.
108 Ibid.; CCKr, 28th June, 1772.
amils and zamindars. The nature of exactions could be arbitrary also or be a part of collection from the ryots beyond their patta or even the jama settled at the bandobast. At Dinajpur the chaudhuries with help of paiks collected dues from ryots to service the stay or passage of dignitaries through their area. Such dues and services from the ryot was called begar. The paiks regularly collected mathote on the pretense of various demands. As the district was of enormous extent revenue collector and paiks could make extra demand on the occasion of rent collection. The supervisor thus felt the necessity of regulating the rates at which hircarrahs, peons and paiks were to be paid. However there is no evidence to suggest that these measures were a success.\textsuperscript{109}

Such collections required an establishment to support it. Naturally this support was provided by the agrarian society. At Dinajpur the Raja’s servants of various categories engaged in revenue collection held 250165 bighas of land out of the bazee zamin establishment.\textsuperscript{110} At Birbhum 4700 men employed for collections or gram kotwali 43619 bighas of land.\textsuperscript{111} Almost all zamindaris of the province maintained their personnel deployed for revenue collection either as servants who were paid with ready money or given service tenures or chakran lands.\textsuperscript{112}

Other than Purnea and Rajshahi however in no other place could the supervisor attempt a change in the general mode of rent collection. At Purnea excess dues several denominations were made by breaking the agreement entered into by the patta. A bhumi of 1\(\frac{1}{2}\) was levied in year to complete the bandobast settled at the pooneah. This due along with another called the ganda were levied at the end of the month of poos or beginning of magh either from real or pretended deficiencies. The revenue collectors at sadar and mofussil uncertain of their re-appointments ‘delayed to give the new year’s release to the ryots, and continued call them for trifling

\textsuperscript{109} App. to CCRM, Abstract of regulations established by Vansittart at Dinajpur from the 30\textsuperscript{th} of April to 30\textsuperscript{th} of September, 1770, 31\textsuperscript{st} December, 1770.

\textsuperscript{110} App. to CCRM, 31\textsuperscript{st} December, 1770

\textsuperscript{111} CCRM, Lr. from supervisor Birbhum, 22\textsuperscript{nd} October, 1770.

\textsuperscript{112} App. to CCRM, 6\textsuperscript{th} November, 1772

407
balances and differences in account, which they might have discharged without detriment but being called on at another season were obliged to sell their cattle and implements of husbandry at the very time of cultivating the ground for the ensuing year'. The supervisor sought to put an end to the practices which were in the nature of a general affliction for the ryots. At Rajshahi the supervisor protested vehemently against the practice of meeting previous year’s deficiency through advance collections for the next year. Other than such instances evidence of an institutional reform to correct the rent collection procedure are not available. The efforts of the supervisor of Purnea and Rajshahi aimed at reordering the procedure of rent collection as such. With the inauguration of the farmer’s regime however one finds that the Company sought to develop a partnership with farmers for collection of rent rather than correct procedures or innovate new ones.

Thus the establishment for collection as it existed at the mofussil level was under the control of the local zamindar, talukdar or chaudhuri. This was the functional part of the revenue system which derived its authority to collect from a higher power, that is the Dewani. Inability of many zamindars particularly the “capital” ones to meet the revenue demand of the government punctually led to diminution of the authority of the zamindars and consequential preponderance of the amlah over the affairs of zamindari. The organization for collection remained more or less intact but terms in which various social held power had changed. There was also a transformation in the nature of authority that the Dewani wielded over revenue payers. In the mofussil it was the tahsildar who acted on behalf of the Dewan. And as the duty of the latter was primarily collection of revenue, rent collection rights or tahsildari, was the foundation of rights of the talukdar and zamindar. The function

113 CCRM, 31st December, 1770
114 CCRM, 21st January 1771.
115 Comptrolling Committee of Revenue, Representation from Naib Dewan, 11th February, 1771.
116 N.K.Sinha, EHB2, p.128 the origin of many zamindaries of Bengal like Nadia and Burdwan was in such rights.
of *tahsildar* specifically related to adjusting of all disputes relating to boundaries of land whether zamindaries or lands held by charity, or for private emoluments, settling of debates regarding the limits of cultivated or uncultivated grounds, disputes regarding the extension of each others jurisdiction, the duties of the tiller, all controversies arising from encroachments and enlargements made by the river, settlement of inheritances and patrimonies, fixing the boundaries of land held on religious and honorary occasions, complaints of oppression or illegal demand being made on the ryots or of any usurpation of property and adjudication of debts due to private merchants.\textsuperscript{117} The Dewani functions also included the practice of sending guards in the *mofussil* to give protection to the proprietors from having their rights encroached or usurped, but as it was the Nazim who had authority over the army, additional guards into the *mofussil* could be sent only with a *dastak* under the seal of the Nizamat.\textsuperscript{118}

The developments in revenue history from 1771-72 suggests that with the promulgation and official implementation of some of the revenue regulations and some on the judicial side having a bearing on matters, there was a devolution of the powers of the *tahsildar* in favour of the one who had engaged for revenue at the settlement. Thus one who had power to control the *mofussil* had virtually full control over rent collection agencies The regulations governing the conduct and the functions of the collector specifically prohibited sending of sepoys or peons into the lands of the farmers excepting only on occasions as would indispensably require for the maintenance of peace.\textsuperscript{119} Further the collector was asked to avoid as assiduously as possible summoning any persons connected with revenue from the *mofussil* during the months of rent collection.\textsuperscript{120} In fact the farmer had the responsibility of imparting

\begin{itemize}
\item \textsuperscript{117} Comptrolling Committee of Revenue, 11\textsuperscript{th} February, 1771, testimony of Muhammad Reza Khan.
\item \textsuperscript{118} ibid.
\item \textsuperscript{119} Colebrook, *op.cit.* Public Regulations, 14\textsuperscript{th} May, 1772, p. 191
\item \textsuperscript{120} Colebrook, *op.cit.* General regulations for Administration of Justice, 15\textsuperscript{th} August, 1772, p.3.
\end{itemize}
justice to ryots in trivial cases in order to avoid his travel to courts of justice located far from his place of work.\textsuperscript{121} Similar instructions were given out to the superintendent of the \textit{dewani adalat} in 1780.\textsuperscript{122}

These and other instructions to the chiefs of Provincial Councils created a situation that was dominated by the \textit{mofussil} powers. Evidence regarding these are available from records of the period which gives an impression of uncertain handling of the situation in the \textit{mofussil} by the early colonial government. In fact the Provincial Council of Revenue at Burdwan had remarked that in the account of charges collection the zamindari \textit{dewan, karkuns, naibs} and other \textit{mutsuddies} were always regarded as servants of the government as well as the zamindar. But in the changed situation they had become independent of the Council or the government and behaved purely as zamindari officers\textsuperscript{123} Perhaps the matter in which the government exerted itself the most was determining the \textit{kistbandi}, regarding which repeated regulations between 1778 and 1781 fixed the dates for issue of \textit{talab chitties} in every month for realization the \textit{kists}. This suggests that though uncertainties regarding payment of \textit{kists} prevailed the Company took serious note of that and was able to enforce its regulations from time to time.\textsuperscript{124}

Such hesitant measures on the part of the state, and the growing preponderance of the \textit{mofussil amlah} and farmer resulted in creating a situation where the more entrenched powers in the \textit{mofussil} could encroach on the revenue collecting rights of other sections of the agrarian society. Traditionally zamindars had protected the rent collection rights of the invalid and widowed members of the zamindari family as special preserves. But the altered situation in the 1770s infringed such rights. In Burdwan the rent collection rights of the widows of the former zamindars - Raja Chitrasen and Tilakchand - were protected with grants of land. They had the

\begin{footnotes}
\item[121] ibid.
\item[122] Colebrook, \textit{op.cit.} Regulations for the Administration of Justice, 11\textsuperscript{th} April, 1780.
\item[123] PCR Burdwan, Lr. to GGinC from PCR, 17\textsuperscript{th} July 1776.
\item[124] Colebrook, \textit{op.cit.} pp. 212-213.
\end{footnotes}
right to collect rent from the land specially allotted to them on a fixed and perpetual *jama*. The wife of Chitrasen complained that after the farming settlement was introduced in the district rents were raised, on an assessment prepared by Raja Nabakrishna Deb, and the increase that was collected did not accrue to them but went wholly to the *dewan daftar* of the Burdwan zamindari. The crucial point in this episode was the evidence tendered before the *mahal adalat* by the *dewan* Kandarpa Ghosh of Bandarhat, where the lands were located. He stated that though it was true that rents were raised the zamindari *dewan daftar* received only the stipulated amount and all increases in *jama* and the profits of land went to the wife of the former zamindar, because she had held the lands as farmer and the collection was carried out by her. This was disputed and found to be untrue and it was established that collection agency was under the farmers and the *amlah*.125 Similarly rights of rent collection of Tilakchand’s wife, who held land in Amboa of Burdwan were affected for similar reasons. She complained that the rents that she received from the lands were utilised for the maintenance of deity in the *Bara dewry*. Her rent collection rights were severely impaired due to reduction of land for maintenance servants and outright appropriation of land.126 A similar *mokarari patta* was usurped in Palkundi *mouza* of Burdwan, where an old talukdari grant was given out to farm that distressed ryots due to enhancement of rent by the farmers.127 In most cases such grants were usurped by farmers in collusion with *sadar* or *mofussil amlah*. That the *amlah* was regularly resuming grants of *brahmottar*, *devottar*, *aima*, *khayrat*, and *mahattaran* on the pretext that those were held without proper *sanad* is an undoubted fact. The government had to positively forbid such resumption unless the zamindari officials could prove their contention before the *dewani adalat*.128 The practice of usurping *mokarari* and revenue free grants was quite well established in the province.

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125 BRP Lr, from collector Burdwan, 1st October, 1789, vol.78.

126 BRP 15th June, 1787.

127 BRP 7th March, 1791, vol.108 part I.

128 PCR Burdwan, Lr. from GGinC to PCR, transmitting the *mucheaka* of zamindar of Burdwan, article 13, 17th June, 1776.
petition from Muhammad Khan to collector Nadia stated that the petitioner and his relations held 1001 bighas of land as aima grants from different rulers of the country out of which they were in possession of only 30 bighas in the year 1788. In the year 1768 much of it was farmed out by Rev. Kiernander. Since then Kiernander had prohibited cultivation by the ryots of the villages in his land by stationing his mofussil amlah. In 1771 the supervisor of Nadia confirmed the grant to Muhammad Khan and his relations. But as the zamindari was put up on farm the next year much of their land was held by Kiernander and Sambhuchand Roy - farmer of Ameerpore through the mofussil amlah - who held the land and collected rent from the villagers. These were explained in the collector's correspondence with the Board as 'occasional interruptions by the zamindari amlah'.

Another region from where evidence regarding subversion of such rights were available is northern Bengal. Rozinadars and chandadars of Purnea complained that their traditional right gained as khayrat, to collect allowances from villages were usurped during this period. At Kanknea Debi Singh had usurped virtually the entire zamindari right. The zamindar complained that he had virtually no control over the revenue collection process and though deficiency was shown in revenue accounts he could not be held responsible because Debi Singh had appointed his men as gomasia for collection of revenue. Here there was in fact an attempt to replace the old set of servants by a new one. The newly appointed servants entrenched themselves in the domain of the zamindar by purchasing taluks created out of zamindar's khamar lands.

That usurpation and violation of previous revenue agreements were the modes of oppression by the farmers was confirmed by Harrington who reported that the sadar farmers of Rajshahi collected revenue from the ryots of Bhaturia, Bhooshna

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129 RD Lr. from collector Nadia, 28th November, 1788, vol.145.
130 BRP 13th January, 1789, vol. 58 part II.
131 BRP Lr. and enclosures from collector Rangpur, 13th January, 1789, vol.58 part II.
132 BRP Petition of the zamindar of Kanknea, 27th April, 1789, vol. 66.
and the bazee mahals of Rajshahi zamindari, by charging them or exacting an increase of rent in one year without taking any tahood or other engagement for the payment of increased amount and confined the ryots in irons. From his report the most common mode of oppression of the ryots comes to light. These were imposition of abwabs discontinued since 1772-73; demanding an increase in rent at the time of reaping the principal crop without entering into an agreement at the beginning of the year; confining ryots in irons for alleged recovery of rent; attaching the crops of the ryot without authority from the maal adalat and also attaching the crops of the paikasht ryots who had given security; and, demanding rents on account of desertion by ryots from other ryots.\textsuperscript{133} Instances and forms of oppression on the peasant in the process of revenue collection were varied, but some forms took precedence over others. These were, demanding rents not specified in the patta and including mathotes levied earlier in the current jama, and collecting rents without adapting those to the kistbandi to cover the deficiencies in collection. These were the principal modes of levying mathotes on ryots and in order to prevent such impositions the government after the farming intended to regulate the machinery for collection through the Provincial Councils.

Magnitude of the problem could be gauged from the elaborate nature of the regulations that the government drew up at the commencement of its settlement with the zamindari of Burdwan. Given the fact that the zamindar of Burdwan was a minor at the time of the drafting of the regulations it can be said without hesitation that these regulations were aimed at controlling the amlah. To put an end to these practices the zamindar was ordered not to collect anything more than the established abwab from the ryots, not to collect former year’s balances, or arrears for digging tanks without permission from the government, or exact payment of any article of the demands of former times excepting those of such balances as are proved to be due from the ryots to the old farmers. The officers of the zamindari were specifically directed to take the responsibility of collecting these amounts ‘themselves and from the country’. Further regarding the functioning of the organization for rent collection it was laid down that

\textsuperscript{133} BRP Lr. from Commissioner Rajshahi, 21\textsuperscript{st} December, 1791, vol.126.
every settlement between the zamindar and the farmers or kutkinadars should be
registered in the sadar cutcherry to obviate any violation of agreement, no demands
of rent to be made from ryots who did not have patta, stringent action to be taken
against any kutkinadar or officers of zamindar found violating these regulations,
zamindari agents in charge of superintendence should deliver the accounts of demand,
receipts and balances, and those entrusted with the charge of collecting revenue
would not be zamindar’s personal servants.\textsuperscript{134} To prevent the concentration of wealth
and authority in the hands of the amlah the government declared that any grant
obtained from the Raja during his minority would not be valid, and, that chakran
lands should not be increased or diminished without the authority of the dewani
adalat. The Provincial Council was directed that no mangan or tax be levied from the
ryots, exclusive of the established ones, and thus all pattas be granted from the sadar.
However the Council’s response showed that the problem of imposing mathote or
mangan was not a superficial one but one that had run deep into the interstices of the
revenue and agrarian system.\textsuperscript{135} It stated that it was difficult to ascertain which
mathote ought to be included and which were to be out as the several heads of
collection varied in almost every village throughout the district. Thus no patta could
be issued from the sadar. They recommended as a substitute measure rates of jama of
each ryot could be formed from the revenue records of the year 1768 and exclude
from those all those mathote which the government had explicitly proscribed. These
were poolbandi, deehdari, wazun, jaydad, mangan, and bazee jumma.\textsuperscript{136} These were
the taxes imposed by the farmers during the previous eight years. The kutkinadars
were to deliver a kabuliyat and execute a muchleka to grant patta to his ryots at a
jama exclusive of the mathotes. Further the government and the Council laid down in
detail the mode of employing the paiks and cutwal for collection work and the rules

\textsuperscript{134} PCR Burdwan, muchleka of the zamindar of Burdwan, 17\textsuperscript{th} June 1776.

\textsuperscript{135} PCR Burdwan, Lr. to GGinC, 28\textsuperscript{th} June, 1776

\textsuperscript{136} ibid.
governing the nature of control over them.\textsuperscript{137} That the government’s efforts to control the rent collection system by issuing \textit{patta} from the \textit{sadar} could not make much headway was apparent from the admission of the Governor-General that the in Burdwan the move was a failure.\textsuperscript{138}

From the above proceeding it is apparent that mere jurisdictional control over those who collected rent was not enough to set the procedure in order. Combined with that authority an operational control had to be established through a thorough knowledge of the rent situation which could allow the government or its chosen agency to establish the necessary hegemony. Historians have very often viewed exactions in the revenue collection process from the point of view of characterisation of the colonial government which was inured to the miseries of the people. Intentions like maximization of revenue have often coloured judgements. It is gainsaid that the early colonial government had not acted out of welfarist motives. But the failure to bring about welfare could be for reasons other than mere intentions. Historians have often located such reasons in lack of objective knowledge, or an inability to grasp the reality that was necessary in administration. Possibly the answer lies in questioning the resolve of the administration to effect change. The administration was definitely determined and resolved to collect revenue. But it was unable to control a situation which demanded that ordinary ryots ought to have access to the state as much as the state ought to have access to them. It was the state that mediated in the peasant’s connections with the wider world or otherwise the ryot would be left to local control.

Any hint of abdication of authority as was perceived in 1772-73, when the institution of \textit{faujdari} was revived and collectors and Councils constrained from intervening in the farmer’s domains could produce institutional disequilibrium. The link between the authority that the \textit{faujdars} exercised over the zamindaris and the control that the latter exercised over the rent collection machinery and maintenance of order was broken with greater changes that came about in the change of governance since 1765. This

\textsuperscript{137} ibid.; PCR Burdwan, minutes of consultations 22\textsuperscript{nd} June 1775; PCR Burdwan, 22\textsuperscript{nd} June, 1776, zamindari \textit{dewans} representation regarding \textit{patta}.

\textsuperscript{138} GGinC, RD, 1\textsuperscript{st} November, 1776.
was one of the reasons why the measures to revive *faujdari* as a functional institution of the government was a failure. The form of the institution was inherited from the previous regime but it had to serve a new state with which it had no ideological link. This resulted in conflicts that were absent in periods of governance where state provided the ideological integument.

The absence of link between the agencies of control and the state’s inability to guide the course of action was apparent in Burdwan when in connection with prohibition of the levy of *mathote* the Provincial Council took up a position contrary to government’s direction and more in conformity with the zamindari officials:

with regard to his (Raja’s) request the *thanases* should be under his immediate orders, we think that the circumstances merits some attention, as the servants of the *mofussil* have at all times been nearly connected with the receipts of Revenue, and we would therefore recommend that the Naib Subah be requested to send the necessary instructions to *faujdari* officers requiring the *thanadars*, *jamadars*, and *paiks* to assist in the cultivation.  

Earlier the zamindari official had stated thus:

It is directed in the second Article of the Regulation that the *paiks* and *cutwals* shall attend on the *faujdar*. It is the custom of the country for the *paiks* and *cutwals* to collect the rents from the ryots and forward them to the former, protect the crops on the land, take care of the cultivation and transport the revenue to Burdwan *sadar cutcherry*. If all these servants attend on the *faujdar* the *mofussil* business will be stopped and detriment occur to the revenues.

The *thanadars* of the parganas also watch over the *mofussil* and guard the roads and travelers, formerly a great number of people were stationed at the *thanases*. During the gentlemen’s government they were at different times reduced and the number now remaining is small. Please to issue an order prohibiting the summons of any person except in case of necessity from the *thanases*.

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139 Colebrook, *op. cit.* Proceedings of the Governor-General in Council in the Revenue Department, 6th April, 1781, pp.128-29.

140 PCR Burdwan, 28th June, 1776.

141 PCR Burdwan, 22nd June, 1776.
Thus it seems that issues regarding control over the collection agencies was determined according to local necessities and not general principles. It would logical to assume that conditions in other districts of Bengal did not differ much. Factual evidence corroborates the point. Revenue collection agency under the charge of local amlah and the farmers utilised the resources at their command to enforce the demand on the ryots. The question was not only one of collecting receipts but to ensure that cultivation was continued and ryots did not vacate their lands. Evidence from Burdwan again suggests that the ryot could leave the land only if he was in possession of poutceotia patta.\(^{142}\)

In other areas too zamindari officials in conjunction with farmers made use of the lack of centralised control to profit out of the revenue business. Exactions from ryots, when carried out at the behest of those authorised to collect legal dues of the jama, could border on licentious activities. The naib of the Bishnupur zamindari, Joyram Chaudhury removed a sum collected from the Company’s treasury and then collected it from the ryots under heads which were prohibited long earlier.\(^{143}\) Such collections were obviously coercive in nature.\(^{144}\) Joyram Chaudhury had a notoriety in this regard. The kutkinadars of Bishnupur represented that Joyram had exacted six unauthorised dues from them by keeping them under guard, and that he had collected amounts by sending shikdars into the mofussil under the pretence of encouraging cultivation, but collected dues under the denomination of shikdar kharch.\(^{145}\) Much of his collection from smaller ryots were made in order to cover the deficiencies caused by alienating revenue in favour of his dependents.\(^{146}\) Activities of similar nature were in evidence in Birbhum where the naib of the Birbhum zamindari Padmalochan Roy made exactions from the ryots under various heads in spite of deductions granted because of crop failure; by confining ryots to force them to pay for excusing the survey of their land, or namoodar salami, and making it an article of collection, but actually bringing the land under survey; and collecting on account of lands deserted by the ryots, but which lay waste.\(^{147}\)

\(^{142}\) PCR, 17\(^{th}\) July, 1776.

\(^{143}\) PCR Burdwan, Mr. Rosewell’s minutes, 5\(^{th}\) July, 1775.

\(^{144}\) Ibid.; PCR Burdwan, 4\(^{th}\) July 1775, Arzee of Raja Chaitan Singh against Joyram Chaudhuri.

\(^{145}\) PCR Burdwan, petition from inhabitants of Bissenpore, 3\(^{rd}\) July, 1776

\(^{146}\) ibid.; PCR Burdwan, 4\(^{th}\) July 1775;

\(^{147}\) PCR Burdwan, petition from the ryots of pargana of Barbaksingh, 9\(^{th}\) January, 1775.
The revenue collection modes and practices continued in essence as it was, but frequent settlements and the revenue farming principles allowed different social groups in different regions to usurp powers of revenue collection. This however need not be seen in conjunction with the rise of a social class in general, but rather as a bid by some social groups like petty revenue officials of the countryside, and revenue farmers, to consolidate their already well entrenched position in the revenue hierarchy and extend their proprietorial domains, through manipulations within the revenue machinery. However their power was based on the legitimacy and the guarantee that the time-honoured norms of zamindari management provided. The early colonial state however sought to introduce changes, which however were not successful but it introduced new structures of authority. While the claims of the new farmers seeking to entrench positions within the domain of zamindari, or that of the zamindari amlah seeking to fulfill revenue engagement with the government in violation of established practices and conventions, were based on tradition, or certain inventions of those, the state made an attempt to convert some traditionally established rights into offices and subordinated those under governmental control. This was evident from the attempt to re-deploy an old agency the tahsildari to interpose between the government and revenue paying talukdar or ryots for the express purpose of transmission of revenue. This was to happen within a system where the rules were established.

In late eighteenth century Bengal, the methods and practices of land-revenue assessment and collection were the same as under previous regimes. The revenue was realised through various layers of demand. The demand on the sadar was usually realised at the end of the year through the pooneah or the sadar bandobast. The mofussil demand was realised according the kistbandi formed at time of the mofussil bandobast and this was realised by sending talab or talab chitties through the peada to the mofussil. The demand was issued after the naib or the tahsildar was received his orders from the sadar. The naib or the tahsildar were assisted in this function by halshanah. The mode was describe thus:

First a pack carries the chittee (demand of the monthly kist). If there be delay another pack is sent and then a peada. If it be judged necessary more peada are sent but in general only one is sent. When
the rent are all remitted the whole are withdrawn and sometimes 
when a peada is sent the paiks are recalled. In the first instance I 
send mohussuls over the amins and patwaris, or if I have reason to 
think the ryots misbehave I send mohussul over the head ryots and 
summon them to the sadar, when after hearing any claims they have 
to prefer I oblige them to pay what is due and if necessary to borrow 
from the mahajan by confining them and sometimes chastising 
them with the rattern. I first however chastise the amin and the 
patwari because they are the zamindari servants, after which if the 
ryots are not awed by the punishment of the amin and the patwari 
and the rents be still in arrears I chastise the ryots. If the amin and 
patwari however represent the arrears to be owing to the 
misbehaviour of the ryots, these are summoned and after an enquiry 
they are punished. If they are not expressly charged with 
misbehaviour, rigour is used in the first instance towards amins and 
patwaris.148

The necessity of making a final settlement with the landholders of the 
province pushed the colonial administration towards determining what the nature of 
collection in future would be, and the agency to be deployed. If the settlement was 
with the zamindar the preference was for collection through zamindars and his agents. 
However the problem arose if the government chose to disregard the agency of the 
zamindari in case of a settlement with other inferior tenure holder like talukdar. It was 
in this context that tahsildari was chosen to serve as the main revenue collection 
office. It should not be held however that the origin of the office was by default, and 
it came about in the absence of zamindari in some areas. On the contrary tahsildari 
rights were well established rights in Bengal for long, and members of the old 
aristocracy like Reza Khan, saw in the new farming rights a tendency to erode the 
established ones.149 Thus the question was not about the creation of an office that 
could serve as an instrument of the central authority in matters of land-revenue 
collection, but interpreting the traditional rights vested in the office of the tahsildar, 
and adapting it for needs of land-revenue collection. In this opinion differed. The 
collector of Dhaka saw the tahsildar as an agent or an office between the government 
and the revenue payer to the government. He interpreted it in the sense of an agent 
who performed the duty of mobilising revenue in the country for further transmission.

149 AM Khan, op.cit. pp. 275-79.; CCRM, 14th March 1771.
In this sense the zamindar in a predominantly talukdari area, like that of Dhaka where talukdaris numbered more than 20,000, ‘stands merely as *tahsildar* between them (talukdar) and government’\(^{150}\). The collector stated that he was authorized by the Council to appoint *tahsildars* in parganas where the talukdars were too numerous. This mode of revenue collection from talukdars caused resentment among zamindars as they felt that they had, by custom, a hereditary right to the management from which they derived pecuniary advantages, influence and consequence. The collector stated further, that the new *tahsildars* could not have any hereditary claim immediately, but possession could at some future period give them a handle to set up pleas. Then there would exist a set of men, who could claim property to which they had no title at the expense of those who were already entitled to that, and had a right to the soil. Regarding those *mahals* where the zamindars ‘had scarcely a foot on ground, all belonging to talukdars’, but claimed the right to *rusoom*, the collector conjectured that they were all *tahsildars* who for long had possession of *tahsildari* rights and later set up hereditary claims. Thus the collector advocated a settlement with the zamindars, and without separating talukdars from those, as that would preserve the traditional powers of collection in the zamindari. However he stated that the agency of the *tahsildar* would be required, as an office, because otherwise it would be impossible for the collector to treat directly with twenty or thirty thousand different renters. Moreover the *tahsildar* could guard against exactions by the zamindar. Thus the collector distinguished between two component aspect of *tahsildari*. One was its rights, which he saw vested naturally in the zamindari, and the other, its functional importance as an office under the collector.

The other perspective came from Thomas Law. He saw in the *tahsildari* a traditional agency vested with rights of revenue collection but serving as a creature of the state. He advocated its revival in Dhaka where the settlement had been concluded with the talukdars, and separation of the taluks had been contemplated by the government. Law was a proponent of this policy. He argued that the *tahsildar* engaging for a whole pargana would form his aggregate *jama* through the

\(^{150}\) BRP4th June, 1790, vol.93.
emancipated talukdars more easily, as that would entail collection of a fixed land tax. Moreover engagement with zamindars as the principal revenue collector would introduce social tension. However the general opinion amongst Company officials favoured the introduction of the institution only in districts where numerous zamindars or talukdars resided. But Law proposed the introduction of it in extensive zamindaris too, on the ground that tahsildars were requisite for ‘revenue and dewani investigations’. The appointment of tahsildars in large zamindaris at convenient distances could address petty suits, which otherwise would have to be prosecuted at the collector’s cutcherry, at a very great distance. As the appointment of tahsildars would lessen the expense involved in issuing summons it would bring down the instances of exactions committed by the peons, or the amount of levies by the zamindar on account of these charges. Law envisaged that the measure would also enable the ryots to attend to cultivation.

Law’s proposals regarding tahsildari were based on a definite plan which was put in operation in Bihar. This was the mokarari plan, the comparative advantages of which over the farming system, according to Shore, had been ably detailed by the Law, then the collector Bihar. The advantages of the plan were in substance, the security of property, the creation of confidence, and the certainty of receiving revenues. Some of the features of the plan were: (a) each village to be distinctly assessed (increasing and decreasing its present jama in proportion to its ability) at a fixed sum, subject to a proposition of a general addition when required by the exigencies of the government; (b) in large zamindaries the zamindar apportion the jama upon the their several villages, and, in case of arrears villages by disposed of, either privately by the zamindar or publicly by the authority of government subject to the specified tax; (c) waste lands were to remain as crown lands for future allotment; (d) inheritable property and escheats be accounted for by the village holders independently of their fixed tax. In this scheme of things the tahsildar, the native collector, according to Law, had to play a crucial role. He would collect the rents of the village ordinarily. However in course of time if the number of proprietors increased in the villages, and it became the joint property of two or three individuals, the tahsildar was to collect the shares of the division without regard to the change in
proprietorship. This would stationing of *tahsildars* in each pargana, which Law reckoned to be much inexpensive than the establishment maintained by a farmer. The charge for the *tahsildar* was determined at 2% of the *jama* while that under the farmer was 20%. In large zamindaris like Burdwan, there were to be *tahsildars* in the numerous divisions on the part of the Raja, who would transmit monthly statements to the Raja, who on his part would pay in the revenue to the collector. Law believed the that *tahsildari* was best adapted to the *mokarari* system. The *tahsildars* of each pargana would supervise the system better than the farmers, as they would be 'public-sworn' servants.

Ideas quite similar to Law's were expressed by other collectors. For example in 1788 the collector of Rajshahi regarding settlements with *naib*:

Respecting the settlement with the persons called *naibs* and in what respect they differ from the farmers, the *naibs* are officers deputed to make collections on account of government upon the *hast-o-bud* or existing assets and are only answerable for what they collect. As they are liable to no they are not entitled to any profit. If able and honest servants could be procured it is evidently the best of all modes, sufficient ability is not scarce. Where a *mahal* has fallen much in its assets and of course no proposal made by responsible people for farming it at its nominal *jama*, the collecting of it by a *naib* is advisable. It avoids the necessity of farming it a reduced *jama* and it generally secures the collector to the ryots which is always a compensation to government for a diminished revenue.

Similar ideas were expressed by the Commissioner of Seroopoor, who proposed local adjustment of all petty disputes related to revenue between the zamindar and the ryots through the establishment of *paiks* and *mohrir* in each pargana instead of sending despatch to the *mofussil* from the *sadar*. Having dilated at length on the mode of rent collection by the zamindar and the government, the Commissioner observed, the current system was liable to abuse and oppression though he admitted that the government had to accept it. The practice was burdensome for the government as to recover any amount of rent *mohussul* peons had to be send to the *mofussil*.  

422
The principal preoccupation of the colonial government was therefore with the location of the centre of authority. In the discussion on collectorships thus one had noticed that great importance was attached to the location of the collector’s station in the district, and its distance from the far flung pargana, which was the scene of action in all revenue and consequent judicial matters. The necessity of supervision at the spot where the revenue was paid seemed to be of great importance, as also the question of ryot availing of justice without great inconvenience. But in reality how far these objectives were realised is debatable. We know that even after these measures the ryot continued to be in as much insecurity as he had lived earlier.

Thus the *tahsildars* were appointed according to the necessity of payment of revenue at the *sadar* and the distance at which the revenue payer, particularly the disparate taluks were located. In this the government’s objective was certainly misplaced. The government gave more importance to the problem of gathering revenue from scattered talukdaris, rather than addressing the question of appointing a supervisor over revenue collectors at different stations. Therefore the collectors readily accepted the proposition that the *tahsildars* would facilitate the collection of revenue from far flung talukdaris, who normally took an inordinate length of time to transmit revenues. With the exception of the collector of 24-parganas 151 most collectors made urgent plea for stationing of *tahsildars*. 152 The collectors however required that the *tahsildars* be stationed in the *mofussil*, though the Board made it clear that the ‘appointment of the *tahsildars* to collect the revenue of separated taluks were intended to apply to such cases in which taluks of this description were removed at so great a distance from the *sadar cutcherry*’. 153 The collector however had applied for a regular establishment in every pargana where the separated taluks were located. 154 The collectors did require that the agency would function as a regular

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151 BRP Lr. from collector of 24-parganas 2nd March, 1791, vol.120.
152 BRP Lr. from collector of Dinajpur 7th March, 1791, vol.120.
153 BRP Lr. from BR to collector Rangpur, 26th March, 1791, vol.108 part II.
154 ibid.
governmental one with regular pay, and not a levy imposed as revenue against the charges incurred\textsuperscript{155}, the Board was interested in such appointments if only those were far from the sadar.\textsuperscript{156}

VI.4 Agrarian Society and Institutions of Justice and Order

The pre-colonial and early colonial government had establishments for maintenance of order and peace in society. These were the faujdari and thanadari establishments which upheld the formal structure of legal system that was presided over by the courts of the maulavie and cazee. Apart from these there were the zamindari thana dependent on the control of the zamindar, especially in large zamindaris like Rajshahi, Burdwan and Nadia. These were institutions for maintenance of order which were more often than not instruments of control in the process of revenue collection, suppression of any form of protest or dissent, and legitimising the authority of rulers in the countryside. Collectors very often emphasised the need for coercion in the process of revenue collection\textsuperscript{157}, and that was admitted at the highest levels of governance.\textsuperscript{158} The faujdari was considered to be functionally useful by Warren Hastings, though in the previous phase of administration, i.e. between 1769-1774, the powers of the faujdars, kotwals and thanadars were withdrawn in favour of powers that were vested in the supervisors. This was the first phase of experiments by the early colonial government in district and rural administration and inevitably this measure of withdrawal of powers was combined with an attempt to augment collection of revenue through savings of expenditure and resumption of lands. However the colonial government was not able to dispense with the retinue of the barkandass and paiks at this stage, and that continued to remain as the basis of the system of enforcement of law and peace in the countryside. However the functional utility of the faujdari system was outlived by

\textsuperscript{155} BRP Lr. from collector Chittagong, 8\textsuperscript{th} April, 1791, vol.109.

\textsuperscript{156} ibid.

\textsuperscript{157} BRP Lr. from collector Burdwan, 13\textsuperscript{th} May, 1791, vol.111 part II.

\textsuperscript{158} BRP Report of the Seroopoor Commissioner, 3\textsuperscript{rd} January, 1791, vol.106.
1781, when it was officially admitted that it was no longer necessary, and very soon, that is between 1784 and 1787 a new institutional basis for the legal system was created which made the faujdari unsuitable. Moreover, at the same time a new agrarian settlement and a formal system of law in the countryside made the existence of paiks and barkandass unnecessary from the legal point of view. This increased the number of invalid sepoys in the establishments, which were sought to be replaced by ‘regulars’ under the central control of the Board and the collector.159

However a very significant aspect of the faujdari or criminal law enforcement system was its agrarian orientation. The basis of the system was provided by tenures in land, the resumption of which had created disorders in rural society. In fact the zamindars have been so long used to consider the chakran lands as sources of emoluments to themselves and those were so much dispersed through their parganas that their extents and boundaries could scarcely be ascertained with any degree of accuracy. Thus the officials submitted that those could not be placed under the Naib Subah without giving rise to great confusion and quarrel among the zamindars and the servants.160 Further they submitted that that the zamindars would be willing to pay an additional revenue in lieu of their chakran lands for an establishment of servants to remain with the faujdar to be appointed and dismissed at the pleasure of the Naib Subah, as the servants they then furnished were their ryots and were maintained by them for a trifling indulgence and a little or no expense.161 Moreover it had important connections with zamindari interests, like land reclamation and settling agrarian disputes.162 In brief it allowed the zamindars to use the tenantry or peasantry of an area as his militia. From this point of view one can state that changes in the faujdari came also within the broad scope of government’s policies regarding resumption of

159 BRP Lr. from GGiC to BR, 3rd April, 1789, vol.64.

160 Provincial Council of Revenue, (henceforth PCR), at Dhaka, Lr. to GGiC, 14th July 1779; PCR Burdwan, 22nd June 1776 and, 28th June, 1776; PCR Burdwan 17th June and 9th July, 1776.

161 Ibid.

162 BRP Petition presented at the Khalsa by Giridhar Sardar of the Paiks of mouza Ghole Pokareah in Hijli, 8th June, 1789, vol.69.
alienated revenue and lands. But most importantly it came within the scope of government's policy of organizing rural administration on a new basis, that is through collectorships. With this the loose organization of militia of paiks and barkandass with basis in land's or revenue resources were replaced by jamadar, havildar naik and sepoys contingent deputed by the Board under the collector. This connection between the agrarian society and system of criminal law enforcement thus demonstrates the fact that the agency existed mainly in the interest of and the defence of the property holders in the countryside. The maintenance of the system was entirely their responsibility and in the execution of it the state collaborated with them. His connection provided the system with the necessary integument which survived even the collapse of colonial rule in the country.

The reorganization of the system of justice in the dewani and faujdari adalats, under collectors and native officials, for two decades and more in the late eighteenth century, had certain implications for the revenue collection mechanism, in a formal sense, and the life of the ryots so far it was affected by different sorts of impositions. In a formal manner there were some deductions from the jama which had accrued to the government or the intermediate local bureaucracy and the judges like the faujdar, cazee, mufti amin and yetasab. The fees and perquisites earned by the dewani adalats accrued principally from disputes and was derived from the value of property involved. These were fines and forfeitures on recovery of old debts; disputed inheritance of land, houses, landmarks etc. and the expense incurred while investigating property disputes. Though the proceeds of this might have ultimately been acquired from within the revenues acquired from ryots, a more direct from of levy on the ryots for the benefit of the cazee, mufti and the yetasab or deputies was

163 BRP 3rd April, 1789, vol.64
164 David Arnold, Police Power and Colonial Rule: Madras 1859-1947, Delhi, 1986, pp.8-11. He has held that the police of colonial India was not merely a colonial force, which merely protected the regime, but they were the defenders of propertied classes too, which explains it survival beyond the existence of the regime. Otherwise it would have perished with the collapse of colonial regime.
165 CCKa, 15th August, 1772, General Regulations for the Administration of Justice, par. 18-22.
Apart from this both faujdari and dewan adalats levied by custom chowt, duffutra and punchutra or fees and commission on the account of money recovered, and etlak on the decision on causes. These were direct levies imposed within the bandobast jama, on the ryots and collected as a part of the general revenue. Thus the government decided to remove these oppressive features of the judicial and the criminal law enforcement system or, certain 'detestable and authorized exactions' of the faujdari court, 'which had its exact imitators in every farmer and aumil of the province, under the denomination of bazee jumma' were prohibited. The bazee jumma of the faujdar was formed out of fines forfeitures and regular exactions or faujdari nazrana.

Since 1765 powers relating to revenue collection and superintendence over civil and criminal courts was with officers of the Dewani and Nizamat. But with the appointment of supervisors in 1769, a change in controlling powers was envisaged, but again put on hold due to the exigencies of revenue collection. However after the authorities in Britain and Bengal decided in 1769 to reform revenue and the general administration of the country, the controlling powers regarding revenue were sought to be vested with the supervisor. The Board and Council required that powers of approbation in criminal cases and disputes relating to property in land be vested in it. Though formal powers of the Nizamat were with the Nawab he had to acquaint the Board whenever it was necessary to issue parwana for apprehension of dacoits or persons accused of murder. This was a step towards exercise of greater control over faujdari administration. At the same time, in fact within a gap of few days the Board decided to withdraw the powers of the amil despite opposition by Muhammad Reza.

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166 ibid. par. 33.
167 ibid. par. 16.
168 CCKa, 15th August, 1772, Lr. to Council at Fort William.
169 CCRM, Resolution of the Board with respect to administration of justice, 22nd October, 1770.
Khan. Till then the supervisors were instructed to ‘stimulate’ the efforts of zamindar and amil in revenue collection.

Company’s initial measures in reducing zamindari authority over the machinery for enforcement of criminal law and maintenance of peace began in Burdwan. This began soon after the Company acquired Burdwan as ceded district and the right to form settlement with the zamindar independently. Unable to realize the balances of revenue payment and provide funds for troops the Company introduced new economies of management in 1761 by resuming the rent-free lands alienated as chakran and dismissing about 4000 land servants. The expense on the nagdian troops was 7% of the total collection in 1763, which was reduced to 2.7% in the year 1783. Figures show that by 1767, 648 of the nagdian had been dismissed and only 839 had been retained in the Raja’s personal employ. But these figures does not account for the large amount that was expended for the maintenance of nagdian troops in the course of the twenty years. Though Raja’s authority had diminished over the years due to various reasons but through the settlements the government had ensured that the establishment at the centre of the zamindari was not dismantled. However though in 1787, one finds that the Board through a formal order abolished the nagdian paiks, in 1788 the Board authorised the collector to call upon the Raja to furnish from his nagdian paiks eighty men to serve as guard in the treasury. The collector was instructed to requisition the service of the sepoys from the from the fund provided to the zamindar for nagdian troops. The Raja however declined to provide from that fund on the ground that his entire stipulation with the government amounted to only Rs.40 lakhs and it was not possible to raise revenue from that for

170 CCRM, opinion of the Board regarding amils, 29th October, 1770.

171 CCRM, Minutes of consultations, 10th October, 1770.

172 J.R. McLane, Kingship, pp. 191-92.

173 Grant p.413

174 BRP, 15th June, 1787.

175 BRP 7th November, 1788, vol.55 part I.
maintenance of troops. Moreover in 1791 the Raja demanded that he be allowed to collect revenue from aima and khanasumari lands for the maintenance of troops, on the ground that those lands were restored to him by the governor Henry Vansittart after W.B.Sumner had made some resumptions. Augmentation of revenue through bazee zamin and chakran appropriations, and decisions on the viability of enforcing peace and administering justice through paiks and peons remained an important question even in 1784. The allowances for paiks or village peons required to maintain the peace, secure the harvests, or enforce the collections amounted to four lakhs. However serious attempts were made at the initial stages of Company administration to centralise power with the Resident. The justifying grounds for this measure was more or less the same as one adopted later and that was minimising oppression on the ryots. However the administration moved with marked caution. The paiks were maintained to assist farmers in collection and to watch the villages and crops on ground and were responsible for preventing thefts. They were probably also responsible for the attendance of the ryots from the remote parts of the district which the authorities lamented as it left the cultivation unattended. Therefore it was suggested that the proposed reduction of the servants holding lands by the authorities was interpreted as extending to those servants who were deemed “unnecessary” or “improper”. It was emphatically asserted that those who were considered to be “necessary” or “proper” must continue to enjoy their lands as the price of their services, according to established custom of the country, “for no other provision is ordered to be made for them, nor indeed would it be consistent with economy for it was a known truth that ready money wages will ever by far exceed the value of the lands these poor wretches are contented with, which is generally worst in the

176 BRP 2nd January, 1789, vol. 58 part I.
177 BRP Lr. from collector Burdwan, 9th November. 1791, vol. 123.
178 Grant

429
province.\textsuperscript{180} The Resident reported that the number of \textit{thanadars} in the district was 3252 after a reduction of 441. To reduce those and replace them with a battalion of sepoys would not only subject the Company to make good all thefts but the whole country to the exactions and oppressions “which it was well known that sepoys distributed over the province and left their own masters, ever make a practice of.”\textsuperscript{181} The resumption of the whole could not be expected, and therefore he recommended a large part of the lands out of 48958 \textit{bighas} held by \textit{thanadars} dispersed throughout the district to protect roads (44845 \textit{bighas}), by \textit{cutwallee} of the Burdwan town (2689 \textit{bighas}) and by a set of people stationed on the King’s road for the convenience of travelers (1423 \textit{bighas}), to be continued.\textsuperscript{182} The duty of the \textit{thanadars} was to protect the roads from robbers and they were responsible for all losses. Dispersed throughout the district they received orders from the head \textit{cutcherry} and they themselves were the executive officers of their own \textit{cutcherry}. Regarding village \textit{paiks} and \textit{cutwal} falling under the general categorisation of \textit{gram saranjami} the Resident reported these people stationed as night watches looking after the crop till it was harvested were great in number and that testified to the necessity of them. He thus could not venture to reduce any part of them.\textsuperscript{183} Therefore maintaining semblance of peace and order in the countryside weighed more heavily with Company than augmentation of revenue through resumption. In fact from the Burdwan Resident’s report it was clear that punctuality in collection of revenue depended more on order and peace rather than on resumption.

Powers of the supervisor over that of native agency, particularly the \textit{faujdar} and his sepoys had been in conflict since long, particularly where revenue jurisdictions overlapped, as in Rajmahal and Purnea.\textsuperscript{184} The shift of the controlling

\begin{small}
\textsuperscript{180} ibid.

\textsuperscript{181} ibid.

\textsuperscript{182} ibid.

\textsuperscript{183} ibid. 955, Stations and Strength of Burdwan Raja’s \textit{nagdi} troops, Proceedings, 28\textsuperscript{th} September, 1767.

\textsuperscript{184} CCRM, 4th October, 1770, Lr. from supervisor of Rajmahal.
\end{small}
powers of the revenue bandobast to the supervisors now provided an opportunity to change the basis of criminal law enforcement machinery or the faujdari. However supervisors were not unanimous in their opinion. Some of them represented cases for retaining a part of the establishment. The resources for the benefit of the supervision and implementation of legal and peace-keeping functions in the countryside came from two sources, directly as levy from the revenue collected and grant of alienated land. The faujdari institution dependent on its connection with agrarian system the chakran zamin or lands allotted to thanadars and paiks in particular provided the basis of livelihood to persons employed in the faujdari. The resumption of such lands after the appointment of supervisors and suspension of faujdar's powers after 1769 had led to the disbanding of the personnel employed. Moreover as the paiks and barkandass formed a major part of the Nawab’s militia, the loss of power and ability to continue them in service due to financial stringency had also affected peace in the country when the supervisors took up the charge of districts. Supervisors were already reporting that faujdars committed great oppression on the inhabitants in which the paiks played an instrumental role. Supervisor of Rangpur reported that the straggling sepoys, out of Nawab’s army after disbanding and in search of service had committed atrocities at Chilimari in Baharband. At Rajshahi there were frequent complaints to the supervisor that the Nawab’s sepoys went into different parts of the country of the district on the pretense of apprehending dacoits but actually collected grain and other necessaries from the country. Supervisors noted these facts as encroachment on their power of establishing authority in the country. This served as a background to measures initiated by the government towards the paiks and barkandass, and their tenures in land and employment in service under the government and the zamindars. Thus with the rearrangement of tenures of land held by the militia in Birbhum, and the faujdari

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185 CCRM, 3rd December, 1770, Lr. from supervisor of Birbhum.
186 CCRM, 4th October, 1770, Lr. from supervisor of Rajmahal.
187 CCRM, 4th October, 1770, Lr. from supervisor of Rangpur.
188 CCRM, 15th October, 1770, Lr. from supervisor of Rajshahi.
establishment of Hooghly, the government initiated the process of intervention in this domain. The measures were adopted not as a general reform, but as an attempt to intrude into the domain of judicial and law enforcement administration. Even the instructions from Resident at Darbar in 1769, to supervisors had no mention of any intended reform of the system.

At Nadia where the Raja's authority over collection was suspended and *khas* collection ordered, the matchlock-men in his service were withdrawn. The *shikdars* appointed for *khas* collection were paid their allowances and contingent charges under the scrutiny of the supervisor, and not allowed to collect from the *mofussil*.\(^{189}\)

This was a part of the measure for reduction of the establishment of the Raja after his authority was suspended. Till 1772-73 a collection of S.Rs.20000 per annum on account of the police or zamindari thana was made in Nadia which was later deducted from the *jama* when lands were let out in farm.\(^{190}\) At Rajmahal the supervisor had already carried out a reduction of the establishment of the *faujdar*, before letting out land to farmers. He reported that *barkandass* kept up at great expense at Bhagalpur and Rajmahal could be discharged "but till that time it is not safe to dismiss them, as the mountaineers are ever on the watch for plunder and take every opportunity of pillaging defenseless villages."\(^{191}\)

In Birbhum land was held as *chakran* tenure granted by the zamindar to members of the militia, but held mostly by their dependents. The supervisor considered this to be a gross abuse of the intent and purpose behind this grants, which he deemed as valid, keeping in mind the fact that Birbhum was a border march. These men were *taynat* or deployed in the *sadar cutcherry*. From 40 parganas, taluks, and *taraf* the supervisor resumed the lands 4021 men, amounting to 61,434 *bighas* yielding a rent of S.Rs.54396. He reserved 82417 *bighas* of land for 8628 men having a rental value of S.Rs.69178. Raja of Birbhum was allowed to hold *chakran* for his own *taynat*, while the *ghat chowkies* were

\(^{189}\) CCRM, 3\(^{rd}\) December, 1770, Lr. from supervisor of Nadia.

\(^{190}\) BRP Minutes of the Thomas Graham on Nadia settlement, 27\(^{th}\) April, 1789, vol.66.

\(^{191}\) CCRM, 6\(^{th}\) November, 1770, Lr. from supervisor of Rajmahal

432
allowed tenure on the land. It was apprehended that if the *chakran* for *ghat chowkies* were terminated and the *chowkidars*, - many of whom were Santhels - were disbanded they would combine with the “natives of the hills” and “commit ravages” on the inhabitants of the “low countries”.192 *Barkandass* in Birbhum were an old establishment who were different from the *chakran* servants and employed near the hills to prevent the inroads and depredations of hill people.193 *Chakran* lands were resumed in Hijli, but as the district bordered Orissa held by the Marathas officers and servants under the *faujdar* was necessary to prevent the escape of *molungees*.194

From the point of view of establishment of *paiks* and *barkandass* Purnea probably had the most regular and large organisation, as this district was always under the *faujdar* and not zamindars.195 This was built up during *faujdari* regime which gave the district a compactness from the point of view of administration. No part of the district were annexed or separated later.196 At Purnea *parwana* was served forbidding the *faujdar* to entertain sepoys in his private pay. However the supervisor considered it necessary to continue the country peons and *barkandass* kept up by the government as they answered every service of the collections and the sepoys protected the frontiers and high roads from depredations and incursions.197 Payment for sepoys at the *sadar cutcherry* out of the revenue collected was stopped at the instance of the Controlling Council, but one hundred *barkandasses* continued to be stationed at Purnea while the rest were deployed in the pargana or at the *ghat, sayer,* and *guzer* or ford, and, particularly to the stations or *thana* along the jungle frontiers of Morung, Tirhut, Cooch Behar and Rangpur. This was the origin of the sepoy

192 CCRM, 22nd October, 1770, Lr. from supervisor of Birbhum.

193 BRP Lr. from collector Birbhum, 29th October, 1789.

194 CCRM, 6th December, 1770, Lr. from supervisor of Hooghly.

195 CCRM Lr. from supervisor of Purnea, dated 8th December, 1770.

196 BRP 29th October, 1789.

197 CCRM, 31st December, 1770, Lr. from supervisor of Purnea.
charge which in 1765 amounted to Rs. 2 lakhs, and was reduced to Rs.40000. The supervisor felt that it could not be lessened any further as some of the farmers were obliged more peons at their expense to prevent their parganas being overrun by thieves. However under the faujdari establishment there were charges which the supervisor considered superfluous and exacting. The establishment was large and the faujdar was allowed many allowances. These were nazrana and rusoom of 9 anas to the mutsuddies and mohrir of the establishment. Arbitrary fines under the name of abwab faujdari and fines to the kotwal which formed a part of the jama of the parganas were vexatious, while a levy on account of shagirdpaisme or dues for public companion and sawaree of the faujdar were proscribed At the mofussil level the exactions by peada or masalchi or torchbearer was sought to be regulated but it could not be proscribed entirely because that would have entailed employment of personnel on a monthly pay basis, which for remote and extensive parganas would have been difficult to control. At Rajshahi the supervisor felt that the barkandasses were more in number than required. Their chief use was in reverting treasure from the parganas to, assist the extension of justice and protect the ghats and public roads. The supervisor pleaded for deployment of sepoys centrally under him so as to enable him to reduce the charges in each of the parganas. The measure was approved by the Controlling Council and they offered to send reinforcements. At Dinajpur much of the militia under the control of zamindar held tenures in land. By the bazee zamin daftar papers of Dinajpur 266 horsemen and 557 barkandass held 41188 bighas of land, besides which there was an allowance of Rs.2000 per year in ready money for their entertainment Due to the large extent of the zamindaris and dispersed nature of the villages, which were infested with dacoits, the supervisor recommended a large contingent of paiks and barkandass but not as big as the one maintained till then. 400 barkandass with 12000 bighas of land and 20 horsemen with 2000 bighas were

198 Ibid.
199 Ibid.
200 CCRM, Lr. from supervisor Rajshahi, 31st December, 1770
201 CCRM, Lr. from supervisor Dinajpur, 31st December, 1770.
necessary to ensure that collections were not interrupted and there was no pillage by dacoits. Besides he recommended an allowance of Rs. 3 per month for 222 barkandass and Rs. 20 per month for 10 horsemen. The Controlling Council ordered the resumption of lands allotted for maintenance of paiks immediately though the supervisor advised some leniency in the matter. However the supervisor could not depend only on this force. So he requisitioned another Company of sepoys deputed from Murshidabad to be under him. This additional requirement was felt for the "protection of the country, guard of treasure and support of supervisor's authority."202

After the Committee of Circuit met in 1772 the Company decided to remove all benefits accrued as levies to the adalats and consequentially faujdari bazee jama, chowti, duffutra, punchutra, and etlak.203 These attempts by the Company at this stage could hardly be decisive. It retained the intervention of the agency of the previous regime in the determination of causes in faujdari, cases but with regard to the dewani superintendence was vested in the collector.204 This was a virtual reversal of the attempts and measures of the earlier period and the Committee decided to grant lands to thanadars and paiks as an encouragement for them to protect the villages committed to their care. The peons and paiks in the service of the adalats were paid fees over which however the collector was required to maintain a strict control.205 It seems that an important objective that the Company wanted to fulfill was allow the farmer a degree of latitude and control in matters of revenue collection which necessarily compounded much of faujdari matters. The revenue regulations had specific provisions enjoining the collector not to interfere or encroach on the farmer's domain.206 The judicial regulations too allowed the farmer and those under his

202 Ibid. and CCRM, 21st January, 1771, Lr. to and from supervisor Dinajpur.
203 CCKa, 15th August, 1772, par. 16
204 Ibid. par. 3 and 4.
205 Ibid. par. 37.
206 Ibid. par. 10 and 11.
jurisdiction a degree of liberty 'as a single exception to the general rule...of confining such powers to the two courts of adalats'.

However the process of reviving the faujdari began soon after the Committee of Circuit had completed its work of letting out lands in farm all over the country. It was a result of Company's admission of the fact the fact that sudden changes brought about in the law enforcement structure in 1770-71 had not yielded result particularly because its connections with rural society were not well comprehended. The Governor-General while discussing the plan for establishing faujdaris in 1774 stated that the abolition of the faujdaris and thanadaris, the resumption of chakran zamin, and the dilution of the authority of zamindars and its replacement by farmer's authority had threatened security in the countryside. He was virtually repeating the arguments in favour of retaining paiks on chakran land which had been made in the year 1767 by the Resident of Burdwan while addressing the question of resumption of such lands to increase revenue. Tranquillity of the countryside was dependent on the participation of the zamindar and the support of his men or the "officers of collection" to the faujdar, and their compliance to his orders. The farmers were thus requested to make over the land servants allowed in various districts to the faujdar, who would be under the command of the faujdar. Chakran zamin or lands allotted for the maintenance of paiks and thanadaras which had resumed and included in the jama were again separated from it and applied to their original design. Hastings admitted that there was no substantial yield of revenue from such land did but served an useful purpose in maintaining a retinue of armed men. Admission of this point was in contrast to the stand taken by the Controlling Council earlier that revenue

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207 CCKa, 15th August, 1772, Lr. to the Council at Fort William.

208 J.E.Colebrook. Digest, Lr. from Warren Hastings, President of the Council to the Council, 3rd August, 1773, p.114

209 See above, p.3.


appropriated from the resumption could substantially alter the assessment situation of a district in any particular year. However it became imperative now, for the new administration to maintain continuity with the rule of law of the previous regime while attempting to reform it along their own notions, but this could not have achieved through drastic measures as envisaged through the revenue reforms of the period between 1769-72. This is apparent from Hastings letter to the Council in 1773, which urged the continuance of various forms of faujdari judicial measures though those were not in harmony with English ideas. Moreover Hastings in a separate minute clearly underlined the link between this form of judicial administration and the agrarian system in operation. Muhammad Reza Khan was appointed as the Naib Subah under the Nawab to superintend the faujdari courts and the administration of criminal justice throughout the country. However in matters of detail many points were left unclear. Though every zamindar and farmer were required to deliver to the faujdar a list of the zamindari thanas and pay implicit obedience to the orders of the faujdar in all matters relating to faujdari the number of thanas were not fixed for long. One and a half year after Hastings resolved to bring back the faujdari, faujdari chaklas were established in four districts of the province. Repeated orders in 1775 to farmers and zamindars to submit to the faujdar in all criminal matters and provide the faujdar with all assistance, prove that the attempt to revive the institution was not effective. On 6th April 1781 the resolution of the Governor-General and Council admitted the fact in an expressed manner.

212 CCRM 21st January, Lr. to supervisor of Dinajpur.


216 J.E.Colebrook. Digest, Proceedings of the Governor-General and Council, 6th December, 1775
The ability of the early colonial administration, thus, to reform the judicial and the criminal law enforcement of the country was determined by two factors (a) the political will to implant its own notion of rule of law in a colony; and, (b) the ability to bring about a change in the system that would enforce it, particularly the societal links of that system. In 1769-72 this was still a premature question but by the end of the decade of eighties the Company had probably acquired the two requirements. This was most evident in the fact that in 1781 Company could make the assertion it was in a position to put the permanent plan for the administration of revenue designed in 1773 in operation.217 This plan in substance meant that collections of the province would be brought down to the Presidency and administered by a Committee, instead of the Provincial Councils.218 The Committee also expressed the confidence that though the amount of assessment would depend on the capacity of different districts the value of different districts could be ascertained with a sufficient degree of accuracy without entering into minute examination or new local investigations.219 With this the Committee also declared that the mode of settlement which appeared most convenient was the one with the zamindars, while farming could be allowed where settlement has been made between the government and the petty talukdars.220 However the government had allowed a degree of latitude to the landholders in order to ensure regularity of collections. The regulations for administration of justice of 11th April 1780 constrained the superintendent of the dewani adalat to send peons into the lands belonging to zamindars and farmers, or summon anyone connected with revenue from the mofussil during the crucial months of collection or require the personal attendance of the farmer and zamindar without seeking permission from the

218 ibid. Regulations for the Committee for conducting the business, 2nd March, 1781. p.216.
220 Ibid.
The regulation continued the courts of civil judicature in the six divisions of the province and *mofussil dewani adalats* with one hundred extensive jurisdictions established by the regulations of 28th March 1780.\(^{222}\)

A closer understanding and control over matters of revenue and the growing inefficacy of the extant mode of criminal law enforcement system enabled the Company now to reorganize the *faujdari* and the *dewani* judicial system. The General Regulations for the administration of justice in the civil courts of *adalat* throughout the provinces was passed by the Governor-General and Council on 6th April 1781.\(^{223}\) The significance of this regulation was in the fact that it considered the jurisdictions of *mofussil adalats* too extensive and established similar courts in eighteen most populous and central towns of the province. On the same day by a separate resolution the Governor-General and Council annulled *faujdari* and recalled these officers and vested the power of the *faujdari* and *thanadari* in the judges of several *dewani adalat* with power of magistrates.\(^{224}\) The significant aspect of this regulation was that it separated the functions of the criminal law enforcement from judicial functions and vested the former powers with the Company servants acting in the capacity of the judge and magistrate, conjointly with certain zamindars who were also invested with powers exercised by *faujdars* and his officers. The powers with respect to the trial of offenders remained with *daroga* of the *faujdari* courts who reported to the Nazim as his superior.\(^{225}\) Thus the powers and organisation of the civil or *dewani* justice and law enforcement system was defined through three major regulations between 1781 and 1787, while that of the *faujdari* was enforced in 1787. The latter established the

\(^{221}\) J.E. Colebrook, *Digest, Regulations for the Administration of Justice, Revenue Department, 28\(^{th}\) March, 1780*, par. 13, 14 and 15 pp.16-17.

\(^{222}\) Ibid.

\(^{223}\) J.E. Colebrook, *Digest, General Regulations for the Administration of Justice, 6\(^{th}\) April, 1781*, pp. 27-37.

\(^{224}\) J.E. Colebrook, *Digest, Resolutions of the Governor-General and Council in the Revenue Department, 6\(^{th}\) April, 1781*, pp128-130.

\(^{225}\) Ibid.; *Regulations for the Administration of Justice in the Faujdari or Criminal Courts, 27\(^{th}\) June, 1787.*
magistrate as the supreme in matters of law enforcement but in matters of trial *daroga* of the *faujdari* courts was independent of the magistrate.

To view these developments in the domain of the judicial system of the province resulting in the proliferation of courts and reorientation in the peace keeping functions, independent of other social developments would be myopic. It is obvious that the early colonial regime had gained some ability in determining matters of rural society which enabled them to take over law enforcement functions. Also it was more confident of receiving collaboration from some of the rural elite as evident from resolution of the Governor-General and Council of 6th April which annulled *faujdari* but invested certain zamindars with their powers to act conjointly with the judge and magistrate. The Chief of Provincial Council of Dhaka stated in his letter to he government that one of the salutary regulations adopted in 1768-69 was one which made zamindars responsible for robberies committed in their domain and advised the renewal of it.226 Two zamindars of Dhaka, one being Roy Gopalkrishna zamindar of Buzurgumedpore and Rajnagar, sought to be empowered to seize dacoits and offered to keep up the establishment of *paiks* at his own expense. The Chief felt that he had offered this service as he had an natural interest in the case of his immediate ryots and dependents. The *faujdari* establishment had insufficient men and money to apprehend dacoits.227 However he could not recommend the same about other Dhaka zamindars as they were of suspicious character themselves. The zamindars of Hominabad resorted to violence when they were asked to open up a *nullah* which they had stopped to the great detriment of the several parganas.228 However violence was endemic in society where the system of justice was not deeply rooted. There were complaints of violence against *faujdars* too. Zamindar of Chandradwip complained that the *faujdar* of Barishal Mir Baksh Ali had committed violence in every

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226 PCR Dhaka, Chief’s minutes, 20th April, 1779

227 ibid.

228 PCR Dhaka, Lr. from Resident at Tipperah to Chief, 10th August, 1779.
pargana. The nexus of power between the erstwhile regime of the Nizamat and zamindars was broken by about this time. With this the early colonial regime could be prepared for a period of collaboration between its institutions and agencies and those of the zamindars.

However closer understanding of the revenue system need not have resulted in coming to terms with the realities and vicissitudes within the agrarian society. The colonial administration still maintained a highly ambivalent position regarding the grant of land as *chakran* in the service of a public cause like maintenance of peace due to failure to link policy and reality. In fact while the Council decided that the zamindars should be reinvested with powers to apprehend robbers after ascertaining the pay and the remuneration in land to their servants the Chiefs of Provincial Council maintained that it was an impossible task. But on the other hand use of force, legitimate or illegitimate continued unabated in collection of revenue and settling important revenue problems. There were complaints of forcible collection being made by *chaudhuries* of Naldi on land which had been declared *kharij*. On the other hand Resident at Sylhet reported that considerable force had to be deployed and exerted by him to put the legal possessor of landed property in possession of his land, when opponent had used uncivilized force to keep him away. It is not certain to what extent the colonial administration sanctioned the use of force to what extent it did not. Use of force against those who had access to public justice system, like rival zamindars could have been interpreted as private force, but was considered publicly justified if the purpose was deemed legitimate e.g. revenue collection. The dispute regarding *chakran* lands in Hijli between 1780 and 1785 illustrates the point. In Hijli *chakran* lands were granted by zamindars to consolidate a body of peasantry into armed retainers or *paiks*, to be used in the event of any opposition to zamindar’s

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229 PCR Dhaka, Lr. to GGinC, 15th September, 1779.

230 PCR Dhaka, 14th July 1779, Lr. to GGinC.

231 PCR Dhaka, petition from Niamuddin Munshy, 5th October, 1779.

232 PCR Dhaka, Lr. from Resident at Sylhet, 10th August, 1779.
interests, and also to bring waste land cultivation. In villages Golepockereah and Sangabarrea of the zamindari of Hijli, 104 paiks and sardars enjoyed revenue free land amounting to a jama of A.Rs. 2550. The villages according to the collector of the district were of rather recent origin, a point which the paiks petition confirmed by stating that they had received the grant of 56 bighas on jungle land to bring it under cultivation, on the payment of a peshkash. Lands were given out on istimrari tenure and lay on the border of Birnarain, the Hijli zamindar and Rani Janaki the zamindar of Mahisadal’s territories. The collector discovered a “violent spirit of jealousy” between the two zamindars, and the tendency to use private force. On appeal to the public justice system in 1780 villages were held in a state of sequestration by an amin and in 1782 the collector resumed the lands of 67 paiks and sardars. It is obvious from a comparison of the testimony of the paiks and that of the collector that the latter acted out of sheer compulsion to maintain peace by disbanding the paiks, because while he on the one hand considered them as dispensable servants in the management of collection, he admitted their proprietary right to the land which was not a compensation for service. The collector justifies his act of resumption on the ground that, firstly, the original right of the zamindar Lakshminarain Chowdhury was disputed, secondly, that the paiks were entertained to defend this spot from the zamindar of Goomghar and not for the general service of the zamindari and clearance of jungle. The collector believed that the paiks claim that their forefathers were killed while clearing the jungle was not generally true but many of them had been killed in battles with other zamindars. Thus the Rani of Mahisadal who had been in violent dispute with her neighbours would dismiss the paiks who were entertained purposely to oppose her. Thus the collector suggested the return of the land if the Committee

233 BRP 8th June, 1789, vol. 69.
234 ibid.
235 ibid.
236 ibid.
237 ibid.
238 ibid.
of Revenue so desired, as grant of charity conferred by the government, and not for service under the zamindar which would encourage further violence.\textsuperscript{239}

However with regard to overt use of force through \textit{barkandass} against \textit{be paris} and revenue farmers by zamindars the opinion in the Company circle was unambiguous since long. The Company demonstrated greater sensitivity in reacting to situations which involved use of force in the domain of commerce. Use of force to obstruct the movement of petty traders to \textit{ganj or haat} was common in the late eighteenth century. The use of \textit{barkandass} in this situation was considered to be the participation by private militia of the zamindar. However the Company was unable to proscribe the use of force out of such consideration. This was for two reasons. First there was no effective machinery or regulatory authority above zamindar to proscribe any of its acts. Second under the prevailing situation the same agency would be instrumental for the state through the zamindar (add material from CCRM).

The question of use of force was brought within the ambits of colonial law by the end of the decade of the eighties. As long as coercion continued to be a "necessary" component of the revenue collection procedure, and used in preserving peace through the same organization which collected revenue, the moral basis for distinguishing legitimate and illegitimate force was not prepared. Thus when the zamindars of Hominabod or that of Naldi resisted revenue authorities with violence the official response was to remove them by using counter force, much in the same fashion as that of an intruding army.\textsuperscript{240} But with gradual de-legitimization of the use of coercive methods not sanctioned by the state or effected by it directly in revenue collection, the groundwork for categorization of different acts of criminality and violence had been prepared. The dilemma in using force in revenue was perhaps best expressed in the words of the Commissioner of Seroopore in 1790:

\textsuperscript{239} ibid.

\textsuperscript{240} PCR Dhaka, Lr. from Resident at Sylhet, 12\textsuperscript{th} November, 1779; ibid. 10\textsuperscript{th} August, 1779, Lr. to Resident at Sylhet.
That a system of conduct so liable to abuse and oppression should be practiced must give regret to everyone who reflects on the possible consequence of it; That it should be avowed by the person practicing it must create surprise and must I fear lead to a conclusion that the generality of the same or similar practice disguises the evil tendency of it and prevents a desire of concealment either from shame or prudence.  

This being the situation in 1790 it was obvious that the groundwork for moving from an early colonial notion of control to a framework of law had been rudimentarily prepared. The idea of control was basically based on the pre-colonial notions and practices and extended into the colonial period through regulations which acted with sporadic effect. Possibly the only step ahead in this respect was that the Company was not constrained to deploy militia centrally under the administration of the collector because of the economy it had achieved in its organization, and also that it was able to contain the possible fallout of the disbanding of troops. This is evident from the instructions to the collectors from the Board between 1787 and 1789, and other correspondences with them on the subject of bazee zamin.

The practice of deploying barkandass continued. In some cases the collectors reported that barkandass which were a very old establishment were now out of commission in their original duties and thus they had been deployed for other functions like guards and escorts of treasure, as there were no chakran servants. However the Board required that it be ensured that no barkandass were employed on the same footing as chakran servants, and if any chakran servants existed their numbers be reported to it. Further the Council and the Board ordered that deployment and payment for barkandass be made with their concurrence and the collectors were prohibited from incurring charges. This drew reactions from collector of Rangpur who demanded that if charges on account of barkandass could

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242 BRP, Lr. to collector Birbhum, 1788
244 GGinC, RD, 1st June 1789.
not be incurred alternative arrangements be made for the protection of the district as there were no chakran establishment for the support of the paiks and faujdari officers and the moshaira of the zamindars was the only fund from which could have been expected to pay such expenses. (A similar reaction to these measures was felt in Burdwan where the Raja stated that the grant of moshaira was too limited for him to incur any expense on account of deployment of nagdian paiks). The collector made this choice in preference to requisitioning sepoys from within the establishment of the Company’s army. The reasons for this choice was apparent. The zamindars of the country had a more thorough knowledge of the district so far as positioning of barkandass was concerned. The barkandass were stationed in consultation with zamindars to ensure the tranquillity of the country particularly as it was a frontier district and frequently overrun by forces operating from across the borders of Company territory. Thus the barkandass had been deployed on the borders and they were recalled as soon as the spate of incursions were over, and later disbanded. The orders of the Board to requisition forces from Dinajpur had left the borders of the district unguarded against incursion by Gurkhas and turbulence of ryots in Karjahat. Thus it was evident that the force of barkandass operated under the direction of the collector and was maintained at his discretion. However the collectors always recommended the continuance of this establishment. In Midnapur the collector stressed the necessity of maintaining thanas as they had kept up for a considerable length of time and the thanadars were revenue collectors for many petty mahals which were a considerable addition to revenue. The question here too was whether they would be paid out of the maintenance allowance of the zamindars or whether their present allowance would continue. The zamindars in their turn remonstrated that the allowances were too meagre for the upkeep of the establishment.

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245 BRP 23rd July 1789, vol.73(1).
246 BRP 2nd January, 1789, vol. 58 part I.
247 BRP Lr. from collector Rangpur, 19th December, 1788.
248 BRP Lr. from collector Midnapur, 19th December, 1788.
Thus by the 1790s the basis of the institutional structure of criminal law enforcement had crumbled due to the severe economy exercised on the system. *Chakran* lands were resumed, and other tenures like *ghatwali* discontinued. The zamindars powers to enforce order being called into question and practically discontinued they were not eager to part with their allowances for the maintenance of the militia. However still the reasons for the need of *barkandass* and *paik* existed in reality, whether that be in criminal law enforcement or collection of revenue. And to that end the services of the militia in organised form or disbanded shape was always available to the rulers as well as the zamindars. The fear of disbanded troops committing atrocities loomed large over the official mind. Thus the basis of control over agrarian society was disturbed and no new organisation to enable the state to intervene and control had been put in place.

But the situation was much transformed from the British collector's point of view within the space of twenty years between 1770 and 1790. The collector had greater control over the apparatus of revenue assessment and collection. This necessitated the deployment a force under him directly. But his mandate was different. He was not required to maintain control over the situation only but provide a legal frame to the actions of the state in relation to agrarian society and uphold that, which required a force to be constituted within the legal framework. The answer to this problem was provided by the police and the judicial system. But the inherent problem of maintaining order still remained.