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"Reorganization of the Panjab Government 1847-57."

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A B S T R A C T

The Treaty of Bhairawal established British protection over the Sikh State, which had been based upon military occupation. It had become weak and unstable by mutual intrigues and political jealousies from within. An attempt was made to reorganize it through the Regency Government with a British Resident at its head. The rehabilitation proceeded cautiously; but it was continually being interrupted by the inherent hostile elements of the Khalsa to the presence of the British at Lahore. This was principally because of the interference of the protecting power however circumscribed, and the unwillingness of the Sardars to listen to counsels of perfection unless backed by strong armed force. Consequently, the position of the British in the Panjab rapidly became untenable. It seemed ordained that Gujrat should be fought to assert what the British had forgone at Sobraon -- annexation.

Provincial Government was organized on an effective basis directly under the Supreme Government. The authority delegated through grades reached down to the Deputy  
Commissioner

Commissioner of a district with complete fusion of powers - magisterial, judicial and revenue. This Sikh abuses in land revenue were boldly tackled. Land was scientifically mapped and surveyed; assessments were leniently made on a carefully worked-out data. Local officers were appointed on more secure tenures with regular and defined remuneration. Enquiry into the general landed tenures was accomplished and its results carefully recorded in sets of documents. Rent-free tenures, which predominated the Sikh fiscal system, were investigated and a clear policy laid down in relation to them. Law and order was rapidly established throughout the land by the police organized into military and civil gradings. Organized crime disappeared under the severity of penal law; while civil justice was made regular, effective and popular. The social, moral and material well-being of the people was contemplated in an elaborate scheme of education and in establishing means of transport and communication and in the great projects of irrigation.

All these problems are the subject matter of this treatise and are discussed at length in relevant chapters.

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1. Treaty of Bhairawal ( 26th December 1846 )  
and its implications on Sikh Government.

With British outposts in the forties of the nineteenth century far advanced towards north west of India, as in Sind, at Ferozepore, and on and beyond the Jumna, it becomes increasingly tempting to look for operation of some subtle forces impelling the dominant power on the Sub-Continent to reach the natural frontiers. Whatever be the motives, whether an irresistible and unconscious urge, or the intrigues of the Sikh Darbar, or the motives of self defence that hurled the Sikh legions back and across the Sattlej in Jan. 1846 the mighty struggle that followed was barren of any immediate expansion. It decided nothing; it simply registered the precariously won battles of Mudki and Ferozeshah, and that too, principally owing to the indifferent conduct of the Sikh Commandants Raja Lal Singh and Tej Singh. There was, however, the final triumph of Sobraon.

Lord Hardinge was opposed to the idea of annexing the Panjab on physical, political, and financial inability!<sup>1.</sup> On a historical retrospect of Anglo-Sikh relations, he was particularly struck by the steadiness of the diplomatic understanding between the two states during the past generation. He desired

1. Add. MSS. No. 36475, pp 9-25. Lord Hardinge to Sir J. Hobhouse, dated Sept. 2, 1846.

the continuance of such friendship and of a policy calculated to preserve the independence of the Kingdom as a barrier against the mountain tribes. But such a scheme would postulate at first, either the existence of a powerful and diplomatic ruler like Ranjit in the Panjab or an honest independent Khalsa Darbar which could control the army and direct government with reasonable surety. As neither of these pre-requisites existed Harding<sup>e</sup> launched a plane of resussitating Sikh rule.

Accordingly, by the treaty of Lahore dated the 9th of March 1846<sup>2</sup>, the Kingdom of the Panjab was restored to Maharaja Dalip Singh with the loss of the Jalandhur Doab which was incorporated with the British dominions and of Kashmir and district of Hazara, which were given to Gulab Singh for a nominal sum of £ 750,000. The strength of the Sikh army was to be reduced to 20,000 infantry and 12,000 cavalry. A British garrison under the orders of an Agent to the Governor-General was lent for a year to the Maharaja to protect his person and to preserve peace at Lahore.

Such an opportunity for the re-establishment of the authority of the Khalsa in the Panjab would certainly have been taken advantage of, had the Sikhs been moved by higher motives than those of personal and mutually hostile interests, or their character

2. Aitchinson, Sir Charles, Collections of Treaties, Engagements and Sunnuds relating to India and neighbouring countries. 1909. Vol. VIII, p.160.



character been left unvitiated by intrigues and corruption. It would have answered Hardinge's policy admirably, if the army could have been kept more in order, the Queen-Mother restrained from mischief, and an honest and unscrupulous Wazir selected. But since all the elements were lacking that make a rule stable, it became increasingly manifest to the Agent at Lahore and to the Governor General that the Sikh rule was collapsing under the stress of its inherent weakness and faults. Raja Lal Singh fell from power in December 1846 and was subsequently exiled for being implicated in the Kashmir revolt of a month earlier. No other Government could be formed. The future prospects looked dark. The British had stayed at Lahore only to support the authority of the Maharaja, and when the stipulated time for their withdrawal approached, the only alternative to the establishment of British control at Lahore was anarchy. Hardinge, therefore, at the formal request of the Durbar modified the relations of the British Government with Sikhs by the treaty dated the 16th December and ratified at Bhairawal on the 26th December 1846. The relevant clauses of the treaty may be stated:

2. " A British officer with an efficient establishment of assistants shall be appointed by the Governor-General to remain at Lahore which officer shall have full authority to direct and control all matter in every

every department of the State.

- 3 "Every attention shall be paid in conducting the administration, to the feelings of the people, to preserve the national institutions and customs, and to maintain the just rights of all classes.
- 4 "Changes in the mode and details of administration shall not be made, except when found necessary for effecting the objects set forth in the forgoing clauses, and for securing the just dues of the Lahore Government. These details shall be conducted by Indian officers as at present, who shall be appointed and superintended by a Council of Regency, composed of leading Chiefs and Sardars working under the control and guidance of the British Resident  
.....
- 7 "A British Force of such strength and numbers and in such position as the G.G. may think fit, should remain at Lahore for the protection of the Maharaja and the preservation of the peace of the country.
- 8 "The G.G. shall be at liberty to occupy with British soldiers any fort or military post in the Lahore Territories, the occupation of which may be deemed necessary by the British Govt. for the security of the Capital or for maintaining the peace of the country." <sup>3</sup>

The Regency thus established was to last for eight years, till the young Maharaja came of age.

It may be as well to examine closely the implications of this treaty. There is good ground for regarding the system contemplated by it as unworkable. It set up a cumbersome machinery against which all the "sabotage" of the Sikh leaders was directed, and was finally wrecked in the second Sikh war. Not only politically, but

3. Aitchison, *ibid.*: p 166.

but administratively as well, the establishment of a Resident at Lahore was unsound; the powers with which he was vested were necessarily incomplete, because the treaty did not contemplate any alteration in the political status of the country. This restricted scope of administrative activity widened into an undesired extension of political influence, which violated the essentials of the treaty as will presently be seen.

The one obvious criticism of Hardinge's modified arrangements was that it made concurrent two incompatible systems. The Sikh system was one of extortion and corruption, lacking in justice or law; while the British system demanded public spirit, honesty and integrity of its functionaries, based on justice and understanding towards the people. The preservation of the national institutions and customs, and the maintenance of the just rights of all classes as contemplated in article 3 of the treaty found ample room in the theory of Anglo-Indian administration, shaped after years of experiments in all parts of India, but to associate the Darbar officials and to make them the vehicle of such administrative improvements was not only inconsistent with their ideas of government, but also impossible of success.

The second point in which the treaty of December '46 was at fault was the scope and character of the Resident's powers.

He was to have "full authority to direct and control all matters in every department of the State." The interpretation which the Governor-General placed on such powers was their "unlimited" nature, as he informed the President of the Board of Control in a private letter.<sup>4</sup> Lord Hardinge concurred with Henry Lawrence, the Resident, that "our position is not that of active agents but of friendly advisers with the power, when necessary, of enforcing our advice and when justice cannot otherwise be obtained, of directly acting ourselves; but this must be the last resource"<sup>5</sup> a view which was strictly in accordance with the spirit and even the letter of the treaty.

Now such a narrowly circumscribed authority was incommensurate with the task of reconstructing Sikh Government, which Hardinge had set before himself under the treaty. It fell short of the measure of control that was indispensable for an effective European superintendence over the administration of the country. The fact is, the Resident was not vested with the complete executive authority, which any design of restoring Sikh rule rendered absolutely necessary, and he was not provided with an adequate British military force.<sup>6</sup>

4. Broughton Papers Ind. Office: The G.G. to the President, Dec. 21 1846.
5. Parl. Papers. on the Panjab No. 115: The Sec. with the G.G. to the Resident, July 3, 1847.
6. Military force which Lord Hardinge intended to station at Lahore was 10,000 strong, chiefly sepoys: Add. MSS. ibidem, p 14, Lord Hardinge to Sir John Hobhouse, Sept. 2, 46.

The Resident was further encumbered with the vacillating, intriguing and effete Council of Regency. Incidentally, it shows how easily and yet unconsciously European ideas of political control such as are exhibited by <sup>this</sup> Council, get engrafted on an Indian system. " It is therefore politic that the Resident should carry the Sikh Council with him, the members of which are, however, entirely under his control and guidance - he can change them and appoint others."

It was one thing to instruct the Resident to persuade the Darbar to adopt a measure, or give counsel of perfection, but it was quite another thing to get the Durbar effectively to carry out any policy. Nothing is more clear on reading the political diaries of the day than the pugnacious spirit displayed by the Sikh Sardars and their preoccupation with personal disputes and mutual jealousies such as those of the Majithia brothers, which tended to divide the Council of Regency into factions.<sup>8</sup> The Darbar practised deceit<sup>9</sup> and was indifferent to punishing the wrong-doers. The Resident's action was necessarily hampered and it is a credit to Henry Lawrence and John Lawrence who alternated as Residents that they achieved as much as they did, in the direction of introducing administrative purity and other enlightened reforms in the country against immense odds. Had Lord Hardinge looked towards Mysore and the

7. Parl.Papers Op. Cit. The Sec.to the G.G. to The Resident, dated July 3, 1847.
8. Lahore Pol. Diaries Vol.111.pp 91-2.
9. Parl.Papers. The Resident to the G.G. Aug.2nd, 1847.

the splendid work of Cubbon in reorganising the harassed the country by virtue of fuller and concentrated executive authority with which he was armed; had Hardinge taken this as a precedent instead of the Nizam's Dominions, the salvage of the Sikh power would more easily have been effected by some similar process to the "rendition" of Mysore carried out after two generations of vigorous British rule.

Such a criticism of the Treaty of Bhairawal is, however, no imputation on the Governor-General that he was half-hearted in his attempt to set the Sikh Government on its own legs; but that he was serious in giving the experiment of rejuvenating an Indian State a fair chance, is shown by the brilliant collection of officers, civil and military, like MacGregor, John Lawrence, Herbert Edwards, Lumsden, Taylor and Nicholson, whom he made available under the able jurisdiction of Henry Lawrence. The attempt failed because it was conceived on an antiquated system, admitting of no possible union between English idea of administration and Sikh expediency; it failed because it was a half-measure, and because the British Resident was not given complete executive authority.

Hardinge had foreseen the risks to which his scheme lay open. The Regency under British guidance and control was to be tried for the stipulated time, and if the Sikh authority failed to re-establish itself, he thought the experience gained of the Sikh Kingdom might avail in the determination of future policy.

Writing to John Hobhouse in a demi-official letter, Lord Hardinge says, "We have now by the new articles ( of the Treaty of Bhairawal ), all the revenues of the State at our disposal, and if during the next eight years of occupation, a Hindu State at the end of the term be an impossibility, the measures which true policy may require will, I think, be facilitated by the intermediate administration of the country." <sup>10</sup> And it did. This may seem to be the only redeeming feature of the new arrangements arrived at Bhairawal. It interposed a period of vigorous British activity, during which much was learnt of the institutions, customs, and above all, the character of the people of the Panjab. It exhibited the inherent weakness and transitory character of Ranjit's personal rule, and revealed to talented British officers what pitfalls to avoid and what weaknesses to shun. It offered the soldier statesmen and civilian administrators a great promise of a brilliant spell of activity, should they be called upon to undertake the full responsibility of governing the country.

The scope of British superintendence over an anarchic society was so limited that it soon became evident how impossible it was to restrain the reforming hand. Fredrick Currie, who had been appointed Resident at Lahore in the absence of Henry Lawrence

10. Broughton Papers Op.cit. The G.G. to the President, dated Dec.21st, 1846.

Lawrence, writing just before the Multan rebellion reflected thus: "The effect of these measures has doubtless been to transfer the administration of the country from the hands of the Darbar to our own to a much greater extent than was contemplated, when the introduction of new arrangements was first determined on, and the conduct of details even the most minute in all departments, except that of accounts, devolves now on the Resident and his subordinates."<sup>11</sup>

This reflection was in line with a trend which events were unmistakably taking, and it was an added proof that where you have two conceptions of government operating simultaneously, one of the two must overcome the other, and here as ever, the superior system triumphed.

The interplay of the two systems, the bold suppression of Sikh venality, and the patient enforcement of law and order of the British, may be studied in the history of the Panjab throughout the year 1847 in its administrative aspect.

B- First, what manner of Government was this of the Sikhs ?

There is no doubt, that the Old Lion of the Panjab could rule with vigour when he chose. But this vigour was confined to military matters and was little applied in the civil departments, save in the punctual realization of the revenues. Under this, as in all despotism, the fiscal department stood  
predominant

11. Parl. Papers op.cit. The Resident to the G.C. April 6, 1848.



predominant to enable either military conquests to be financed, or State pageantry at home to be maintained. This department of income was, then, of paramount importance, while all other branches of civil administration were relegated to the background.

The land revenue was collected by different sets of officials. First, came the Provincial Governors or Nazims, who were distinguished by their courage, wealth, or influence. They took up different parts of the country on farm from the State. These farmers had plenary powers within the limit of their jurisdiction on condition of their loyalty and punctual remittances. But the exercise of this power varied according to individual temperament and idiosyncrasy. "Among them were the most able and celebrated Dewan Sawun Mall of Multan and Gulab Singh of Kashmir. The best were Dehse Singh and his son Lehna Singh Majithia, who ruled Amritsar and the Manjah in a mild way. The sternest were General Avitabile who held down Peshwar with blood and iron, and Hari Singh whose powers and cruelties kept Hazara in unwilling submission."<sup>12</sup>

There were, besides, military chiefs who held jagirs contingent on military service. They also exercised unlimited authority within their particular spheres.

In those districts which were neither granted nor leased out, but were khalsa lands, the local tax-gatherers were appointed under

12. Panjab Administrative Report 1849-50-51: para 23.

under the designation of Kardars. In many cases, the Kardar had police jurisdiction, in several magisterial, and in some even judicial powers. But his fiscal duties were most important. "Corrupt judgments, or an insufficient notice, were evils which might be overlooked, even supposing they excited attention, but a kardar in arrears was an offender beyond the hope of pardon."<sup>13</sup> He exacted the full state demand of land revenue and also his perquisites up to the point at which cultivation just languished. Some made efforts to extend cultivation, but the cultivator always remained at the lowest ebb of depression. The Kardar was generally supported by the Sikh Darbar whether right or wrong, if he only bribed the courtiers well enough, and was consequently<sup>14</sup> a blessing or a curse, according to his personal character.

Land revenue under the Sikhs was demanded, as a rule, direct from the cultivator in the proportion of 'half of the gross produce. The normal mode of collection was the division of the garnered grain ( batai ), or the appraisal of standing crop ( kankut ). The State absorbed all the surplus produce leaving no residuary interests with the ryot that could sell.. The cultivator was further despoiled by the ruinous practice that prevailed in some quarters by making him pay the govt. demand<sup>15</sup> before his produce was ready for the market. In extremely few<sup>16</sup> cases, a local Governor, as for example Misr Rup Lal, possessing vigour

13. Barnes, G. The Kangra Settle. Rep. para 331.

14. Edwards, Sir H. A Year on the Frontier Vol. 11. p 22.

15. Parl. Papers. op. cit. E. Lake to the Act. Resident, Dec. 25, 1847.

16. He was incharge of Jalandhar Doab from 1832 to 1839.

vigour and foresight, preferred to assess land revenue in money. Any general money revenue ( zabti ) was levied on an estimate of half the gross produce on crops which were difficult to divide, like sugar, cotton, indigo, and tobacco. The rigour of the rule was relaxed only in favour of parties whom the government employed as an agency for collection, and in such cases, the state demand was lowered from one-half to two-fifth, or one-third, <sup>17</sup> or even on<sup>e</sup>-fourth. Numerous additional dues in kind <sup>18</sup> and in cash were also levied. The abwabs, as they were called, were of the most complicated character, and appeared to have been introduced by the local functionaries to bewilder the government as well as the people, thereby affording a screen to <sup>19</sup> their nefarious proceedings.

A cognate aspect of land administration under the Sikhs, as previously under the Moguls, was the farming of revenues. The farm system was at first applied to troublesome districts, whose revenues could not be realised with ease. The farming implied the replacement of the authority of the State by that of an individual, often an influential person from the locality, who paid a stipulated sum to the Central Treasury, and ruled the people as best as he could. Born under the stress of difficulty of managing the frontier districts of a nascent Kingdom, this insidious system of farming, ~~it~~ rapidly spread and displaced the

17. Temple, Sir R. Jalandhr Settle. Rep. para 152.

18. Cambridge History of Ind. Vol. VI. p 89.

19. Parl. Papers. op. cit. A. Cock; to the Act. Resident, Feb. 21, 1848.

the older practice of agricultural management. The growing military expenditure and the dwindling authority of the Maharaja Ranjit Singh as he approached his end, further accelerated the process. John Lawrence, when he officiated as Resident at Lahore, with his usual inquisitiveness about Indian institutions, asked a responsible Minister of the State, how came it about that inspite of detailed official documents bearing on landholdings, the system of farming prevailed so fearfully in the country. Dewan Dina Nath's reply illuminated the process of decay which invariably attended the institutions in the East. " The Maharaja had ordinarily fixed money assessments for every village, but that, gradually, the system, as he grew old, had been subverted, and that for many years, there had been seven great districts - Kashmir, Peshawar, Wazirabad, Multan, Pindaudan Khan, with the salt mines, the Kohistan of Kangra with a portion of Manjah, and the Jalandhar Doab; and in these the<sup>20</sup> Governors did what they liked." Ranjit Singh tried to set limit to the exactions of the farmers of revenues by strict injunctions contained in the 'patanama', which permitted no higher<sup>21</sup> rates than those fixed by the custom and practice of the area, but it is highly probable that in practice, they were generally neglected. The object of farming out of land revenue seems to have been to combine certainty of revenues with the advantages of

20. Parl. Papers op.cit. The Act. Resident to the G.G. Sept 25, 1847  
21. Kohli, S.R. Land Rev. Adm. under Ranjit Singh - Journal of the Panjab Historical Society, Vol. VII. p 82.

of periodic revision. But the authority of the State was greatly compromised. The farmers were equivalent to zemindars, and though fettered by injunctions against rack-renting, they served their own interests by collecting more than they were authorised to do. Though farming might have led to a certain ease and certainty of revenue collections, it also implied the negation of good government. Instead of developing district administration, the Sikh ruler found a short cut to the securing of revenues. But in practice, if not in theory, the cultivator was put at the mercy of middle-men, whose interests lay not in reducing their own margin, but in widening it.

In the remainder of the country, which was under the direct charge of the Lahore Government, the stern authority was immediately felt, and the acquisitive disposition of the Kardars was considerably checked. There were necessarily some defalcations in rendering accounts to the Exchequer, but he made good the loss by plundering the families of the officials after their death, or giving them <sup>the option</sup> of making him a huge muzzarana, ( presents or donations in money ), which amounted in several cases to the revenue of a district for many years.

Since the disappearance of a powerful and effective Government at the Capital after 1839, and as a result of Palace revolutions

22. Parl. Papers op. cit. The Resident to the Secretary with the G.G., dated July 3, 1847.

revolutions that had occurred, when Ranjit Singh was no more, the Kardars had found full scope to advance their selfish and rapacious interests. The country in space of seven years became much more the property of the Kardars than that of the Maharaja of the day.<sup>23</sup> It was an old, but rather a grim spectacle of tyranny being re-enacted, which was not an uncommon feature in the troubled history of the Land of the Five Rivers. The decade, which followed the death of the first Sikh Monarch, was a period of 'picturesque anarchy' and oppression, seldom relieved by justice, or by feelings of humanity, until the coming of the British.

There was no proper method, either, in the Sikh system for remunerating the different Services of the State. The great Provincial Governors paid themselves from the provinces under their control, after the remission of good round sums to Lahore. The Kardars were irregularly paid, and lived mainly on their perquisites, and on assignments of land revenue.<sup>24</sup> In order to take advantage of the reputed large fortunes of the Kardars, 'Tankwah Orders' were drawn on them for the payment of troops, and frequent grants of assignments on their revenue were made to public servants.<sup>25</sup> This indirect means of paying salaries was calculated to encourage deceit, delay, and subterfuge. The services soon came to be paralysed.

Neither

23. Loc.cit.

24. Bd.of Control's Collections Vol.2240.No. 112475. The Resident to the G.G.,dated Oct. 2,1847.

25. Parl.Papers op.cit. The Resident to the G.G. July 3,1847.

Neither was there an attempt at audit, or account.<sup>26</sup> When the office of the pay-master of the regular army was overhauled after annexation, it was discovered that the Sikh Sardar who filled it, had not sent in any statement for the last sixteen years.<sup>27</sup> The crude compilation of accounts in the district treasuries facilitated embezzlement. Payments were received in kind and credited in money to hoodwink the people and cheat the State.<sup>28</sup> A not unfair commentary on the state of affairs was given by the Resident :-"All classes of officials from the highest to the lowest regard office only for what is to be obtained from it, and consider the people as just so many cows to be milked."<sup>29</sup> Amidst such laxity of accounts as prevailed in the Panjab of the Sikhs, and the abrupt collapse of central organization, no public service of whatever integrity could have maintained its morale without a conscious struggle. Then how vastly difficult it was for the servants of the Khalsa, lacking in training and tradition to defy the temptation, which the rapidly weakening Government engendered !

As regards taxation, it was equally irregular and unscientific. The incidence of taxation was disproportionately distributed among the different sections of the community. Between 1846 - '49, no less than 48 articles of traffic or consumption

26. Parl.Papers.op.cit.The Resident to the G.G. Aug.2,1847.

27. Calcutta Review Vol.41.p 229.

28. P.A.R.1849 - 51: para 27.

29. Parl.Papers,ibidem:The Resident to the G.G. July 3,1847.

consumption paid duty to the State. Within so wide a range of financial impositions, were included taxes direct and indirect, taxes upon land, houses, and people, upon manufactures foreign or domestic, and upon commerce internal or external.<sup>30</sup> A close examination of these taxes would disclose that they bore striking resemblance to the taxes, which characterised an early Hindu State.<sup>31</sup> Although the rich and the influential classes were not exempted from the burden of taxation, yet it fell much more heavily on the poorer classes, because the taxable commodities embraced food stuffs and necessaries of life, such as ghi, vegetables and fuel.

This primitive method of raising money for the purposes of the State was not without its obvious drawbacks. The multiplicity of transit and custom duties hindered the natural flow of commerce, it impeded the growth of industry, such as Multan silks, Kashmir shawls and pashminas, Sialkot paper, and leather and metal goods of all kinds; while it diminished foreign trade, which could be made a source of real income. But one item which could have brought in a large revenue i.e. excise, was not adopted, the production and sale of liquor being left quite uncontrolled.<sup>32</sup>

There was no distinct department, no set of individuals especially charged with the administration of civil and criminal justice.

30. P.A.R.1849-'51:para 30.

31. Vide list of taxes in K.Krishnaswamy Aiyangar's Ancient Ind

32. C.H.I. op.cit. p 89.



justice. All the labours of the most energetic and enquiring British officers, before and after annexation, failed to discover any trace of a single personage in the capacity of a justice, save that of an adalati in Lahore and Peshawar.<sup>33</sup> Even to the great religious and commercial city of Amritsar, the services of a judicial officer were denied. The term Thanadar or head police officer was not uncommon, but the duties of the officer were military than civil, consisting mainly of putting down petty disturbances, and preserving the peace of the country, or at the most apprehending an occasional thief, fining and releasing him. On the arrest of a thief, if the stolen property was recovered, the thanadar was authorised to claim a quarter of its value from the owner as a reward for ~~so~~ ~~cut~~ ~~going~~ so far out of the line of his duty as to take upon himself the administration of justice.<sup>34</sup> More properly considered, his business related to arrangements for supplying troops with food.

In fact, the only officers who had any semblance of judicial powers, were those of whom reference has already been made, that is, the Kardars holding jagirs, or receiving large and undefined salaries. They held charge of areas yielding one to ten lakhs of revenue. Their oppression in the management of ~~the~~ fiscal affairs has been remarked above.<sup>35</sup> They were much pre-occupied in serving their own ends,<sup>36</sup> and they were precisely the persons

33. Parl. Papers. op. cit. The Resident to the G.G. July 3, 1847. against.  
34. Loc. cit.  
35. Supra p 16  
36. LMR. Pol. Diaries. op. cit. p 109. An instance of oppression against a widow is quoted.

against whom people needed protection. The Kardars, generally, left to their underlings the welfare of the people, the social rights of the innumerable sub-divisions of a varied community of Hindus and Mohammadans, the adjustment of village disputes, and even the hearing of petitions. There was no check whatever, no other authority between these warders and the Maharaja. In extreme cases some desperate men, imprudently oppressed beyond endurance would betake themselves to Lahore to obtain the removal of a hated Kardar, or the Kardar might himself become a prey to the intrigues and venality of the court and lose office by such means<sup>as</sup> he had used to secure it.<sup>37</sup> Except in one or other of these contingencies, no punishment as a rule, seemed to have been inflicted on the tyrant Kardar.

Characteristically enough, the Sikhs showed complete disregard of law as applied in<sup>the</sup> every day affairs of life. With them custom and caprice took the place of written law. The Criminal Law contained principally two penalties, fine and mutilation. The first usually secured immunity from further punishment for almost any crime, the second if inflicted, was reserved for offences such as robbery, seduction, adultery, and the slaughter of kine for food - crimes which were peculiarly obnoxious to Sikh sensibilities. Imprisonment was practically unknown, except in the cases of political offenders, who were

37. Barnes, G. ibidem: para 330.

were shut up sometimes in grain-cellars and dungeons, or at the bottom of unused wells. Debtors who had no means of payment, were chained to the gates of towns and cities, and depended upon public charity. On the frontier, however, punishment was harsher than elsewhere in the country. Avitabile at Peshawar and Hari Singh at Hazara inflicted capital punishment of barbarous kind on all recalcitrants alike.

In the absence of direct authority and lack of proper legislation, the consequent official tyranny is borne out by the apposite statement, which occurs in the Resident's letter to the Governor-General, that "there is no kind<sup>or form</sup> of oppression that has not hitherto been almostly openly committed by Governors, Judges, Magistrates, and Constables. No one seems to have thought for a moment that the law was intended (to protect) any but the rich and powerful."<sup>38</sup>

There were besides some flagrant crimes, which were inseparable from the unrest and confusion of the day. All restraints of order and respect for property disappeared. Force of a violent nature seized on the society as a whole. Such offences were those of organised robbery, forced labour, mutilation, slavery, and traffic in women. And then, there were others, which were connived at by the religions of India, like sati and female infanticide.

Paradoxically

38. Parl.Papers.op.cit. letter dated July 3,1847.

Paradoxically as it may sound, despite the anarchy that reigned in the Panjab, the village communities survived in their vital attributes. Private property in land of a kind was recognized and in principle upheld.<sup>39</sup> The general corporate existence and obligations of coparcenary bodies were maintained, and disputes were generally settled by private arbitration, resort to which by means of a comparatively organized system of committees or panchayats was widely practised.

The Sikh rule such as we have sketched above, was preponderantly a military rule. It bore the impress of the master genius of Ranjit, who had bent the martial traits of Sikh character to the building of a régime, in which nothing counted but the success of arms abroad and the personal glory of the Prince at home. The circumstances which had occasioned the rise of Sikh Misls ( confederacies ); the political decadence of Mogul India of the eighteenth century, which had furthered their becoming a territorial power in the north, had an accumulative effect in bringing to the fore the aggressive spirit of the Khalsa. Ranjit Singh gave it such a shape, under the advice and training of European military officers, that the Sikhs as a political force formed a most formidable power, and could look forward to playing a prominent role in the destinies of India. But such a role presupposed the existence of a leader, and the Khalsa

39. C.H.I. ibidem: p 89.

Khalsa found none after the Maharaja Ranjit Singh. The Khalsa were left with a doubtful policy to pursue, liable to the conflicting designs of numerous political groups within it. The ultimate fate of the régime was doomed from henceforth; it rapidly fell, because it lacked the force of law and stability of tradition.

Although the Sikh authority in the Panjab was both extensive and complete, it did not effectively change the mode of Indian society. Like their predecessors, the Sikhs did not influence the social structure of the subject races except in unimportant aspects. The burden of their stern rule fell chiefly on the landowning classes, rendering their tenures a little more confused. But the social and the religious laws were left unaltered. The village communities continued in their pristine rôle of managing local administration. With the collapse of Sikh political authority, violent crimes arose, and as a result of the complete désorganization of whatever system of justice and taxation there was, anarchy ensued. The oppression of a handful of individuals over the vast population became more obvious and obnoxious. Abuses of all descriptions crept in and began sapping the framework of government. When the British appeared on the scene 'to superintend and control' the actions of the Regency, their task was defined, though restricted. They sought to repair and improve previous existing institutions, rather than to uproot and innovate, to preserve what order remained, following the tradition of benevolent despot of an Indian complexion.

C. The Regency and Reforms. (December 26, 1846 - March 31st, '49)

The position of the Resident in relation to the Council of Regency has already been noticed. He was to have full authority to direct and control all matters of the State, and to effect improvements in the administration of the country through the agency of Indian officials. The policy enjoined upon the Resident by the Supreme Government was necessarily cautious and conservative in its character.

Almost the first measure that confronted Henry Lawrence on assumption of authority as Resident at Lahore, was the formidable task of transforming a large and unruly army from a war footing to a peace level. The reorganization of the Lahore army had been contemplated under the treaty arrangements of March, 1846. The old mutinous troops were to be disbanded. The regular army was to be limited to 25 battalions of infantry consisting of 800 bayonets each, with 12,000 cavalry, and regular payments to the troops were to be made; while the disbanded fighting-men were to receive their arrears of pay.

Than Henry Lawrence no person was better fitted for the undertaking of so great and difficult a task. The essential qualities of his character, his tact, his readiness to forebear, and his power of persuasion were made full use of in making the  
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Darbar the instrument of such a design. In space of <sup>a</sup> /bear six months, the reduction of the army to the constitutional number was carried out, pay accounts were squared, rules governing an extra allowance of batta on frontier service, absence of leave, and promotion were enforced. Great attention was devoted to the raising of a smaller but better disciplined force. The quality and the efficiency of the new army were exhibited by the rapidity with which the Kashmir revolt was suppressed under the command of the Resident.

The purpose behind the military reforms was quite  $\approx$  obvious. The Khalsa army defeated at Sobraon and reduced in number subsequently, was not permitted to interfere in the politics of the country. Its functions were confined to the legitimate bounds of preserving order within the country, and the maintenance of authority. Foreign conquests were not to be entered upon. And this would give the British a comparative security on their North West frontier. The scheme thus projected would establish a Government just strong enough to be capable of ruling effectively over its territories, but that not strong enough to threaten neighbouring States. It may, however, be questioned whether the object of rendering the Khalsa unaggressive was not over-emphasized as compared with the duty of conceding a just measure of authority to the Darbar. This consisted in instructing the Resident

Resident to make the British officers, who were appointed as his assistants, the direct and ostensible instrument of conferring distinctions on the Sikh soldiery, and of ensuring them their regulat<sup>39</sup> pay. It was calculated to convince the Sikh army that all patronage flowed from the British Resident to the exclusion of the Darbar, and that the Sikhs, following on traditional Asiatic characteristic, would value British interference and remain loyal to it in return for better pay and new discipline which they secured.

Now nothing was more fallacious than this miscalculation of the Sikh temper that had underlain the building of their power in the Panjab. The Sikhs were no mercenaries. They were animated by ideals inculcated by their religion. Their past history bespoke a national and, indeed, bellicose spirit incapable of satisfaction, short of complete domination. Any hope of their compromising this stern role for the sake of regular pay was a mere delusion. To expect the Khalsa soldiery to sit quiet under the shadow of their recent defeat was to expect the impossible of a proud and intrepid people.

Nor was it likely to preserve the integrity of the Darbar, should the loyalty of the Sikh army be transferred from their natural Government to a foreign power. To win the good-will of the Lahore troops for the British, and to keep the Darbar rule

39. Parl. Papers ibidem: The G. G. to the Secret Comm<sup>ee</sup>. May 25, 1847.



rule intact were two incompatible things. To secure public applause for the efficiency, honesty, and order as introduced by the British would mean, naturally enough, the lowering of the Sikh Government in the estimation of their own people. Henry Lawrence had divined the falsity of the situation. He wrote to the Supreme Government that, " in the course of time when the memory of recent defeats had partially passed away, if opportunity be given, the national independence of the Sikh character may dictate an attempt to escape from under foreign yoke; for however benevolent be our motives, and conciliatory our demeanour, a British army can not garrison Lahore, and the fiat of a British functionary cannot supersede that of the Darbar throughout the land without our presence being considered a burden and a yoke."<sup>40</sup>

Lord Hardinge under-rated the opposition that a dual policy might excite from the Sikhs. In an official letter to the Secret Committee of the India House, he discounted the fears entertained by the Resident, and insisted that " attempts at revolt are less likely to be made under existing arrangements than if the Raj had been subverted, and the Panjab declared to be a British Province."<sup>41</sup> But all hopes of peace and conciliation were belied in less than a year, when the Multan insurrection developed into the second Sikh War.

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40. Parl. Papers, op. cit. The Resident to the G. G., April 29, 1847.  
41. Ditto The G. G. to the Sec. Comm<sup>ee</sup>. May 25, 1847.

It was, however, in other branches of administration that the influence of British control and superintendence had wholesome and satisfactory effects. Reforms of district organization grew apace. The chief officer in charge of local area under the previous government had been the Kardar. Around him had to be rebuilt the authority of new organization. But the Kardar had <sup>also</sup> been the chief offender in the business of Sikh oppression. The task in this direction was therefore two-fold; to suppress abuses of the office, and to improve and define the authority of the Kardar. Henry Lawrence affirmed that " the remedies I would offer are good pay and honour on one hand, and <sup>42</sup> disgrace on the other."

The essential point in the re-establishment of this functionary was the union of all powers in his person. He retained his extraordinary control over the revenues of the State, but he was to exercise police jurisdiction, as well as judicial powers in petty cases, the two aspects of Government which had been persistently neglected under the Sikhs. A separation of powers would have been opposed to the first principles of all Indian conceptions of government; and any attempt to minimize judicial and magisterial functions would have perpetuated the irregularity and tyranny of the old rule. The Kardar was given a jagir. He was also provided with a handsome salary on a scale of

42. Parl.Papers op.cit.The Resident to the G.g. July 3,1847.

of Rs 2,000/ to Rs 5,000/ per annum. All receipts were to be paid in to the local treasury, and all claims paid out by it; the Kardar was not permitted to retain any cash in hand.. A receipt ~~was~~ for ~~the~~ dues paid was to be demanded of him by the zemindars, and a record kept in village registers provided by the Darbar. The former number of Kardars was considerably reduced, and the corrupt were weeded out. To facilitate the exercise of his wider powers, however, a Kardar was provided with two deputies. The benefits of such a reform were undoubted; for with a jurisdiction more accurately defined, and <sup>a</sup>tenure of office made more secure, a Kardar could discharge his duties with greater honesty and efficiency.

The old division of the country into districts was maintained but the local areas were made more compact. The conflicting jurisdiction of Jagirdars, Kardars, and other local functionaries was abolished, and a more precise scope of activity <sup>for each</sup> was defined. <sup>44</sup>

A special grade of judicial officer was set up in the country. To every district was appointed a judge, called the adalati, of good standing to administer justice <sup>as</sup> between man and man. He was also provided with a deputy. A mode of redress against the Government was for the first time afforded to the people. An easy process of appeal was assured to dissatisfied parties. Aggrieved persons were encouraged to appeal from   
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43. Loc. cit.

44. Parl. Papers. op. cit. The Acting Resident to the G.G. March 31 1848.

the Kardars to the Adalati, from the latter to the Darbar, and finally, to the Resident. It was intended that the Adalats by virtue of their civil and criminal powers should check extortion and oppression in the Kardars. The institution of justice of this nature was novel to an Indian polity, and its successful working would demand of Indian Justices independence of view, considerable <sup>energy</sup> and legal training, which are the products of well-planned and long-established institutions. John Lawrence voiced the risks that were inseparable from such an experiment in his admirable review of the administration of the country dated 25th September, 1847: ". . . the people, as yet, do not resort much to these new courts. They prefer coming long distances in to Lahore, and appear disappointed at not receiving instant redress on complaining . . ."

It was indispensable that the courts established in the Panjab should also have some simple and popular law to administer. Earlier in 1847 the attention of the Resident had been directed to the urgency of having a code of Sikh law, which would embody the essential customs and practices of the ruling class. He had busied himself with the investigations of the wide field of social life of the people, but the efforts revealed very contradictory precedents. Record there was none, and the practices varied with the character of local Kardars and their subordinates. There was neither general tradition, or

or custom to exert a uniform influence on the deliberations of Sikh elders. "The Sikhs, originally, a race of peaceful cultivators driven by the oppression to become robbers and rebels, and finally converted, in the course of events, into soldiers and conquerors, preserved much of the rudeness and ignorance of the ancestors from whom they have sprung. Custom, precedent, and <sup>the</sup> capricious will of the chiefs was all that took the place of any law." <sup>46</sup> Even in matters  $\approx$  like the rules of inheritance, sharp differences existed. A widow in Malwa could, in the Manjah could not, inherit an estate. The Sikhs had no literature except the holy Grunth. They never appeared to have felt the necessity of fixed rules for the guidance of officers of justice. It was to supply this need and to obtain an authentic version of laws of descent and inheritance, and on marriage and contract, that Henry Lawrence summoned to Lahore a council of the principal <sup>47</sup> elders in <sup>the</sup> Sikh Jat villages in the Manjah, forty-five in number. The council sat for a couple of months, and its deliberations were subsequently embodied in a set of rules for the guidance of the Darbar.

A further effort was made to achieve something in the nature of codes for the Sikh country, when John Lawrence acted as Resident at Lahore. He invited the collaboration of Charles Saunders, and together they produced a code of Civil Procedure for

46. Parl. Papers, op. cit. The Act. Resident to the G.G. Dec. 16, 1847.

47. Ditto Ditto The Resident (H. Lawrence) to the G.G. Aug. 2 1847.

for the guidance of the courts of justice and the Kardars. A Code of Criminal Procedure was similarly compiled, inspired by the Regulations in force in British India, and the new Criminal Code of the late 'Law Commission' in Calcutta, but modified to suit the wants and customs of the people of the Panjab. Both Codes were put in operation <sup>48</sup> in the Darbar's territories. The chief interest of these Codes was clearness in their exposition of the Law, and ~~the~~ simplicity in its application. The formulation of rules for the instruction and guidance of collectors of revenue was also taken in hand.

Rules which guided the Darbar in the conduct of State business were comprehensive, and indeed revolutionary, for they were calculated to define the hitherto undefined and indistinguishable offices of the State. A sort of departmentalisation was carried out by vesting Raja Tej Singh with the supreme command of the army. Raja Shere Singh was placed in-charge of the Fort with power to appoint the guards and sentries, subject to the approval of the Resident. Raja Dina Nath took over the Revenue Department, and Mirulla Ram and his son Sahib Dyal managed the Custom under his supervision. Faqir Noor-ud-Din held charge of the Public Works Department, and was assisted by Major Napier, who was appointed the Darbar Engineer. State religion was looked after <sup>by</sup> Bhai Nidhan Singh. Post office <sub>service</sub>

48. These Codes are to be found in the Enclosures to the Act. Resident to the G.G. dated Dec. 16, 1847. ref. Ind. Secret Cons. 1848, dated Feb. 25. No. 47.

service was established throughout the country, and Rattan Chand Rashduraz was appointed the first Post-Master General. The proceedings of the Darbar were regulated and they took place in ~~the~~ public; secret deliberations were allowed only in cases of exceptional importance. The young Maharaja sat daily in the Darbar for a few minutes. Proper arrangements were made for instructing him in his religion, as well as, in Western sciences and literature. The Assistants who were appointed at Lahore, were to take charge of the Maharaja by turn. The supremacy of the Resident over the Lahore Government was ensured by requiring his confirmation to all appointments, dismissals, or any expenditure.<sup>49</sup>

The Regency period was thus particularly active in the direction of legislation. Systematic rules and regulations were drawn up, and justice was to be administered in strict conformity with them. The rules were admirable in themselves, and indeed, were the necessary appurtenance of modern administration, but their application to the crude system of Indian society, suddenly brought in contact with ideals of regular justice, was perhaps more than doubtful. The objects of the Codes were the administration of justice between the people, and the preservation of their existing rights. But the people were unused to legal definitions and precision; consequently they failed

failed to appreciate the significance of the judicial system. The officers, who were entrusted with the execution of the law were equally inefficient and ill-equipped in the discharge of their duties. It is not unnatural, that judicial work accumulated rapidly and fell in arrears. Decisions were often faulty for lack of trained intellect, and failed to give satisfaction to the people.<sup>50</sup> It also became ~~manifest~~ manifest, that the average man distrusted the adalatis, and would rather go direct to the nearest British officer, or even to Lahore before the Resident to plead in person, than approach the local officer as prescribed<sup>51</sup> by law.

In reference to the financial and economic rehabilitation of the Lahore Kingdom, we enter on the wider field of activity of that outstanding personage, John Lawrence, whose aim was administrative efficiency — characteristic of British administration of the day —, and whose passion was the well-being of the common man. To afford the humble cultivator the reasonable enjoyment of the fruit of his labour, and to maintain just laws and effective administration, he held, would not necessarily injure the political and financial stability of the country. Cast in a different mould from his brother Henry, John Lawrence was able to add his distinct contributions to the reconstruction of the Government

50. Parl. Papers, op. cit. The Act. Resident to the G. G. Dec. 16, 1847.

51. Ditto. .. Ditto .. .. Sept. 25, 1847.



Government of the Panjab. The Panjab owes it to the corporate activities of the two brothers, as displayed under the Residency and which were continued after the annexation, the successful operation of a system of government, not only sound in itself, but beneficent in the material progress along which the people advanced. The natural sympathy and tact of Henry Lawrence were directed to reorganize the army and establish a judicial machinery. His sense of administrative needs and the urgency of financial reform, stirred John Lawrence to effect fiscal improvements, which would set the country on a better financial footing. Their joint efforts therefore proved complementary.

John Lawrence had had a previous experience of administering Sikh territory in the Jalandhar Doab, which had been ceded to the British Government early in 1846. It was not till August 1847, when he assumed charge of affairs at Lahore, that his influence began to be felt on the Panjab politics.

A considerable reform was immediately effected in the Customs. The former system was needlessly expensive, corrupt, and oppressive. It was discovered that a gross revenue of Rs 1,637,114. had been raised under customs levied on forty-eight articles. The cost of collection was Rs 110,000., equal to something less than 7%.<sup>52</sup> The number of dutiable articles was reduced to twenty-two, capable of raising an income of Rs 1,304,822. at a cost of but

52. Parl. Papers, op. cit. John Lawrence, Offg. Resident to the G.G. dated Sept. 13, 1847.

but Rs 37,000, or less than 3 %. Under the new arrangements the duties were modified or abolished in thirty-five instances. The relief given to the poorer people was appreciable, for among the remissions of Custom duties were included the tax upon corn, ghi, vegetables, and fuel - amounting to about 20 % on the old scheduled collections.

This loss in revenues was to be made good by a better management of the abkari system, whereby the Indian vendor of spirits would have to take out licenses; by the introduction of a light toll on ferries, which was a reasonable tax in itself; and by an improved working and better control of the salt mines. In particular, the out-standing accounts due from the lessees were demanded, and dealings with a defaulting party were put an end to. From henceforth, a fixed duty of Rs 2 per Panjabi maund was charged from the merchants at the mines.<sup>53</sup>

Further, the town and transit duties were altogether abolished, and the vexatious and ubiquitous chaukis were withdrawn. The internal trade was set absolutely free. The only tariff lines to be maintained were on the frontiers to tax foreign trade. One of these lines was to run along the Beas and the Satlej on the east to tax trade to and from British India; another on the Indus on the north, Central Asian merchandise; and the third

53. The Act, Resident to the G.G. Dec.16,1847 op.cit.

third on the north-east frontier, the costly shawls from Kashmir.

The net effect of fiscal reforms was that a simple, and yet an efficient system was established in the country on an equitable basis. All remissions and reductions taken together, taxes amounting to upwards of six lakhs of rupees were abandoned.<sup>54</sup> This loss to the State treasury was inconsiderable as compared with the freer movement of commerce and the consequent prosperity that it conferred on the community. The Custom duties were to be levied henceforth on foreign trade alone. A separate Customs department was organized and placed under Mir Rulla Ram and his son Sahib Dyal. They were men of character and ability, who would have carried out their task satisfactorily, but for the collapse that followed the Multan revolt, as the Board of Administration later on thought. The administration of the country was once again deranged, though only temporarily. Later developments were afterwards continued <sup>from</sup> where the operation of reforms had been thus interrupted.

Of all the injunctions against introducing British institutions into the Panjab, none was more emphasized by the Government of India than that relating to revenue administration. It was felt that British administrative ideas might fail to work under the Sikh Regency. Lord Harginge wrote; "In revenue department

54. Parl.Papers.op.cit.The Act.Resident to the G.G.Sept.13,1847

department it would not be expedient to attempt to introduce our system. Such a change would require British superintendence. It would be in my view of the question very imprudent to attempt to substitute our system of land revenue, and assessment for that which now prevails in the Panjab." <sup>55</sup> Whatever might be the value of non-interference as enjoined in this letter to the Resident, it was quite clear that if the Resident's authority 'to supervise and control' land revenue administration were to be real and effective, the traditional land revenue methods would have to be modified, so as to establish a moderate State demand, and protect the rights of the cultivators. John Lawrence's experience of revenue matters was wide, stretching back to an early training under James Thomason in the North West Provinces, and to administration in the Delhi Territories and the Jalandhur Doab. In the light of his knowledge gained as a very successful Civilian, and of reports submitted to the Resident by the Assistants, who had been deputed to various parts of the Panjab to supervise Sikh administration, John Lawrence wrote to the Governor-General on August the 28th, 1847, impressing on him the immediate necessity of a light and moderate assessment of land revenue. "From what I have seen of the past history of the Trans-Satlaj Territories and of the Panjab generally, it appears that the land tax under the Sikhs has

55. The Governor-General to the Resident at Lahore.

"has usually been calculated at 1/2 of the gross produce. It is impossible that agriculture can flourish under such demands.. .. There can never be contentment and prosperity in the country until the Government demand is reduced and equalized, and the agriculturists secured from all demands but those of the State, fixed on the principle of moderation and equity."<sup>56</sup>

The justice and propriety of the argument could not be gainsaid, nor could the urgency of affording some relief to the peasantry of the country be overlooked. The Governor-General concurred with John Lawrence's views, but he urged the need of deliberation and consultation with Henry Lawrence on the matter.<sup>56a</sup> This involved delay, as Henry had gone to Simla for reasons of health. Meantime, John brought further points of revenue mismanagement to the notice of Lord Hardinge. He spoke of the oppression of the Kardars, especially of their arbitrary and unauthorized exactions. The rights in the soil had been based on traditional land tenures, but had become greatly confused by the reluctance of the Khalsa to recognise or enforce anything but its own claim to a share of the produce. These traditional private rights were not capable of formal proof, and this in turn rendered judicial decisions uncertain and sometimes unpopular. The mode of paying land revenue was a further source of abuse from which both the people and the State

56. Parl. Papers. op.cit. The Act. Resident to the G.G. Aug. 28, '47  
56a. Ditto .. .. The G.G. to the Act. Resident. Sept. 3, 1847.

State suffered. John Lawrence, therefore, looked upon a regular settlement as a panacea of all the ills under which the Panjab groaned. Investigations carried out in the process of assessing land revenue, he thought, would not only reveal the <sup>current</sup> customs of the land, but when put on record, would also safeguard the interests of the peasants and ensure the payment of the Government's just dues. Of the need of reducing and fixing the land tax, he wrote: "I have, however, seen the British Provinces before and after a good settlement with a high assessment and a low one. I have seen Indian management, both Hindu and Mohammedan in jagir estates and khalsa, <sup>57</sup> and the result of my experience is that to benefit the people at large, and render the country truly flourishing, you must fix a moderate land tax for the Government and secure to the community that they shall enjoy, on paying that quota, the result of their own industry," <sup>58</sup>

After the position thus reviewed by the energetic Acting Resident, and the Supreme Government being convinced of the need of a settlement, and ready to relax the former injunction of non-interference in the Sikh Revenue system, the final adoption of assessment scheme remained only a question of time. Henry Lawrence wrote from Simla on September <sup>29<sup>th</sup></sup>, 1847 to the Governor-General recommending that the settlement should be commenced with all practical speed in concert with the Darbar officers

57. khalsa here means estate under the direct management of the ruler.


58. Parl. Papers. op. cit. The Act. Resident to the G. G. Sept. 25, '47.

officers, such in the manner proposed by John Lawrence for the whole of the Sikh Kingdom. He also remarked on the prevailing misgovernment, but he expressed doubts on the expediency of carrying out radical changes among people long wedded to their customs and inured to the oppression of officials and the great. He pointed out many difficulties in the way of introducing cash payments, but these might be obviated by the payment of kists in fixed quantities of grain, which as he said, John himself had previously suggested to him.

Deliberations of somewhat lengthy nature followed, and finally, a preliminary Summary Settlement of the Panjab was instituted to replace the former capricious and anomalous system of land taxation. The British officers subordinate to the Resident were deputed to different parts of the country to collect necessary information about the landed tenures and supervise Settlement operations. Thus for example, Edward Lake was sent first, to the Upper Bari Doab, and later to Rechna Doab; A. Cocks to Lower Rechna Doab and L. Bowring to parts of Sind Saugar and Chaj Doabs. Military officers of the calibre and ability of George Lawrence were appointed to pacify and settle Peshawar; Lieut. Herbert Edwards Bunn; Capt. Abbott Hazara and Nicholson the upper parts of the Sind Saugar Doab; while Dewan Dina Nath with the help of Lehna Singh Majithia

59. Parl. Papers, op. cit. The Resident (Henry Lawrence) to the G. G. dated Sept. 29, 1847.

Majithia was the chief instrument in settling the Central Districts.

It will not be inappropriate here to examine, briefly, the status and the functions of British officers, in common parlance of the day called the 'politicals', who were employed under the authority of the Resident at Lahore. Those who were deputed to the plains had a comparatively easy task of establishing contact with the inhabitants of the country and of gathering knowledge of their customs and practices in the management of agriculture and communal life in general. But those who were on the frontier had a more arduous duty to perform. They were entrusted not only with a financial, but with a political reconnaissance as well. Theirs was the task of reconciling the border population and establishing a degree of peace and order. On them fell duties more characteristic of the political service demanding a great measure of initiative, personal courage, tact, and sympathy - an  imposing array of qualities, which marked many members of this particular service in the first half of the nineteenth century in British India. And it was to them and the tradition of service which they established during the earlier period of the Residency, that the later development of frontier administration owed its origin.

The appointment of the Assistants to the Resident in the Lahore Kingdom had been provided for in the Treaty of Bhairawal.  
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They formed part of the establishment of the Resident at Lahore. They were to exercise superintendence and control on behalf of the Resident over the Provincial administration. The Governor-General, anxious as he was to rehabilitate the young Maharaja's Government, offered to appoint British officers either to reform the civil administration of the country, or for any special purpose of developing and exploiting the resources of the Panjab. 60

They were predominantly military men with Henry Lawrence, himself having been graduated in the school of the political, at the head. The distribution of such officers as Edwards, George Lawrence, Nicholson, Abbott, Taylor, and Courtland / <sup>all over</sup> the frontier, showed at quite an early date how vitally important it was to hold the frontier at the strategic points, and the tribesmen pacified, for the safety and tranquility of the Panjab itself. The popularity that the officers gained in the process of delimiting boundaries and in redressing wrongs; the success they obtained through diplomacy, served them in good stead during the Second Sikh War. Their achievements provide an absorbing study of personal aid and daring romance displayed amidst the rugged mountains of the frontier. Often a solitary British officer was engaged on the path of reconciliation of border people, where the Sikh Governor dared not tread without a Regiment. The sympathy and active help, which the people gave them during the <sup>Sikh</sup>

60. Parl. Papers, op.cit. The G.G. to the Resident, May 19, 1847.

Sikh revolt of 1848 were a source of strength, and enabled Abbotts and Herbert to hold out, Edwards to conquer, Taylor and Young to besiege, and George Lawrence to remain at Peshawar in face of disaffected Sikh army.

More specifically, the duties of the Assistants were to superintend the revenue, police and judicial administration, as carried out by the Darbar functionaries. Those that were endowed with especial ability like Edwards and Nicholson, were required to report on the resources of the particular parts of the country under their charge. Such reports were intended to be exhaustive, embodying the chief features of cultivation, and land-management, scope of agricultural improvement, and the proper utilization of the natural resources of the land in the interests of the people and commerce.

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In regard to police jurisdiction, the British officers were to uphold the legitimate power of Local Authorities. But the protection of the people from the tyranny of the Kardars, the safety of life and the security of property on the highways, were to be their primary concern. Non-interference by the functionaries of the Sikh Government into the affairs of local bodies was to be strictly observed, and the village communities were to be encouraged in the management of their own affairs.

62

The British

61. Loc.cit.

62. Parl.Papers,op.cit.The Resident to J.Nicholson,Asstt.to the Resident,dated June 25,1847.

British officers were further instructed to watch over the discipline of the military force of the Khalsa, which was to all intents and purposes, at their orders. They were to enforce regular payment of the troops and to punish insubordination.

One particular charge of British Assistants was to support the authority and dignity of the local Kardar, who was the representative of the Darbar. The Assistant was, no doubt, armed with powers to intervene if the Kardar misbehaved, or to check any abuse of authority, but he was never in the first instance to take over directly the administration of the district. The method adopted was to be one of gentle reproof and persuasion together with reports on the Kardar's conduct to the Darbar at Lahore. When Captain Abbott complained bitterly of the oppression of the Kardars in the Hazara district, he held that any general recognition of the abuse of authority, or even the encouragement of a system that permitted wholesale misgovernment was to legalize licence and tyranny. He asked for direct power of dismissing the offending Kardar outright, for he believed that if British interference was to be a reality, it should be capable of producing determined, and effective results. Henry Lawrence pulled him up gently as was his wont, restraining him to a constitutional course as governed by the Anglo-Sikh treaties. He wrote: "I cannot, <sup>indeed,</sup> perceive any legitimate authority with which you

"you are not invested. I have not the power to remove Kardars, but I can get them removed and so can you. You have only to make out a good case, proving a man to be incorrigible or so bad that his presence is dangerous ... Meanwhile, should any case be so dangerous urgent as not to safely admit of reference to Lahore, you can suspend any functionary you please. . ." <sup>63</sup> The emphasis was again on the primary object of British intervention 'to guide and advise', which was in conformity with the late arrangements requiring "all orders shall emanate from the Darbar and its agents, and that we shall only step in when they cease to act." <sup>64</sup> The Sikh agency was to be the main instrument in carrying out reforms or modifications in the administration of the country.

It was only in the realm of fiscal operations under the Summary Settlement that instructions of a comprehensive nature were issued to the British officers. These instructions were calculated to the gaining of fuller knowledge of the social life and economic conditions of the peasants, who formed so important and sturdy an element of the community. And on the basis of such information, new rules of assessment were to be framed, the State demand defined, and the various agricultural interests determined. As an illustration, the instructions issued to George Lawrence at Peshawar may be quoted:- "A country in which the

63. Parl.Papers,op.cit.The Resident to Capt.J.Abbotts,Boundary Comm.at Hazara,letter dated June 19,1847.

64. Ditto .. .. The Resident to the G.G. June 21st,1847.

"the land-tax is lightly or equally fixed is a country pacified. Without that, any remedy will prove fruitless, and with it almost any other evil will be endured... Check the returns of the Kardars by the statements of the people, particularly as to what they may have been in the habit of paying. Hear what they have to say of their own villages and of those of each other. Observe their dress, appearance and bearing. You will quickly see if they are over-assessed and therefore ill-fed, ill-clothed, miserable creatures, or a stirring, comfortable population." Information of a general nature was also to be collected, as for example, the mode in which the revenue had hitherto been paid whether through a farmer who contracted for the whole, or by direct collection; the ease or otherwise with which it was collected; the general condition of the inhabitants; the nature of the soil and the possibilities of irrigation.

As to the actual process of settlement, it is enough to say, that it was made on the spot after local inspection, and in consultation with the people and the leading men, but without any survey or attempt to value the land. The collections of the three years preceding were taken into consideration. The Kardars made up papers which were verified by returns in Dewan Dina Nath's office. The average of the three years' collections was struck, and a deduction of 10 % as a margin was allowed.

This

65. Parl.Papers,op.cit.The Act.Resident to G.Lawrence at Peshawar, letter dated Sept.10,1847.

66. Ditto .. The Act.Resident to A.Cocks,Chf.Asstt.Oct.4,'47.

This rate of demand was, henceforth, to be collected so far as possible in cash in lieu of grain. All abwabs (cesses) like imposts on village artisans and fines were done away with. The Government demand was consolidated into one specified sum. On the determination of assessment of a village, a patta was given to the Headmen stating the exact sum to be paid for the whole year, the proportion to be met from each harvest, and the precise amount of each instalment, and finally, the mode of payment. The object of such a statement was to check mistakes occurring in the liability of any of the cultivators, and to record the various interests in the soil for the purposes of the State. John Lawrence significantly expressed the purpose of a patta to one of the Assistants thus: "As you secure them [headmen] from further demands, so also guard the co-partners and under-tenants from their extortions."<sup>67</sup>

Provisions were also made in the patta to record any inams or perquisites of headmen wherever they existed. They had greatly swelled, but they were now reduced and were to be maintained provided they were not unreasonable.

The surviving records do not indicate whether any uniform system of revenue administration was adopted in the Panjab Kingdom. Lack of definite information of the country at this stage precluded such an attempt. The establishment of revenue units or

67. Parl Papers, op. cit. The Act. Resident to G, Lawrence, Sept. 10, 47

or the appointment of revenue officers varied with the circumstances of particular regions of the land. Cocks was ordered to divide off an ilaqua into four or five kardarships of about two lakhs each.<sup>68</sup> George Lawrence at Peshawar was instructed to appoint a tahsildar to a district, entrusted with the collection of revenues ranging from Rs 75,000 to Rs 150,000 according to its area and capacity. The tahsildar was to be paid by 2 or 3 % on the revenues collected by him as remuneration, and was also provided with a small establishment.<sup>69</sup>

Measures were taken to encourage agriculture. The Kardars were to persuade the people to reclaim waste land on promise of reward, or other fiscal concessions. The cultivators were to be accommodated by a loan for digging wells and effecting agricultural improvements.<sup>70</sup> A scheme for canal irrigation was also considered. There had existed under the Sikhs the 'Shah Nehr', commonly called the Hasli canal, more for supplying water to their Temple at Amritsar and the Shalimar gardens of the Moguls at Lahore than for irrigating the parched soil of the Bari Doab. As in other government enterprises, the Khalsa management of the Hasli canal had blundered into grave abuses. The cultivator had been overtaxed in having to pay Rs 1/8 on an irrigated beegha of land; and the supply of water had been meagre and uncertain. These facts were borne out in an able report submitted

- 68. Parl. Papers, op. cit. The Act. Resident to A. Cocks, Oct. 4, 1847.
- 69. Ditto .. .. Ditto .. to G. Lawrence, Sept. 10, '47.
- 70. Ditto .. The Resident to the G.G., July 3, '47.

submitted by Major Napier of the Royal Corps of Engineers, who had been deputed to institute a survey of canals in the Bari Doab. His report <sup>71</sup> suggested possibilities of improving the capacity of Hasli canal, and urged the need of efficiency in its management. All parties who utilized the canal water, whether they were jagirdars or not, were to pay the water tax. Such reforms were calculated to increase the total yield from Rs 20,000 to a lakh of rupees. The objectives kept in view were not only financial but political as well, for it was thought that an extension of cultivation by making more water available would provide substantial employment on the land to the disbanded soldiery of the Khalsa.

Efforts of the Resident in concert with the Darbar were further directed to the re-organisation of the State Treasury. Local treasuries were established in each 'taluqa', and to prevent misappropriation of money, "check books" or receipt-books <sup>were</sup> provided to the zamindars in the Manjah district as an experiment. There was to be a proper guard with State treasure in transit to and from the interior of the country. Strict official vigilance was exercised to prevent dishonesty among the Kardars. The Darbar officers going into the districts were required to pay for fodder and other provisions.

<sup>72</sup>  
And finally, a Memorandum on the resources of the Panjab was

71. Ind. Secret Cons. 1848, <sup>Apr. No 60</sup> Feb. 28, Enclosures.

72. The G.G. to the Court of Directors with Encls. Dec 7, Dec. 7, 1847. Bd. Collections. Vol. 2240. No. 112, 475. Notes on the Revenues and Resources of the Panjab by H. Elliot Dec. 1, 1847



was drawn up by the Secretary to the Government of India in the Foreign and Political Department, Henry Elliot under instructions from Lord Hardinge. It was an able document reviewing measures, which had been adopted for the financial stability of the Panjab. It attempted to co-relate the expenditure of Government as established under the Treaty of Bhairawal to the estimate of income to be derived under the new fiscal arrangements. That a surplus of revenue would result after large reductions in the Sikh army and considerable improvement in the taxation of the country, Elliot thought, was natural enough, but that it would have been absorbed and even a deficit would have occurred, had an all-British establishment been set up instead. He believed that a dual administration under the Anglo-Sikh Regency could not be bettered either in the mode of its execution, or in the results achieved. Needless to say, Elliot's Memorandum, while it was illuminating and instructive about the general state of the Sikh Kingdom, was an apology for the Treaty of Bhairawal, and the system of Government at Lahore, which had been sponsored by Hardinge.

It is not to be supposed that, swift and remarkable though the reforms were in the financial and judicial administration of the country under the Regency presided over by a British Resident, they were effected without great difficulties, or with  
less

less ardour and conscious zeal than the admirable batch of British officers were capable of infusing into the task. There was a continual cry, and indeed it was natural under the circumstances, against the venality of the Darbar's officials and the apathy of the people. The Panjab Papers printed in a blue book are replete with many examples of the energy and drive of the Europeans in the face of the crass ignorance of the inhabitants and the misrule of the Sikhs. But the task of re-establishing a conscientious and strong authority at Lahore had been rendered more delicate by the terms of the Treaty of Bhairawal, which had necessarily restricted British intervention. So the period of the Regency witnessed a duel between the forces opposed to reform and the irresistible need of radical changes. The result would not long have been doubted, had the purpose which occasioned such a duel been kept in view, that is, of re-establishing the Sikh Government under British protection and supervision. The old régime, by its very antecedents and by its altered position after the First Sikh War could not be restored in all its entirety. None knew it better than the British authorities on the spot. The Lawrences at Lahore had recognized the limitations enforced on them by the treaty arrangements, and had tried to modify the conduct of affairs accordingly.

accordingly. But theirs was a task of immense magnitude - that of introducing new life blood into the decrepit institutions of the Sikhs, and it was being rendered impossible by the reactionary elements in the Khalsa. John Lawrence wrote after the Regency had been established three quarters of a year: "The Summary settlement being effected, a copy of the rent-roll in our hands, and regular returns bi-monthly coming to us as well as to the Darbar from the Kardars, no great difficulty could then arise. Besides such a system, European energy and honesty be brought in direct contact with the finances to keep them in order. It is for this reason that I think direct reports from the Treasury, Customs, and Revenue be made to the Resident. More direct interference even may at times be required; certainly nothing short of it will prove effectual."<sup>73</sup>

Turning to the grosser crimes, which had afflicted society under the Sikhs, British influence was equally decisive as it had been elsewhere in India. The Resident persuaded the Council of Regency to suppress violent crimes. The Governor-General was able to report to the Secret Committee in the official letter dated 14th August, 1847 that the Lahore Government had issued a proclamation prohibiting the practice of Sati, infanticide, child-stealing, slavery and forced labour, known as beggar. Henry Lawrence used his great influence with the Indian ruler Maharaja

73. Parl. Papers, op. cit. The Act. Resident to the G.G. ? Sept. 10, '47.

Maharaja Gulab Singh to prohibit the same crimes in the Kashmir State. Among other humanitarian activities of the Resident were the discouragement of mutilation as a mode of judicial punishment, and the suppression of highway robbery—a special task entrusted to British Assistants, acting in concert with the local officers of the Darbar.

It now remains to consider briefly, some of the repercussions the British protection had on the politics of the Lahore State. Various were the measures taken to implement the interpretation of the Treaty of Bhairawal. That they were conceived in good faith by the British Power is undoubted, but how <sup>did</sup> they influence the body of the Khalsa? What were the reactions of the great Sardars of the Sikh realm?

First, did the Treaty of December 1846 reconcile the Darbar and the Sikhs to the 'foreign yoke'? It goes without saying that any attempt to re-establish the legitimate and regular authority of the Lahore Government would alienate the Sardars composing the Darbar. They had long waxed strong to the point of insubordination, and had interfered in the politics of the State for private gain, which a really powerful Central Government at the Capital would not brook. How they were restrained from pursuing their individual ambitions, and were to co-operate in working out the reforms in the administration of the country under

under British guidance. They were given an opportunity of forming a common policy directed to the national good. Patriotism to the country was to replace the narrower loyalty to a clique. But it proved a futile experiment. The evidence afforded by the course of events all through the years '47 and '48, and recorded in the Panjab Parliamentary Papers is conclusive that the Darbar or the Council of Regency was not competent to be entrusted with the government of the country. Divided interests and feeble conduct prevailed at the council table in place of national policy and concerted action. The members of the Regency Government were animated by personal motives, often hostile to the nation, and to their own colleagues. Able but timid souls like Sardar Lehna Singh Majithia, dreading intrigues from within the Khalsa, had been driven to flee from the country. Others more shrewd and tactful, like the Dewan Dina Nath, were satisfied to play a quieter role, weighing up the chances of victory before declaring themselves out; while there were many others rash and impulsive, who preferred the more sensational but risky course of either thwarting the policy of Government, or resisting the protecting Power, whose help they had themselves invoked. In fact, the Darbar lacked the necessary material out of which a stable rule could be re-organized. The attitude of the Sikh people was not very different from that of their leaders

True,

True, the Khalsa army had been reduced and the military pan-chayats considerably discredited, yet there lurked resentment in the Sikh heart against the victors of Sobraon. The whole situation had an indecisive air about it. The Khalsa army had not been reconciled to its inferior position, and consequently there was political uncertainty on the Satlej frontier. From now on a new Anglo-Sikh conflict seemed inevitable. When these Frondeurs did provoke such a war, Nemesis soon overtook them.

Secondly, had the dignity and authority of the Darbar under British supervision as contemplated in the treaties been preserved, when the reforming plough was playing deep furrows on the surface of Indian society? It was a legitimate and very proper thing that the Sikh Government's authority should not be deminished or compromised in any way, while the administrative rehabilitation of the Kingdom was in process. To let the Darbar's prestige suffer was to attack directly the Power, which the British protection <sup>was</sup> intended to repair and shore up. But the situation as it developed had an element of uncertainty and failure. How could the presence of an alien Power at the Capital not be construed to the disadvantage of the Sikh Government? Would it not make the Darbar seem weak to the people over whom it ruled? Even ~~the~~ beneficent reforms such as the abolition of transit duties and the reduction in land revenue <sup>were not</sup> ascribed

ascribed to the Darbar, which was no longer respected as the traditional Eastern despot. by the commercial and peasant classes whose sympathies it had alienated itself more particularly after the death of Ranjit Singh. We have it on the authority of the Acting Resident, John Lawrence, that the people of the Panjab respected the British for the benefits accruing through reforms in the Customs. The statement is so illustrative of the purpose of the reform and its indirect damaging effect on the Khalsa's authority that it might well be told in John Lawrence's words. "I have received very gratifying proofs how popular the reform of the Custom has been. On the new rules being proclaimed by beat of drum in Amritsar and Lahore, they illuminated the city for two nights. The panchayats remarked that for the last 100 years nothing had been done, which conferred so much benefit on the poorer classes as this measure. On my telling them that they should thank the Darbar for it, they laughingly replied [that] they owed it all to us."<sup>74</sup>

Again, Henry Lawrence had attempted at an earlier period of Regency to raise a loan of about 10 lakhs at 5 or 6 %. This was a step without precedent, and the merchants told him plainly that they would lend money to the Resident, but not to the Darbar. Clearly then, the integrity of the Sikh Government was disbelieved by the influential section of the population, and naturally enough

74. Parl. Papers, op. cit. The Act. Resident to the G.G. Sept. 25, 1847.

enough its authority was compromised and its credit eclipsed in their eyes.

And thirdly, was it possible to introduce reforms in various aspects of the administration through Sikh Executive agency with the minimum of British interference as sedulously enjoined by the Governor-General? Here again the abundance of evidence is against the proposition. The Sikh Services, at any rate towards the decline of Sikh power were corrupt and inefficient. To associate them with the spirit of reforms, which they failed to appreciate, or with the working of an improved system of justice and taxation, which they did not understand, was a miscalculation. The original policy, which Hardinge had recommended of "governing the country in all its internal details through the Indian instrumentality of the Sikh Sardars",<sup>75</sup> and which he considered safer, more honourable and cheaper, therefore failed. Perhaps it was natural that it did. George Lawrence at Peshawar had already realized that interference could not be avoided. He wrote to the Resident demi-officially on March the 18th, 1847, "You tell me to do all work through the local authorities. I do as much as possible, but when people do not go to them and they return unsatisfied, what is to be done?"<sup>76</sup> Of the Darbar John Lawrence wrote : "The system and habits under which they [the Darbar] have been brought up are too

75. Add. Mss. No. 36, 475, ibidem: Lord Hardinge to Sir J. Hobhouse  
.. .. p 160  
76. Ind. Secret. Cons. 1847, April 24, Enclosures.



"too strong for them to resist. I have found them most friendly and ready to attend to everything I say, but the evil is that though all assent, the result is not attained or only accomplished by more interference than could be wished."<sup>77</sup>

The limited scope of British interference and the futile injunctions relating to it have already been noticed. It will suffice to say here that as the vast administration of the country opened out before the British friendly guides, and with every suggested change or improvement, enlarged activity on their part became more imperative. It was a mature opinion of John Lawrence arrived at after a strenuous six months of office at Lahore that he recorded in a letter to Lord Hardinge: "As I daily become better acquainted with the details of the existing system, I see more clearly the absolute necessity of our entire interference, if we hope to see affairs on a satisfactory footing."<sup>78</sup>

These negative reflections on the conduct of affairs of the Sikh State could but point to one thing, that the efforts to help the Sikhs to re-establish themselves in their particular kind of government had failed. More often than not, in a clash of two civilizations; two different modes of conduct and habits of thoughts, the original intentions which bring it about, are obscured by the sheer force of the impact.

But . . .

77. Parl. Papers, op. cit. The Act. Resident to the G. G. Sept. 25, 1844.  
 78. Ditto .. .. Ditto .. .. .., Jan. 12, 1848.

But this could not be said of the British interlude in the Panjab between the First and Second Sikh Wars. Their intentions to build up a new Sikh State, after the negotiations of Bhairawal were honest and genuine, and their endeavours directed <sup>towards</sup> it were sincere and comprehensive. The final product crowning it all, however, was something different from the original design and was undesired. The experiment of reforming the Sikh Government had been tried, but it had failed under the conditions of the Treaty of Bhairawal. All the potentialities of a Regency Government had been exhausted; it necessitated a change, either the controlling hand of the British being given wider and effective powers of intervention or their altogether withdrawing from the Panjab. The choice was not however allowed to rest there. Political exigencies during the year 1848 compelled the British to adopt an active and indeed an unavoidable course, when annexation of the Sikh Kingdom became once again a real political issue.

However destructive the indirect consequences of the British Protectorate might have been to the Sikh Darbar, its benefits to the people and the country were beyond all doubts. The Regency period witnessed the beginning of the British administration in the Panjab, which was subsequently developed into a specimen of great administrative success in modern India.

India. It provided a transitional stage from the Sikh misrule to the ordered progress and just laws of the British of a decade later. And this must remain for all times the saving feature of the arrangements concluded at Bhairawal at the end of 1846.

It seems necessary to remark on what Kaye wrote about the activities of the British officers during the Regency. "If Lawrence and those who worked under him at this time, ever promoting great schemes for the improvement of the administration of the country, were guilty of any error, it was this - that they were overactive in their humanity and too sudden in their reforms." <sup>79</sup> It is true that this statement had the authority of no less a person than Henry Lawrence, but could indeed anything short of it have served the purpose? Considering the the circumstances which necessitated British protection at Lahore, and the decreptitude of Sikh régime, no efforts to re-establish the Central authority could seem too strong. The administrative reforms were no less inconsistent with the exercise of proper authority than the humanitarian measures were in regard to the changed spirit of the times.

79. Kaye, Sir John, Lives of Indian Officers Vol.11.pp 417.

## II. The Panjab as a British Province.

The interruption of the process of rehabilitating the Sikh rule in the Panjab under British supervision by the Multan insurrection and the subsequent revolt of the Khalsa has already been referred to in the last chapter. It may however be averred that the murder of Vans Agnew and Anderson on April the 20th, 1848 was far from being a local occurrence of ordinary significance. The disaffection of the Multan Forces and the countenance given by the Nazim Mulraj portended the latent hostility of the Sardars to the British under any scheme of establishing a normal Government in the country. The danger had lain in the Khalsa with its tradition of dominion, its corporate loyalty, its religious sentiment, and its capacity for independent action and concerted insubordination. That danger had by no means been allayed by the unexpected though unreal display of their obedience and discipline during the years '46 and '47. Rather it appeared this time more formidable, for the revolt became anti-British as distinct from being directed against the Lahore Government. Those who find similarity between the rebellion of Kashmir in '46 and <sup>of</sup> Multan in '48 - the interests that animated them, and the same measures that they would have seen applied in both the cases in suppressing them, misread the  
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the larger prejudices against authority that were at work at two different periods. The first of the two was no more than the machinations of the Sikh Darbar headed by the Vazir to thwart the designs of one of their co-religionists, Gulab Singh, while the other was the defiance of the dual authority guaranteed under the Treaty of Bhairawal by a powerful Provincial Governor, Mull Raj, a defiance which was taken up by the Sikh people and swiftly developed into an anti-British movement.

The administration of the country was paralysed under the shadow of rebellion in which the Panjab was plunged. It was clear that the Regency Government under British Protection was becoming more and more unworkable. There was an inherent element of opposition to the superiority exercised by the British under the Treaty of Bhairawal and when the spark was applied in the South West corner of the Panjab, it exploded in a national struggle.

We are not concerned here with the nature of military operations or how they were determined, and the fortunes attendant on them. Nor need we dwell on the ethical, juridical, or the shortsighted political interpretations of the victory at Gujrat. But on a long range political view which would take account of the

the need of thoroughly reorganizing the country on a stable basis, the final absorption of the Panjab into British dominions should not be criticised. Lord Dalhousie recognized the failure of Lord Hardinge's policy of preserving a Sikh Government across the Sattlej in friendly co-operation with the English, and with the courage and statesmanship of a realist he determined on the only alternative <sup>course</sup> of subverting it. Annexation of the Panjab to the Indian Empire was announced in a Darbar by Henry Elliot, secretary to the Government of India in the Foreign Department on March the 31st, 1849. The surrender of the Sovereign rights of the young Dalip Singh, and the conditions on which he was to receive a pension of 5 lacs from the East India Company were embodied in a separate Treaty.

### A. Provincial Government

1. The Board of Administration for the Affairs of the Panjab, its constitution, jurisdiction and powers.

It may perhaps be necessary to preface the study of Local Government by reviewing very generally the types of provincial administration prevalent in British India in the middle of the nineteenth century. The Provinces fell into two divisions, technically called the Regulation and the Non-Regulation Provinces. Among the first were included the three Presidencies and the North West Provinces which were governed by regularly enacted laws commencing with the Cornwallis Code and continued thenceforward in Bengal. All revenue and judicial matters were regulated by law. The rights of Government to land revenue were defined and strictly limited. It did not possess discretionary powers in individual cases. The administrative services in the Presidencies were manned exclusively by the Covenanted Servants to whom revenue and judicial duties were separately entrusted.

The Non-Regulation Provinces comprised smaller and relatively undeveloped territories acquired by the East India Company after 1818. The Non-Regulation system was still in the process of development. Sind, a desert land from the west of Rajputana to the border of Baluchistan, had been conquered by the British in

in 1842, but it was an extremely backward country and had received a military rule during the initial stages of its occupation. The Cis and Trans Satlej Territories had been organized since 1846 after the Non-Regulation pattern, but it was not till the annexation of the Panjab that this alternative organization was applied on a large scale. The Panjab was a country of diverse races. Its people bore a character of rural simplicity and frugality. Their institutions, although crude, and their land tenures complicated by the unstable character of Sikh rule, yet had great potentiality in them. The application of legislation to Panjab life was clearly uncalled for. The organization of the Province was conceived on the only alternative basis of civil Government which embodied the spirit and not the letter of Regulations. The essence of the system was expressed by Kaye four years later as being "governed after a ruder and simpler fashion -- by an Executive composed partly of Civilians and partly of Soldiers upon a mixed system, into which the spirit of the Regulations is infused in such a manner as to cause it to harmonise and blend itself with all that is good in the spirit of native institutions, and to be respected in the local usages of the country." <sup>1</sup> An other distinctive feature of this system

1. Kaye, Sir J: The Administration of the East India Company, p. 433



system was the union of fiscal, judicial and magisterial powers in District Officers, who might be either covenanted servants or military officers.

Conditions then which favoured the organization of the Panjab into a Non-Regulation Province were, first, the presence of both civil and military officers, who had been employed under the Regency in the capacity of administrators and diplomatists. Men like Herbert Edwards, Abbott, Nicholson, Lake, who belonged to the Soldier-Political group, possessed outstanding personalities. They had a genius for forming intimate relations with the Panjabis. Their ability in governing the frontier people and their knowledge of the land tenures of the country was considerable. It would have been sheer waste of talent to exclude such men from offices under the new Government. Soldiers and Civilians were brought together in co-operation and developed an esprit de corps in the Panjab Commission which was of the very highest order. The second factor which rendered the Panjab suitable for the Non-Regulation System was the prevalence of that very system in its contiguous territory on both sides of the Satlej. The Jalandhur <sup>Doz b</sup> / exemplified in miniature the success of Non-Regulation administration, where in the space of two years, land settlement had been completed, the Revenue survey of the land had rapidly gone forward, justice

justice established and police organized under the active government of John Lawrence. It was felt that the extension of the system further north would promise still greater success. And the third factor lay in the condition of the country and the character of the people which called for the simpler and yet vigorous rule which could be ensured under Non-Regulation Government.

It is more than time to return to examine the framework of the new government in the Panjab. Simultaneously with the issuing of the Proclamation which announced the annexation of the Sikh Kingdom, a Board of Administration for the Affairs of the Panjab was set up at Lahore charged with pacifying and re-organizing the country. The appointment of the Board evoked great criticism at the time. Sir Charles Napier characterized it as a government with no talents; Sir William Hunter saw in the appointment an attempt by the autocratic Governor-General to cloak his own designs; <sup>2</sup> and the admirers of Sir Henry Lawrence, considered the late Resident wronged by being deprived of that sole charge to which they thought he was especially entitled. A Board for the purpose of governing a Province was indeed a novelty in the Indian world, and its capacity as an instrument for constructing

2. Hunter, Sir William: The Marquis of Dalhousie. p. 94

constructing an efficient administration in the country was yet untried. The establishment of a single charge over the Panjab might well have been understood by contemporary India, for such an Executive Authority would have been in accordance with the general system obtaining in other Provinces. But the fact was that the appointment of the Board in 1849 was entirely governed by the circumstances of the Panjab. Sir Henry Lawrence had retained the office of Resident at Lahore by previous arrangements, and could not at that time be provided for elsewhere. Dalhousie considered that Sir Henry lacked the essential experience of civil administration to warrant his appointment to the sole charge of the Panjab Government and thought it advisable that he should have co-adjutors. The arguments of the Marquis of Dalhousie in support of appointing the Board have been carefully considered<sup>3</sup> by his biographer Lee-Warner. It was indeed true that Sir Henry Lawrence had not been trained as a Civilian. However adept he might have been in military strategy and the art of diplomacy—indeed, his genius in such matters was not in question; however popular he might have been with the Sikh Sirdars, which had mainly determined his appointment as Resident at Lahore in 1846, the same considerations precluded his assuming the government of the Panjab singly on its annexation. It is germane to

3. Lee-Warner, Sir William: Life of the Marquis of Dalhousie, Vol. I. p. 252-54

to notice here what Henry Lawrence's great friend Lord Hardinge had thought of his abilities as a civil administrator. The negotiations of the revised Treaty with the Sikhs in December '46, later known in history as the Treaty of Bhairowal had brought the Foreign Secretary to the Government of India, Fredrick Currie in to prominence, and Hardinge contemplated appointing him the new Resident. He wrote to Sir John Hobhouse, the President of the Board of Control in London: "Lawrence with <sup>[his]</sup> excellent qualities in action is a man of impulse . . . He is a fine fellow in troubled water, but in administrative powers, he wants Currie's steadiness and knowledge of judicial and revenue affairs. Elliot is a man abler than Currie or Lawrence. I wrote to you before that I had so much doubt of Lawrence's aptitude for steady business that I would not appoint him, till I had conferred with Currie on his return from Lahore. He found the Sikh feelings set in so strong a favour of Lawrence . . . . that I appointed Lawrence after all . . . . . ( but for his ardent temper ), Lawrence is the military man in the Company's service, who has more resource in him than any I know, and a military man as a Resident over warlike chiefs and clans has undoubtedly many advantages over a civilian."<sup>4</sup>

4. Add. MSS. No. 36,475 p. 285. Lord Hardinge to Sir J. Hobhouse. Dated May 25, 1847.

It was easy to minimise the importance of civil work in the Panjab, when the British were not directly concerned with the administration, and the sterner times called for diplomacy and military energy on their part. But the re-organization of the country in all aspects of administration became the immediate concern of the Conquerors under the quieter times which followed the overthrow of Sikh power. It is not intended here to withhold admiration for the noble qualities of Sir Henry Lawrence, or belittle his achievements in the shape of establishing Law Courts in the Sikh Kingdom, but it is, however, necessary that the limitations of his capabilities may be observed, and the defects of his mental make-up be noted, that were soon to bring him in conflict with the equally highminded the Marquis of Dalhousie.

The Board of Administration was, therefore, necessarily an ad hoc body. It consisted of three members. Sir Henry Lawrence, who held the rank of a Lieutenant-Colonel in the Indian army was appointed the President. C.G. Mansel of the Bengal Civil Service the Senior member and John Lawrence, another distinguished Civilian, the Junior member of the Board. The instructions on the nature of functions and the specific powers and

and responsibilities with which the members were vested, were conveyed to the Board in an important letter of the Government of India dated the 31st of March, 1849.<sup>5</sup> These instructions related to the general principles of governing the new Province, as well as to the various departments of administration, and they evince Dalhousie's high sense of the Supreme Government's responsibilities in governing the country and in understanding the needs of the people. The comprehensive character of the Instructions exhibited the extent to which the Marquis of Dalhousie had delved into the records on the Panjab made during the three years preceding, and the volume of information about the intricate problems of administration with which he had equipped himself. They showed the readiness of the Governor-General to use the administrative experience garnered in the rest of British India to the best advantage of the Panjab.

The specific directions relating to the different aspects of administration may be deferred for the moment. They will be discussed in the relevant chapters. The general note of the new government was, however, struck in a striking passage, which ran as follows: " The Governor-General would wish to uphold native institutions and practices<sup>as</sup> far as they are consistent with the the distribution of justice to all classes, but

" but he is persuaded that, except in some of the wild districts of Trans-Indus or Alpine country of Sind Sagaur Doab, there is no portion of the country which will not be benefitted by the gradual introduction of the British system at the earliest possible period. With the knowledge now generally prevalent respecting village coparcenaries, there is no apprehension that our officers will not exert themselves to maintain those bodies in all their integrity. In this and other respects such as the local laws which regulate the tracing of criminals, and the responsibility of landholders for the pursuit and apprehension, the popular institutions will be improved and consolidated by our measures."<sup>6</sup>

More specifically considered, the Board of Administration was vested with plenary authority and control over all departments.<sup>7</sup> Amongst its powers were those which were usually conferred on the Court of Nizamat and Dewani Adalat in the Presidencies. That is, the Board had the powers of life and death and it formed the highest Court of Appeal in civil cases. In revenue matters the members were entrusted with the power of confirming village assessments, reducing exorbitant assessments and remitting balances of revenue and abkari without<sup>any</sup> further reference

6. Loc.cit. paras 6-7.
7. Loc.cit. para 23.

reference to the Governor General. The Board was also to act as Agent and Representative of the Governor-General and had consequently the charge of political relations with the Protected Sikh States, with Kashmir and Bahawalpur, as well as <sup>the Chiefs</sup> on the extreme North West Frontier. The Board's jurisdiction extended throughout the Panjab including the Trans and Cis Satlej Territories. The officers on the northern frontier were placed in strict subordination to the Board, and were interdicted from corresponding with independent Chiefs in the neighbourhood.

The Board was authorized to raise an irregular force and hold it under its charge for the defence of the Trans-Indus Frontier.

The members of the Board were given co-equal powers. They had coordinate authority and apparently acted collectively. Informally the three members came to divide the work, so that Sir Henry Lawrence dealt with all political and military matters. Mansel took up Justice and Police, while John Lawrence had in his charge the more laborious departments of Finance and Revenue. It may be noted, however, that all official papers were at first circulated to the three members, and each member recorded his opinion on every question that came up for decision. The



The result was that all matters of importance received the careful consideration of the entire Board; while the special experience of the individual members could influence the final decision.

The general concurrence among the members of the Board on question referred from below was dispensed with. Ordinarily a Commissioner's decision was to be upheld, if confirmed by one member. If, however, it was dissented from, the concurrent vote of two members would be necessary to overrule it. All revenue matters e.g. revenue settlement, remission of revenue, and reductions in assessment required to be confirmed by at least two members. The sentence of capital punishment or transportation for life could only be carried out, if the conviction by the Commissioner were concurred in by two members, and by all the three members in case of dissenting from the Commissioner's judgment.

The members of the Board were encouraged to go on occasional tours of inspection through the country, but no more than one member was to be absent from the Capital at a time. The member on circuit had powers to issue orders on his own authority in times of exigencies, and even in cases specially outside the scope of an individual member. But such orders had to be promptly

promptly communicated to the Government.

In the regions of finance, the authority of the Board was minutely defined and strictly controlled. The subordinate character of the Panjab Board to the Supreme Government was rendered absolute by the complete centralization of financial authority at Calcutta. This was, however, in line with the policy of centralization which was a characteristic feature of the Government of India before the great Mutiny. The Board was strictly debarred from entertaining any extraordinary expenditure except office contingent bills and the charges incurred in settlement and survey operations. Every item of special disbursement had to receive previously the sanction of the Governor General; sums thus sanctioned were to be applied on legitimate purposes.

All expenditure in the Panjab was to be strictly regulated, and disbursement carefully noted with a view to ascertaining the financial loss or gain occasioned by its annexation.

It was however, within the competence of the Board to grant advances for the purchase of seed and agricultural implements and for the sinking of wells and building of reservoirs, and other minor works of irrigation. The Board was empowered to grant waste land rent-free to any enterprising persons who would undertake to dig wells and plant groves near the high ways for the convenience of public.

The Board was further authorized to maintain or pay out all existing Establishments civil or military and also to entertain new Establishments at its discretion, the cost of which for the first six months was to be charged in Contingent Bills on the Board's authority.

And finally, the Board was to prepare and submit an annual report on each department of administration, which was to be based on returns furnished by the Commissioners of Divisions. The object of the report was to obtain a detailed statement of the work performed by the subordinate officers in the various districts of the country. The report was to contain the Board's comments on the prevailing nature of crimes, on the state of police and the administration of justice, and the evils needing correction. The various statements were to be supported by statistics where possible in order to give a full and frank knowledge of the actual state of the county and the life of the people. It may be remarked in passing that it was to these comprehensive set of instructions and the interest they were capable of instilling in all the functionaries in their work of resettlement of the country that the later documentary reports known as the Panjab Administration Reports owed their origin.

To.

To assist the Board in its manifold activities a Secretary was appointed on a salary of RS 2,500/ p.m. G.I. Christian was the first incumbent of that office. The appointment of a Deputy Secretary was also sanctioned. He was to be an Engineer officer capable of advising the Board on all scientific matters like the laying out of embankments and road, the building of canals and bridges and the setting up of surveys. He was to have charge of the military correspondence of <sup>the</sup> Board.

The instructions issued to the Board of Administration were, in the first instance, tentative laying down details other than the general line of policy. They were not in the nature of permanent laws; they were open to change and modifications and in fact the Board's powers were enlarged or restricted during its tenure as the circumstances dictated. More particularly, it acquired greater discretion and authority to refund <sup>8</sup> land and excise revenue in especial cases.

The system of government for the Panjab as adumbrated in these instructions by the Government of India was one of Non-Regulation lacking in laws and exact Regulations. It was a very personal form of government intimately bound up with a few individuals exercising wide authority under general rules guided

8. India Pol. Cons. 1849, Sept. 29, No. 108. The Bd. of Adm. to the G.G. dated, Aug. 14, 1849.

guided only by their discretion and common sense. The Panjab Administration was so much the work of combined genius, and so little of formal and legal assertions, that it is necessary to examine the various personalities on the Board, who were called upon to govern the Province. First amongst the members was Sir Henry Lawrence. His great qualities of head and heart; his astute diplomacy already displayed in Anglo-Sikh relations; and his ability to sympathise with the fallen fortunes of the Sardars above all, his knowledge of military strategy on the rugged border of the North West Frontier received general recognition from a contemporary India and from Anglo-Indian historians since. For his part in the Panjab during the First Sikh War, his conduct of affairs under the subsequent Regency over which he presided as Resident, and the solid assets of his character and his military ability, which he brought to bear on the counsels of the Board of Administration, Sir Henry has received great praise recently from Prof. Morison.<sup>9</sup> It can not be doubted that primarily a soldier, and having graduated in the school of the 'politicals' under George Clerk, Sir Henry possessed an unusual degree of vigour in thought and action. His abilities were never better applied than during the stirring events of Sikh politics in 1846 - 47. He had an unmistakable grasp of the psychology

9. Prof. J.L. Morison - Lawrence of Lucknow. 1934.

psychology of the Sikh chiefs, and by his native sympathy he made himself thoroughly liked and trusted by them. Knowing the Sikh country and its people as he did, Sir Henry had an unconventional mode of addressing himself to the problems of the day, and, indeed, he succeeded up to a point. He possessed an original mind for the organization of frontier based for its effectiveness partly on improved strategy and partly on the reconciliation of the border population. But with this his limitations begin. His habits of work were irregular and unsystematic. He had an imperfect grasp of administrative requirements, which only indeed the training of a civilian would be likely to afford. His faults were essentially those of the 'political'. Having been vested with wide discretionary powers which service on the then undefined frontier demanded, and having been used to act on their own authority, they were naturally reluctant to surrender that latitude and obey the limitation of authority set by the superior Government. Sir Henry failed to recognize that the 'pioneering' days had once for all passed away with the victory at Gujrat, and that henceforward regular habits of business and proper obedience were required of public functionaries in the Panjab. Sir Henry refused to see that the circumstances of 1849 demanded a change in his outlook. He had been opposed to the annexation of the <sup>10</sup> Panjab

10. See infra p 73.

Panjab. While he accepted the Presidency of the Board, he was not quite reconciled to a strictly subordinate position under the Governor-General, who had his own policy with regard to the Panjab and resolved to see it applied.

Next to Sir Henry Lawrence stood his brother John. His knowledge of the Panjab and its people was as great as Henry's but he excelled him in industry, systematic administration and grasp of method. He was a civilian and had had great success in organizing various territories west of the Jumna. He had a working knowledge of both revenue and judicial matters in British India. He knew Indian character and institutions, and was aware of the need of improving the rural life of the country. His passion was for administrative efficiency, which would eliminate all corrupt practices and ensure just payment of State dues. He might well be called a brilliant second, for having once accepted Dalhousie's policy of annexation, he pursued it relentlessly.

Mansel was a man of different cast. A theorist rather than a man of action, he possessed a legal and technical turn of mind. He had in particular, great knowledge of Indian finance. He was conciliatory by disposition and had great difficulty in arriving

arriving at decisions. But his natural milieu were a settled country rather than an undeveloped and disorganized Province like the Panjab. The Governor General was not slow in observing the defects of a mind which viewed things in many different aspects and so impeded rapid and firm decisions by the Board. Dalhousie was glad to replace him in 1850 by Robert Montgomery, a brilliant Commissioner of the Lahore Division. Montgomery was an able and experienced administrator, with greater decision of mind and less fear of responsibilities. His work as a Commissioner had been really outstanding. His reports on the judicial administration and on indigenous education in his particular Division were highly appreciated by the Government and were to serve as specimens for other Commissioners to emulate. It was an extraordinarily good thing that the Board was now composed of members who were not only of Irish stock -- which had furnished many able governors in India, but who had been also close friends since their school days... The Board gained in vigour of its decisions and in despatch of its business, while the Lawrences were glad to have Montgomery as a mediator in their mutual rivalry of views over the administrative problems of the country.

The



The great traits of Marquis of Dalhousies' character were courage, high-mindedness, a realistic attitude to the problems of the day, regard for efficiency in administration, and an amazing capacity for work. A born autocrat, he became more autocratic by the responsible office he held and the great powers associated with it. He was emphatically the pro-consul who could organize governments for newly conquered countries and infuse political vitality into a whole administration. It is no place to assess yet the contributions of the Marquis of Dalhousie to the re-settlement of the Panjab, but it must be remembered that he was superior to any of the members of the Board both in official capacity and as a factor in determining the Panjab policy. For after all, the overthrow of the Sikh Kingdom and the subsequent annexation to British India had been his own action. The extension of British frontiers beyond the Indus about which his predecessor had hesitated so long, he took as a matter of course. Dalhousie had encountered the opposition of Henry Lawrence in annexing the Panjab and had met with rather a luke warm support from the Home Government, who desired indeed complete British control over the Panjab, but without formal annexation.<sup>12</sup> The Panjab was thus to the Governor General a very particular charge. The poverty of

11. Add. Mss 36,476. p 431 Lord Dalhousie to Sir John Hobhouse, March 6, 1849.
12. Broughton Papers. I.O. 460-62 / to the Board of Control (Sir J. Hobhouse) to Lord Dalhousie, the G.G. dated October 23, 1848

of its finances, and the undeveloped state of the country had lent colour to the view that even though annexation was inevitable and politic, it would prove a burdensome charge on the already strained exchequer of the Government of India. How the Marquis of Dalhousie was fired with the zeal of turning the new Province into an Imperial asset, and the success of his measures in establishing an improved civil administration in the country and in ensuring its financial stability are on record and can not be gainsaid.

Of Dalhousie's relations with the Lawrences on the Board, it may be said that he admired them and trusted in their qualities as much as he reproved them for their shortcomings. None appreciated better than the Marquis of Dalhousie the great services which both Henry and John Lawrence had rendered to the State in their respective spheres. Their intimacy with the country and the people; and the need of uniting military activity with administrative experience, which the hour demanded, had induced Dalhousie to put the talents of the two brothers to a great use. But with respect to general policy, Henry and John re-acted very differently to Dalhousie. It may be recalled that both of them had expressed regrets at Dalhousie's measure of annexing the Panjab.<sup>13</sup> But whereas John accepted his subordinate

13. Add. MSS 36,476.p.502 Lord Dalhousie to Sir John Hobhouse dated April 7, 1849. Dalhousie actually believed that both the Lawrences opposed his measure of annexation. In an earlier part of this letter while defending his policy, he wrote "Representations came from civil officers on the frontier

subordinate position and was ready to carry out a measure which had not perhaps his personal approval without looking backward; Henry by nature, was ill-fitted to give in to an official instruction from superior authority, and he remained uncompromising and unrepentent in his views. Henceforward, while the relations between John and Dalhousie grew more cordial as the Governor General became more appreciative of the vigour and intelligence which the younger brother displayed, Dalhousie became more and more estranged from Henry. It must be admitted that the Marquis of Dalhousie had little use for the 'politicals' of whom Sir Henry was so able a representative. However necessary the discretionary powers vested with the political officers on the frontier under Lord Hardings might have been, and with whatever success they had been applied, they clearly found no place in Dalhousie's conception of Supreme Authority. He regarded delegation of independent powers to subordinate officers as prejudicial to the high responsibilities vested in him in the position of head of the State. Sir Henry deputed to a particular Province and surveying the limited horizon was prone to impose local policy upon the higher authorities, and could not be reconciled to having the restricted powers of a local administrator. He ~~refused to see that a new spirit of~~ authoritarianism,

and even from Lawrences themselves who were opposed to annexation, of the importance of Govt. declaring something one definite at once, one way or the other."

He refused to see that a new spirit of authoritarianism was abroad, and the changed situation in the Panjab had rendered his ideas out of place. Dalhousie by nature and his position an autocrat could not tolerate any infringement of his authority. Persons of such contrasts, Sir Henry with his violent temper and insufficient regard to his subordinate position, and the Marquis of Dalhousie with his strong notions of high authority and resolute mind could form only an unreal alliance in 1849, which was destined to dissolve at no distant date.

History records the well-known incident of Proclamation after the Anglo-Sikh hostilities had ceased, which brought the first clash between the President of the Board and the Most Noble the Governor General to surface. There were however other incidents which might be mentioned to bring out the differences between them into proper relief. They exhibited the inevitable friction between the temperament of Sir Henry Lawrence spurred on by exuberant zeal and a narrow out-look based on local experience and the policy of the Marquis of Dalhousie conceived in a cautious temper and with regards to a wider range of all-India responsibilities. The first of these incidents had a bearing on the Second Sikh War. George Lawrence with his wife had been taken prisoner at Peshawar by the rebel Sardar Chatter Singh. Henry Lawrence proposed to exchange the

Rani who had been held in captivity by the British for his brother's wife. This clearly was very embarrassing to the Governor General who could not permit private considerations to interfere the course of State policy. He wrote <sup>14</sup> to Sir Hohn Hobhouse venting his indignation over Lawrence's proposals, which brought back this reply." I can not tell you how much I have been annoyed at Lawrence's proposal. It looks like a joke; but a very bad joke, and if my acquaintance continues to indulge in such pleasantry, I hope you will not scruple to deal with him as he deserves. There must not be two masters in the Panjab; nor, indeed in all India.

"The worst of these clever functionaries placed at a great distance from supreme authority is that they are too apt to set up for themselves and assume independent powers. Sir Henry has I think a little, and perhaps not a little, of this disposition, and he must be checked." <sup>15</sup>

The second incident belongs to a later period when Sir Henry was President of the Board. He wrote to the Governor General about the advisability of recruiting a company of 100 Gurkhas for the Panjab service, and remarked that he had already written to the Resident at Katmandu and asked for sanction of the

14. Add Mss 36,476 p. 433 Lord Dalhousie to Sir J. Hobhouse March 6.1849
15. Broughton Papers. I.O.p.148. The President to the G.G. April<sup>12</sup>1849

the Governor General now that the requisite number had been enlisted. Dalhousie while reporting the matter to the President of the Board of Control in London commented thus: "I rebuked him very severely, told him <sup>[that]</sup> the enlistment of foreign troops at a foreign Capital such as at Katmandu, without so much as a single word to me, was most censurable, and I desired him at once to desist and never to assume to himself such authority again." <sup>16</sup> It is not necessary to dwell further on Sir Henry's faults, or the provocation which the Marquis of Dalhousie received on that score in his official relations with the President. It is enough to say that they were a contributing factor in the break up of the Board in 1853.

Persons such as we have portrayed above and who formed the Panjab Government possessed a variety of abilities. Strong in their individual points, they could boast of great achievements when brought together under the able guidance of the Marquis of Dalhousie. That their conjoint efforts proved successful in pacifying the country and in bringing about the material results of peace in a bare three years, speaks for the devotion to duty that inspired each one concerned and was a proof of the superiority

16. Loc.cit. The G.G. to the President in London, September 22. 1849.

superiority of combined talents over the solitary efforts of an individual however gifted. It would be premature to appraise here the work finally accomplished by the Board. This concerns the wider issues of administration and must be deferred until then. It is, however, necessary to take note of the friction which marked certain operations of the system, and which led to its dissolution early in 1853.

The differences which engendered this friction were as much due to the dissimilar temperament of the Lawrences as to the difference in out-look of the professions to which they belonged. There was however some common ground between them. Henry a soldier and a 'political' was not without some knowledge of revenue survey. John was a civilian and had within him the dash of a soldier. They agreed on many essential matters. e.g. the military occupation and the pacification of the country, the re-organization of the frontier administration, the political relations with Indian States within the Panjab, the development of the material resources of the land <sup>and</sup> progressive policy of administration in general. They were absolutely united in demanding the

the best from all the services under their authority and they both succeeded in leaving their distinct imprint on the Panjab administration. There was always a mutual regard and esteem between the two brothers. Their differences however were equally acute and fundamental. Their disagreements over political and administrative issues in the country began to appear quite early in the history of the Board. Holding very opposing views on some very important problems of government their differences became exaggerated even in minor points during the deliberations at the council Board. Sir Henry recorded later: " We differed much as to the treatment of the old Darbar officers, military, civil, and especially as to rewards to those who had served us well in the war. We also differed in practice though not much in theory, as to the employment of the people of the country, and indeed as to the nomination of officials generally. I wished to employ Panjabis, wherever they were at all fit. I also wished to help sons of old officers. My brother John on the other hand, stood out for giving all the uncovenanted berths to natives employed in the Settlement, which was tantamount to excluding Panjabis and young gentlemen altogether



altogether. The opposition I met on all such questions and  
as to the treatment of Jagirdars was a daily vexation.<sup>17</sup>

More particularly, their differences centred round reforms in the land administration of the country, and the social changes implied in them. The first of these disagreements related to the collection of land revenue.<sup>18.</sup> Under Indian rule land revenue had been generally collected in kind. This was suited to the general economy of the country under which the services of the State were remunerated by jagirs. But the basic factor of English administration was the well regulated scale of cash salaries of its functionaries, and it necessitated the introduction of money economy in fiscal matter. Cash Payments therefore replaced the former grain payments under the Board. The advantages of the reform were obvious, for it determined a fixed assessment on the cultivator's produce in place of indefinite exactions of the Kardars of yore, and it ensured to the State a known amount of revenue, upon which it could regulate its future expenditure. But it had the drawbacks which are inseparable from giving economic forces free play

17. A letter from Sir Henry Lawrence to Lord Hardinge, March 6, 1853, quoted by Morison, *ibidem* p. 248.

18. Temple, Sir Richard, Lord Lawrence p 59.

play. Fluctuations in the price level of agricultural produce affected the ability of the peasant to meet his liability. The change to a money economy was at first popular with the agriculturists, but as the people took to more peaceful occupations after years of misrule, cultivation increased; and the good harvests of the early years of annexation contributed to an abnormal fall in prices.<sup>19</sup> The cultivator found it increasingly difficult to pay the revenue in money. There was general agitation in the country to revert to the old practice. Sir Henry partly from his readiness to yield to a popular demand, and partly from his lack of appreciation of the abuses, which prevailed under the old Indian fiscal system, was willing to suspend cash payments. John was less inclined to give in on a point of principle and insisted on its being maintained, though he believed that the land tax should be so assessed that it might be realised under altered circumstances without any great hardship to the people.

The second point of disagreement referred to Jagirs, which had been a great factor in the military administration of the Moguls

19. Vide infra p. 139.

Moguls and the Sikhs. A jagir connoted assignment of land revenue by the ruler to a chief. The right of the assignee extended only to the receipt of the land revenue. It did not necessarily affect the rights of property, that is to say, the assignee did not obtain thereby any title to collect the rent, as that would depend whether he had the property of land vested in him or not. The assignments were generally one of three kinds, for the maintenance of religious endowments, as a mark of royal favour, or for the remuneration of services. The last of these was the most important. The great chiefs received temporary grants of land revenue of specific villages on condition that they should furnish a contingent of horsemen to the ruler of the day. These grants contained within them certain privileges such as all territorial alienations were bound to carry in a feudalistic society. But this feudal service was not required under the British, and was consequently commuted into money payments. Besides the jagirs, there were pensions, that is, the alienation of public revenues in the form of cash bestowed on local chiefs in consideration of duty nominal or real being performed. Such duty could not be accepted  
under

under British rule, for under it regular and systematic Services were set up, which were governed by rules and paid accordingly. On annexation a discussion arose as to the discontinuance of these pensions, particularly where they had increased without legitimate sanction during the anarchy of later Sikh rule. The existence of a very large number of these cases involving, as they did, extensive interests, provoked great divergence of opinion between statesmen equally able, humane, and conscientious. Sir Henry believed that liberal concessions should be maintained to these feudal classes so as to ally them with the new régime. He was also prompted by sympathy for those worsted by the revolution. His policy towards the Indian aristocracy was as natural as later Lytton's policy of reconciling the influential section of the population by giving them employment under the Government was deliberate and calculated. Henry was inclined to disturb vested rights as little as was consistent with his own policy irrespective of whether the finances of the country permitted it or not. John held views in clear opposition to Henry's. His personal sympathies lay with the cultivators. As regards the Jagirdars and Pension-holders, he took the view that their grants must at once be curtailed  
and

and provision made for their cessation on the death of present incumbents. To perpetuate them, without the implied condition of service would <sup>be held</sup> be prejudicial to the services newly organised on British lines.

Judged from the wider point of view of the social life of the community, the difference in policy would revolve round one observation. Ought the interests of the community at large to be sacrificed in order to maintain the privileges of only a section of it, which had once been dominant and was now completely routed? Should the State promote public weal, or prefer to foster an influential class, whom the fortunes of battle did not favour, and whose past record did not deserve it? The record of the Sikh aristocracy in the waning period of its power is one of sheer brutality and tyranny exercised over the whole mass of people. They were the men who had risen to position either by fawning on the capricious ruler of the day, or through extraordinary good luck by fishing in the troubled affairs of Lahore. Once established as rulers, they had little deserved the loyalty of the people, or gained sanction to their power. It was but natural that when their fall came, it should be consistent with the fortunes of political revolutions.

In

In qualities that distinguished the nobility of contemporary Europe from the commonality, the Sikh aristocrats were miserably deficient. As a class they were largely selfish, devoid of any civic spirit of patronizing the art and literature of the country, or of adding liberal and humanizing graces to the life of the people. They were parasitic. And this furnished an added reason to John Lawrence's arguments for demolishing superficial rights of the so-called nobility, and promoting the interests of the peasantry.

In another aspect of public administration, there were differences between the Lawrences, and these often became irksome. The finance of the country was ever present to the mind of John. He realised the need of improvements of all sorts in the undeveloped state of the Panjab, but he held that such measures must on no account outstrip the financial capacity of the Province. This consideration did not weigh with Henry. He believed in the civilizing mission of practical improvement of the land and the character of the country and was reluctant to restrain the pace by taking into due consideration the means available to

ensure

ensure their proper execution. He ignored the paucity of funds in a relatively poor country and he did not consider sufficiently to what extent his programme of public reconstruction could be realized from an economic and practical point of view. During the period the Board of Administration held sway in the Panjab, a multitude of projects were considered and finally undertaken, but they were attended by confusion in accounts and there was delay in their being reported to the higher authorities. It may not be out of place to recall the differences that arose between John Lawrence as Chief Commissioner and the Civil Engineer Robert Napier on the same score, who had the same business defects as the elder Lawrence. This time again many works had been started either without proper financial adequacy or even without the sanction of the superior authority. The consequence was the same irresponsibility in the Public Works Department as had existed in regard to public works in the time of the Board. But John Lawrence did not hesitate to pull Napier up sharp and insisted on conforming to regular practice of transacting business.

The friction at the Board's councils was becoming not only tiresome but positively harmful for the administration of the  
country

20. Lawrence Papers. J. O. John Lawrence to Robert Napier, letter dated Aug. 28, 1855.

country. On a reference over several points of dispute being made to the Supreme Government, it was not long kept in doubt with whom the Marquis of Dalhousie would concur. His own ideas of administration tallied with the views of the younger brother. The estrangement between Sir Henry Lawrence and Lord Dalhousie became more acute, as they came to be divided even on the detailed matters of administration. The choice between the Lawrence brothers for the sole charge of the Panjab was therefore made, and the dissolution of the Board became only a matter of time.

The Board was indeed at most a temporary expedient. A Board as the executive head of a Province might not have been the form of government best suited for originating and carrying out a system, or commendable in the eyes of a theorist, but circumstances in the Panjab had rendered it almost inevitable and the cumulative efforts of the members of the Board were indeed very striking. Henry's sympathies for the Sikh nobles though somewhat exaggerated, had bridged the gulf that separated the conquerors and the displaced governing power and caused thereby their new relationship to assume a more satisfactory stability



stability. The foresight of Sir Henry in this direction was no less — the foresight of a statesman than that of his younger brother, who more immediately addressed himself to the practical task of re-settling the country. And even amidst their differences on questions of principle, each of the brothers continued to press for his own view of what was right undeterred by the aggravation of their personal relations with the result that under the pressure of their invincible convictions on administrative issues, they succeeded in bringing into shape a system of government, which far surpassed for example that of Bengal.

The transitory character of the Board of Administration had been remarked on quite early by Dalhousie. Sir Henry had continually kept bad health at Lahore, and had been contemplating retiring altogether from service. Lord Dalhousie in writing to the President of the Board of Control, not quite six months after the annexation of the Panjab reviewed the situation in the following terms: " If Sir Henry Lawrence gets sicker and goes home, I can economise greatly and revert to what I originally desired; a single Commissioner. As long as he is here,

I can't; for I will not trust that great revenue system and its Settlement to him. <sup>21</sup> " A little later he wrote again, "If he [Sir Henry Lawrence] did go away, I should take advantage of the opportunity to get the administration moved towards the form I myself desired; namely a single Commissioner, and which Sir Henry Lawrence's "headship", as they say in Scotland, made impracticable for me at first Starting. <sup>22</sup> ".

It may, however, be remarked that none judged the results of the efforts of the Board better, none was prouder of the promising start in the administration of the Panjab, than the Marquis of Dalhousie. Sir John Hobhouse, who had become Lord Broughton, had been commenting on the new-fangled experiment of the Board of Administration with its tiresome long name, and had suggested its immediate abolition. Dalhousie replied: "After all, the machine will best be judged by its "turn out", as Mr. Bright would say, and though it looks clumsy, and has a long ~~name~~ name, I assure you its effects are worthy of all praise, I think you may safely go into a Cabinet with the aggregate result of their labours in your pocket and ask any one of your colleagues to show you a British Province of his, better and more successfully

21. Broughton Papers, I.O. p. 241 The G.G. to the President Aug.20. 1849

22. Loc cit. The G.G. to the President, Sep.6, 1849.

successfully administered by the Home Office than the  
Panjab is by its cacophonous Board." <sup>23</sup>

Creditable indeed had been the work of the Board for pacifying the country, but it was ill-suited for the final consolidation of the administration. The differences between the two Lawrences were proving fatal to any unified policy. Both Henry and John with their selfless regard for authority and honesty of purpose were contemplating withdrawing from the Panjab in each other's favour, should a suitable opportunity arise. Early in 1853 the Hyderabad Residency became vacant on the resignation of Fraser. Both brothers applied simultaneously offering their services. The Marquis of Dalhousie seized the opportunity to alter the constitution of the Panjab, he had been long waiting for. His choice had however already been made; he would keep John, whose antecedents fitted him admirably for that sole charge of governing the Panjab. Sir Henry was <sup>finally</sup> transferred to the Rajputana Agency on the same pay as he was getting in the capacity of President of the Board of Administration at Lahore.

23. Broughton Papers, I.O. p 211. The G.G. to the President, Jan. 23, 1851.

2. The Chief Commissioner Feb. 4. 1853/58.

The Marquis of Dalhousie, on being demi-officially informed of Sir Henry Lawrence's intention of leaving Lahore, wrote a minute <sup>dated</sup> Jan. 26. 1853, in which he recapitulated officially the circumstances, which had governed the formation of the Board of Administration in 1849. He referred to the great services of Sir Henry to the peaceful progress of the Panjab. On the proposed changes in the constitution of local government he wrote: " I conceived that such a task [ of organizing a kingdom, the framing, maturing and controlling the multitudinous details of a system of civil administration in all its branches judicial, financial, and police ] would require and try the best energies of the ablest man that could be selected, commanding all the advantages of having been trained in the system of civil government of the country and having large experience of its details. For although it was intended that the Regulations should not be fully introduced into the Panjab and that the administrative system there should be far more simple in its form than in the older Provinces, still the first construction of such a system every where founded on the Regulations

Regulations and pervaded by their spirit - could be effected and the superintendence of it afterwards could be thoroughly directed only by a Civilian fully versed in the administration of India and experienced in its operations. " 24

For such a superintendence of the Panjab administration, none was better qualified than John Lawrence. His connexion with the Panjab had been continuous since 1845, and he had as close knowledge of the country and its people as his brother Henry. He had an added advantage of having been deputed to settle the Sikh Territory of the Jalandh<sup>ur</sup> Doab after the First Sikh War. Of his contributions towards reorganizing the Panjab under the Board of Administration the Governor-General recorded: " I do not wish to establish invidious comparisons, but I consider it to be but plain justice to John Lawrence to declare my conviction without detracting from the merits of either of the members of the Board that the largest share of credit derived by the Board of Administration is due to John Lawrence." 25

A Resolution of the Government of India recorded in the Foreign Department and dated Feb.4. 1853 brought the operations of the Panjab Board to an end. The same Resolution appointed

24. Ind. Pol. & For. Cons. 1853, Feb.4. No. 124 The Minute by the Most Noble the G.G. para 8.  
25. Loc. cit. para 19.

appointed John Lawrence to the office of Chief Commissioner - a designation created on this occasion for the first time in India. The Chief Commissioner was to act also as the Agent to the Governor-General in the conduct of political relations with the Panjab States after the great tradition of Ochterlony, Wade , and Clerk. He was to enjoy the same powers and to be vested with the same responsibilities under the Supreme Government, as had hitherto belonged to the Board of Administration. A Judicial Commissioner and a Financial Commissioner were also appointed and were made subordinate to the Chief Commissioner.

Robert Montgomery was gazetted to take charge of the office of Judicial Commissioner. He was to be the supreme head of the Judiciary, civil and criminal, but he was to obtain the concurrence of his superior, the Chief Commissioner, in cases of capital punishment, and also if the punishment awarded by a lower court was enhanced.

He combined with his judicial functions, the superintendence of all matters relating to the civil police, and the management and control of jails. His authority over these heads was complete, except that Circular or General Orders in the two departments had to receive the sanction of the Chief Commissioner

Commissioner before they could be put into force. He was also to refer to the chief authority in the Province all matters connected with the construction, improvement, or alterations of Judicial public buildings, and all increases of Establishment.

The local funds, whether deriving their income from  
26  
'nazul' property, the 1% Road Fund, or the Public Ferries, were placed under the control of the Judicial Commissioner. He was authorized to sanction expenditure therefrom up to Rs 10,000/ for any one work.

The Judicial Commissioner was further empowered to determine all ecclesiastical questions and to direct educational experiments in the Panjab, with the one reservation that all important issues on these two subjects were to be referred to the Chief Commissioner either for his own decision or for submission to the Central Government.

The first incumbent of the office of Financial Commissioner was G. Edmonstone, who was promoted from the Commissionership of the Cis-Satlaj Division. His powers were those of the Sudder Board of Revenue in the Presidency. He was charged with the superintendence and control of Revenue Settlements that were proceeding apace in the country, and he had final authority

26. Escheated property in gardens and houses.

authority to sanction all Summary Settlements, and to release small patches of land as "muafi"<sup>27</sup> not exceeding 10 acres in each case for the lives of incumbents. He had authority to appoint Lambardars and other village officials.

His jurisdiction was comprehensive embracing as it did Revenue, Survey, Stamps, Salt, Excise, and Pensions. But in any matter of importance or difficulty, he was to seek the decision of the Chief Commissioner, or submit it to the Central Government.

The financial Commissioner could of his own authority sanction remissions on estates temporarily settled, and on estates held as kham.<sup>28</sup> He had the authority to grant takzvi for the construction of wells or other small irrigations works up to sums of Rs 500/, and to refund land revenue and excise wrongly demanded. He could restore pensions and sanction payment of arrears on good cause being shown, provided the pensioner had not been absent more than two years. All financial matters relating to inundation canals, buildings for revenue offices, and all establishments had to pass through from the Financial Commissioner to the Chief Commissioner.

The subordinate character of the Judicial and Financial Commissioners

27. Rent : free.

28. Estates administered by District officers on behalf of Government.



Commissioner at Lahore was further emphasized by their having to furnish a monthly index of correspondence. The Chief Commissioner could, however, call for any papers or proceedings, and submit the same for revision or order of the Government, whenever he thought fit.

This is not the place to expatiate on the work that the Chief Commissioner did in the Panjab. The governing principles laid down during the life time of the Board justified themselves by the loyalty and steadfastness displayed by the people during the Sepoy Mutiny of 1857. The operation of these principles and practices formed an essential part of the general administration, which is the subject matter of the following chapters. Suffice it to say, that the new framework of government at Lahore was an improvement on the former one. A distinct departmental organization was set up, and the various branches of administration were grouped under two separate Executive heads. The Chief Commissioner exercised a general control over them while he himself was directly subordinate to the Supreme Government. This system had the advantage of securing undivided individual responsibility in specific spheres of government in place of divided joint control

over all spheres as had been exercised by the members of the Board. Uniformity of design and practice was secured by the appointment of a single head of the Government. The Panjab Administration Report for the year 1851-1853 summed up the working of the altered constitution of the local Government as follows:

" The consequence has been that every portion of the work has been better cared for than formerly, and that greater system, regularity, and precision have been maintained throughout ".

Of John Lawrence in his capacity of Chief Commissioner of the Panjab, the opinion may be expressed that never was an officer of the Company found more fitted for his task; rarely could he have been  $\approx$  equalled and never could he have been surpassed in the conscientious zeal and sheer hard work with which he addressed himself to the problems of administration. By constitution and training he was well fitted to work alone. He made up his own mind quickly, and had the courage of his opinions. Protracted discussions at the Board had been wearisome to him as they seldom produced courageous results. He expressed his mind in relation to the Board very laconically, as was his wont, " I am not well fitted by nature to be one of

of the triumvirate." <sup>30</sup> Now his authority over the Panjab was complete, though his responsibilities had become greater. But this did not deter him from pursuing an enlightened policy, which formed the chief characteristic of the Panjab Government. His ideas had long been maturing during his service with the Company and though his field of activity had been restricted under the Board, it had full scope for play after 1853. He had been bred to the trade. He thoroughly understood the system of administration in the Non-Regulation areas. In its application to the Panjab, its outstanding feature was efficiency ensured by the constant vigilance of the Lahore Government. The relations between the Chief Commissioner and the subordinate officials continued to be cordial, and even grew intimate in many instances. He never failed to applaud a noble effort by the local functionaries, nor was he slow in censuring their aberrations. In the Panjab administration, his darling wish was realised. He remarked: "I desire earnestly to show what a man bred and educated as a Civilian can do in a new country." All his endeavours were directed to this one great end of fixing his own impress on the administration. And this indeed he did.

The burden of the office of the Chief Commissioner had increased correspondingly with his enlarged executive powers. Although

30. John Lawrence expresses his dissatisfaction with his position on the Board more forcibly in a letter to Courtenay, the Private Secretary to Lord Dalhousie, dated March 30, 1852. Lawrence Papers. I.O.

Powers. Although he was the virtual Governor of the Panjab, yet the government was not technically vested in him. He had an inferior status and title to a Lieutenant-Governor. As a Chief Commissioner, he was the deputy of , or the principal Executive authority under the Governor General in Council. As such he was subject not only to the vigorous vigilance of the Government of India, but was considerably fettered in the exercise of authority over measures of any importance, and in appointments to the various Establishments of the administration, by the necessity of obtaining the sanction of the Governor General. These restrictions added to his labours, and somewhat hindered quick despatch of business. On a historical retrospect, it might appear that the Chief Commissioner ought to have been given the status and dignity of a Lieutenant-Governor on an equal footing with the Lieutenant -Governor of the N.W.P., and that he who really did the work and bore the responsibility, should also have the rank and status. But the circumstances of the day rendered it inevitable that the Panjab should be placed under the special charge of the Governor General. Lord Dalhousie had a great interest in the new Province, as his own reputation was staked on the administrative experiment. He, therefore insured against any lapse or failure by retaining direct control over the Chief Commissioner. During the extended tenure of his office

office, Dalhousie had the satisfaction of seeing the Panjab well consolidated, and the success of his annexation policy so well assured <sup>31</sup> that he wrote a minute just before quitting India finally, in which he expressed his conviction that the Panjab should be formed into a Lieutenant-Governorship, and he recommended John Lawrence for the high office.

31. India Pol. Con. 1856, dated Feb. 28, No. 28 Minute by the G.G. Feb. 20, 1856.

**B. Relations between the Provincial  
and the Central Governments.**

The Panjab legally speaking had no identity of its own. It had been exempted from the operation of the Regulations, and its existence as a British Province was not recognised in law. It was a political appanage of the Government of India, and was governed under such specific instructions as the Governor-General who held himself the portfolio of the Political and Foreign Department, might choose to give to the Local Officers. The Government of the Panjab was therefore vested in the Governor-General in Council. His representative at Lahore was either the Board of Administration or the Chief Commissioner. The delegation of powers to the Local Government was very carefully defined and was exercised in strict conformity with the instructions from the Supreme Government.<sup>32</sup> The Panjab was a new acquisition and was therefore classed as foreign, in as much as its administration was conducted in the Foreign and Political Department.

As the Governor-General retained these departments to himself, and was personally responsible for them, the scope of his influence on the Panjab policy was naturally enough  
considerable

32. Vide supra pp.74-77.

considerable. The official correspondence between the Local Government and the Supreme Government was conducted in the Foreign Department, all communications being addressed to the Political Secretary to the Government of India with the Governor-General, and the answers sent back from the same source. On important issues of policy or decisions the Governor-General invariably wrote minutes, which were later embodied in letters from the Government of India, and despatched to the Panjab administration. It would appear from a study of the consultations of the Foreign and Political Department of India, that the members of the Council contributed little either in the formulation of policy, or in the sanctioning of measures sent up by the Provincial Government. The main policy was put forward by the Governor-General and his decisions alone were subject to the final sanction, and approval of the Home Authorities.

The Government of India retained the power of sanctioning all expenditure, save office contingent bills and the charges incurred in settlement and survey operations. The specific powers of the Board of Administration were "to maintain or pay up

up all existing establishments, Civil or military. If the state of the Treasury does not admit of immediate disbursement, they may be discharged and payment made hereafter. With respect to new Establishments they may for the first six months be charged in Contingent Bills on the Board's authority.

" The Governor General will be prepared to sanction a Scale for each kind of office, which should not be exceeded, and the Board can then sanction others of a similar grade without further reference to the Governor-General." <sup>33</sup>

The Government of India appointed all officers. Of all acts beyond those of ordinary routine of the Local Government, the Supreme Government was always kept informed. Information even of local significance was submitted to Calcutta. The Government of India received an abstract of correspondence, and annual statements of administration from the Panjab Government.

The government of the country was thus highly centralized and therefore necessarily despotic. Critics of Dalhousie are prone to delineate him as authoratarian, and a mere regulator of the talents of others engaged in administering the country.  
It

33. The Government of India to the Board of Administration No. 418, March 31, 1849. <sup>of act.</sup> paras 33-34.



It must not however be forgotten that the past history of Indian government was such that it called for great authority and responsibility on the part of the head of the State working through a bureaucracy. The office of the Governor-General of India was very responsible, and the centralized form<sup>of</sup> government tended to favour the inclinations of great pro-consul. By nature and position an autocrat, the Marquis of Dalhousie was not disposed to delegate to others powers, which legitimately belonged to him, or to allow the policy of the Government of India to be dictated by a local functionary. He exercised great authority in the determination of Indian affairs, which was not only appropriate to the office he held, but was directed to beneficial ends. It seems hard to credit the statement that he was intolerant of other people's opinions, or indifferent to their suggestions. Indeed it is clear from the perusal of his private correspondence and the record of his tours through the Panjab, that he sought advice and information on many points of local administration. He encouraged subordinate officers, who enjoyed his confidence, to write frankly their convictions either on an issue of policy or on a point of administration. Many a free discussion of this nature took place between Dalhousie and John Lawrence,

John Lawrence, and is recorded in the private papers. The Marquis of Dalhousie kept an open mind on a fresh issue. He invited suggestions from those best acquainted with the measure. Having heard all, and having considered the matter in all its bearings, he would finally determine a course of action. Trusting to his clear thinking and shrewd judgment, he would pursue his policy with great resolution, and nothing indeed could deflect him. The Marquis of Dalhousie had an advantage of surveying different measures of Government from an all-India angle, and where he over-ruled a local functionary, it was primarily because general considerations must outweigh local considerations.

Among the qualities which the Marquis of Dalhousie possessed as a statesman, were his strength of will, his high-mindedness, his habit of clear thinking, a wonderful comprehension of details and situations, which gave him an inspired courage and resolution in the formulation of State Policy, and distinguished ability to interpret an Imperial role in India. Nowhere was this imposing combination of personal and official assets of the head of the Indian Government better applied than in the re-settlement of Panjab. They exhibit Dalhousie  
in

in a greater role than a mere regulator of the talents of others, or of the machinery of the Panjab Government. He had imperial resources at his disposal, and employed them in making the Panjab System a success. He travelled far and wide in the Land of Five Rivers, and made himself easily accessible to the local functionaries, encouraging them in their activities. He was often at hand to approve the common deliberations of the Panjab Board, <sup>2</sup>circumstance which was vitally important in a highly centralized Government. The Governor-General held conferences with local officers. He spied out the land and gained a knowledge of people. Thus, he developed an insight into the administrative needs of the country. His share in the great work of administration of the Panjab was more than mere sanctioning of schemes and encouraging the exertions of others. He had constructive plans of his own. The ably written Minutes show the wide range of his activities in this direction, and display a clear grasp of various subjects of administration. There was hardly a project undertaken, which did not bear the impress of his master hand and the mark of his fostering care.

In general, the Marquis of Dalhousie infused political  
vitality

vitality into the whole administration for the country, and the directing impulse of the head of the supreme Government was uniformly felt throughout the various departments. It was no idle compliment, but rather a sincere appreciation of what Dalhousie had meant to the country in the realm of administration, that John Lawrence wrote, when the new Governor-General, was designated, "I am glad to hear your Lordship thinks that we shall like Lord Canning [Dalhousie's successor] and I hope he will be satisfied with us. Still I must say that your Lordship's loss will be sensibly felt. A stimulus has been given to the general administration of India, and a general vigour infused into all departments, which if only carried on, must wipe out the reproach under which the Government formerly laboured."

34.  
34. Lawrence Papers. I.O. John Lawrence to the Marquis of Dalhousie Aug.28, 1855.

### C. Division and District Organization

The newly annexed territory of the Panjab was divided into four Divisions, each under the civil charge of a Commissioner and Superintendant, namely, the Central Division around the Capital, comprising parts of the Bari and Rechna Doabs with Lahore and Amritsar as the principal towns under Robert Montgomery; the Southern Division around Multan near the confluence of the Indus and its Tributaries, comprehending the lower portions of the Bari and Rechna Doabs as far as Jhung under Edgeworth; the Jhelum Division embracing the Chaj Doab and the country of the salt range under Thornton and the Derajat Division at the base of the Sulaiman range dividing India from Afghanistan under Captain Ross. The Districts of Peshawar, Hazara, and Kohat, from their peculiar location on the frontier were administered as a political charge by the Board of Administration at Lahore, each being placed under a Deputy Commissioner. Two years later on the transference of George Lawrence to Meywar, these Districts were amalgamated in to a Division with its Head <sup>Quarters</sup> at Peshawar

Peshawar under the Commissionerhip of Col. Mackeson, an officer of tried ability and vigour. There were, however, two more Divisions, the Cis-Satlej on the east and the Trans-Satlej on the west of the river. They had been added to British India on the outbreak and at the conclusion of the First Sikh War, <sup>35</sup> and were now to belong to the Panjab.

The Commissioners were immediately subordinate to the Board at Lahore. They performed the functions of officers of the same denominations as in the North West Provinces, that is, the superintendence of Revenue and of the Police, and the exercise of appellate powers of a Civil and Criminal jurisdiction of a Sessions Judge. But they were to observe stricter supervision over the District officers than was required where a regular routine of business had been well established and understood. <sup>36</sup>

In criminal cases involving capital punishment, or transportation, the Commissioner had to refer to the Board of Administration for final orders. In cases of lesser aggravation, however, he was empowered to sentence up to 14 years imprisonment, and two years in addition in lieu of stripes. By selecting good men whose standing did not entitle them to a similar grade in the Provinces, the Board obtained a very efficient body of Commissioners.

35. The Cis-Satlej Territories were annexed by the proclamation of Sir Henry Hardinge, the G.G. of India, dated 13 Dec. 1845 and the Trans-Satlej Territories were ceded by the Treaty of Lahore dated 9 March, 1846.

36. The G.G. to the Board of Administration, dated March 29th 1849-<sup>of the</sup> para 21

Commissioners, among whom Robert Montgomery, Donald McLeod, and Edmonston particularly shone.

District Organisation. A Division was subdivided into four or five districts of convenient sizes which corresponded to a ta'aluqua of the Sikh regime, but a district was more compact and regular. The officer at the head of a district was designated Deputy Commissioner. His office was characterized by the combination of various powers. He was Magistrate, Collector, and Superintendent of Civil Justice in his particular district. Like the Commissioner of a Division he performed as many functions as a Subedar under the Moguls did. He collected the revenues; he carried into execution all administrative orders; he tried criminals; and he decided civil cases.<sup>37</sup> By this combination of functions in the districts, the Deputy Commissioner represented a simple, and yet vigorous type of government, as opposed to the Regulation administration which was marked by separation of power and under which a Collector-Magistrate was encumbered by innumerable rules, which narrowed the range of his activities.

The concentration of triple powers had many obvious advantages.

37. Loc.cit. para 18

advantages. It obviated the existence of a multiplicity of Courts, which were invariably a source of confusion to a people lacking in legal training. The exercise of triple authority by the same Court led to a rapid despatch of business. It broadened the outlook of local functionaries. An intimacy with revenue work instilled into the district officers a spirit of elaborate scrutiny, and the judicial experience gave Revenue Officers a character for decision.

A Deputy Commissioner was assisted in his task of governing the district by an Assistant Commissioner and two Extra Assistant Commissioners. Recruitment to Assistant Commissionerships was the same as that of a Deputy Commissioner, that is, from the Covenanted Service and the Commissioned Officers of the Army. An Assistant Commissioner was junior to a Deputy Commissioner. His powers were that of a subordinate; the Deputy Commissioner could allocate to him what functions he liked in the district. The Governor -General in Council made provisions to vest most of the Assistant Commissioners with the special powers of a Joint-Magistrate, which enabled them to exercise the full powers of a Magistrate in criminal cases and rendered them independent of the Deputy Commissioners as regards appeals. The best among the Assistants



Assistants were given the opportunity of doing nearly the whole of the criminal work including committals. The Deputy Commissioner however retained the management of the Police of the District.

As for the other class of district functionaries, the title of Extra Assistant was preferred to Deputy Collectors, because their duties were not particularly confined to the Revenue Department. The recruitment to this grade was made from amongst uncovenanted Servants of every class and religion. Some of the best functionaries belonging to the old Sikh Government were admitted to the Service, and were allowed their former titles of Kardar and Adalati. Provisions were made to vest some of the Extra Assistants as well as the Assistant Commissioners, with the special powers of Joint-Magistrates, in accordance with Regulation No.VIII of 1797, No. IX of 1807 and No.III. of 1821.<sup>39</sup>

A district was further sub-divided into smaller fiscal units called tahsils under local officers termed tahsildars, and into police circles under thanadars. A tahsil represented the pergana of the Sikhs. Tahsildar was originally a subordinate Collector of revenue, and as such possessed some Executive authority. His fiscal experience proved so valuable that two years later the Board of Administration proposed and the Government

39. Loc. cit. para 20.

Government sanctioned a scheme of vesting them with judicial powers in the Civil, the Criminal and the Revenue departments subject to the control of Deputy Commissioners and the general <sup>40</sup>superintendence of Commissioners of the Divisions.

The establishment of the office of Deputy Commissioner proved to be the forte of the Lawrence, around which the whole structure of administration was built up at once more popular and efficient than elsewhere in India. The main features of the Panjab Government were, first, the fusion of triple powers vested in all the officers from the Commissioner downwards. Second, the spirit and not the letter of Regulations was applied in administering Justice. The third point was the accessibility of public officers, which was specially enjoined on the Panjab Administration. It safeguarded the probity and integrity of the subordinate Services, and succeeded in avoiding at first at all events, the defects which marked the Police of the Presidencies. The District Officers through their wide contact with the people, managed to acquire useful knowledge of the internal social economy of the people. And finally, the fourth feature was the official vigilance which was firmly established over the whole administration. The exercise of triple powers had necessitated  
triple

40. Board of Administration. The Judicial Circular Orders, No 58 of 1851 & 20 of 1852 and 45 of 1852.

triple supervision. While provisions were made to enable the Commissioners to control district operations, the Deputy Commissioner himself was authorised to revise the work of his Subordinates without waiting for formal appeals, and to correct irregularities by exercise of that Summary power which was vested in him for such emergencies.<sup>41</sup> The result of this strict superintendence was seen in the administrative capacity of the whole body of officers displayed in the working of the Panjab administration.

The Concentration of authority and undivided responsibility gave the Panjab Government an appearance of intense centralization. Within the scope of their wide powers, the Executive Officers were responsible for every aspect of their proceedings, but they were supervised to an amazing degree. For all acts except those of ordinary routine, it was essential to obtain the previous sanction of Superior Authority, and the most ordinary business was reported in a form which kept the Provincial and Central Government at the head well informed of all occurrences in remote corners of the Province. There was a steady flow of great variety of statements and reports from the districts containing the

41. vide infra p. 393.

the most minute details of work. The Government received abstracts of correspondence, and annual reports from the Board and Chief Commissioner; the Board had its share in the monthly statements and reports from the Executive Officers of the divisions and districts, and the Executive Officers received daily reports and tabular statements from their subordinates. Under such a system, when the responsibility was undivided, and the delegation of power went down in an unbroken chain of subordination, the influence of the Central Government was direct and immediate.

This new system represents the results of a definition and development of the traditional Indian mode of administration. The Deputy Commissioner secured in his official position the advantages of centralization, and yet avoided the evils of tyranny. The nature of his authority was rather patriarchal, which was peculiarly suited to the temper of the Panjabis. It was an incidental advantage of this system that it was economical. The salary of a Deputy Commissioner was smaller than was paid to a District Officer in the N.W. Provinces. But this very fact proved a great embarras<sup>s</sup>ment to the Panjab Government. Pay on

a lower scale than in the adjoining Province discouraged good Executive Officers from accepting employment in the Panjab. The duties in the country were necessarily exacting and entailed considerable physical discomforts. The whole of the Panjab Establishment had to be taught the routine of work, and the N.W. Provinces by its proximity to the Panjab was called upon to furnish the requisite number of officers. To find men young enough to accept employment on a comparatively low pay was a difficult problem to tackle. The exposure and labour amidst unfamiliar conditions was great, and wastage from sickness and consequent change of officers was so large that <sup>it</sup> further = added to the embarrassment of the Local Government. Hence far too much was thrown on the superior officers whose duties were already severe in the initial stages of administration. The Chief Commissioner recommended a scheme for raising the salary of the Panjab Commission and lowering that of the N.W.P. It had the full support of the Governor-General, who regarded the discrepancy in the scale of pay as mischievous and damaging to the character of the service. Vernon Smith who had replaced Lord Broughton as the President of the Board of Control in London lowered the N.W.P. scale, but refused to raise that of the Panjab.

42. A brief correspondence in this point may be referred to in
1. *Quart. Bengal Adm. Review* Vol. 187. Public Letter Oct-18. 193/1854
  2. *With* Vol. 188. Foreign " 844(10)1854
  3. *Quart. Financial Despatch* No. 60. July 4. 1855

### III. Revenue Administration.

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The Sikh system in its prime was open to grave abuses, which called for drastic remedies. The British since the Regency, had directed their attention to the introduction of reforms in the revenue and fiscal department, which seriously impinged on the basis of Sikh power. The Sikh rule was at best an armed occupation. To maintain a powerful infantry, drilled and equipped in European style and supported by artillery and feudal levies of horsemen demanded a large revenue from the country. The one concern of the Sikhs was therefore to collect as much money through taxation as they possibly could. Land tax as a matter of right had been assumed to be a clear half and at times even a little over the half of the actual produce of land.<sup>1</sup> Other fiscal exactions embraced customs and imports of various kinds.<sup>2</sup> But such a financial burden was manifestly wrongful when the claims to happiness and comfort of the people long inured to oppression were taken into consideration. Under the Regency a greater part of the army had to be disbanded and a corresponding relief in taxation was

1. P.A.R. 1849 - 50-51 p. 233.
2. Vide Supra pp 17 - 18

was contemplated by the Lahore authorities. Summary Settlements of Land Revenue were set on foot; abatements in revenue demand and reduction in general taxation were gradually being effected. But the reforms received a set back by the outbreak of Sikh hostilities. After the annexation of the Panjab, the resettlement of the country in its fiscal aspect was systematically attempted, the narration of which falls under three separate headings. A. Development of Land Settlement policy. B. Taxation and other fiscal reforms. C. Currency reforms. They may be considered in order.

A. The development of Land Settlement Policy.

The Settlement System of the Panjab was in its inception the N.W.P. system as it stood in 1849. The Panjab consequently escaped those first years of tentative revenue arrangements - farming system and harsh sale laws - which were productive of such unforeseen and mischievous results in other provinces. In the despatch constituting the Board of Administration for the Affairs of the Panjab, the Governor General instead of introducing the Revenue Regulations themselves, communicated specific revenue instructions which were to contain "The four Circulars"

" The Four Circulars " of the Revenue Board of the N.W. P. and the pamphlets published under the orders of the Lieutenant Governor, as forming an admirable body of instructions adapted to any province where the village system obtained.<sup>4</sup> The 'Four Circulars' embodied Bird's description of his Revenue System. They had been issued under the authority of the Board of Revenue in 1839. The pamphlets alluded to in the Government of India's letter seems to have been Thomason's "Directions for Settlement Officers and Collectors". The work in this form was generally circulated in the Panjab and was among the text books which were prescribed for the examination of Assistants and Extra Assistants in the rules sanctioned by the Government of India in 1854.<sup>5</sup>

An examination of the nature of these three treatises which were adopted as a Revenue Code for the Panjab would reveal that they lacked the formal legality of law. They were a body of mere executive orders which could easily be altered by Government without an act of legislation. The effect of the order of the Governor-General might appropriately be described as the introduction in to the Panjab of the spirit of the Revenue

4. India Sec. Cons.         . The Sec. to the G.G. to the Bd. of Adm. March 29, 1849. op. cit para 12
5. India Pol. Cons. 1854. Apr. 15. No. The G.G. in C. to the Chief Commissioner No. 1514, April 11, 1854



Revenue Regulations of the N.W. P. in so far as they were contained in the Four Circulars and in the "Direction".<sup>6</sup>

It was, however, found necessary to introduce certain regulations more explicitly such as the one pertaining to the mode of determining boundary questions in the Panjab;<sup>7</sup> and the other in regard to the powers of Revenue Officers special regulations were referred to.<sup>8</sup> It was not to be expected that the Regulations which had been in operation in the N.W.P. would equally conform to the needs of the Panjab. Some of their deficiencies were made good by the introduction of rules in more direct terms and in a few cases by their complete supersession. One of these rules was that which enacted with effect from September 1st 1849 that the judicial decisions of Settlement Officers should not be liable to be contested in the Civil Court,<sup>9</sup> an appeal to the superior Revenue Officers being substituted; and another of these rulings withdrew from the jurisdiction of the Civil Courts the class of suits which if instituted within one year on the revenue side, would have been cognizable by the Collector as summary suits.<sup>10</sup> In the Chief Commissioner's letter No. 832, dated October 2nd, 1855 to the Financial Commissioner, it was laid down that such suits, when instituted after

6. Barkely D.G: The non Regulation Law of the Panjab p 210

7. The Gov.G. to the Bd. of Adm. March 29th 1849.of. cit.para 59

8. OP.Cit. paras 18 21

9. infra p. 161. ff .

10 This was effected in 1854 by section 1 of the first part of the Panjab Civil Code.

after one year from the time when the cause of action arose, should be tried on the Revenue side of the Courts with the same procedure as in the hearing of Civil Courts.

It seems equally necessary to emphasize the importance of the personnels who formed the Panjab Administration as well as the principles of Settlement which the N.W.P. provided for organizing the new country. The Revenue Policy of the Panjab was moulded by officers who had administered vast districts and made settlements in the N.W.P. Of the three members on the Board, C.J.Mansel and John Lawrence were Civilians trained in assessment and Revenue work under Bird and Thomason. Robert Montgomery who replaced Mansel on the Board in 1851 had settled the Allahabad District eleven years earlier. Altogether ~~nineteen~~ of the best of Thomason's Officers were requisitioned to the Panjab. They brought with them unique experience of land administration, as did in no less degree some of their Indian subordinates, to form the nucleus of the new establishments.

The history of Land Settlement in the N.W. P. and the various tentative efforts made to ascertain the real assets of land on which the Government demand could be levied, need not detain

detail us here. They have been ably dealt with in the classic works of Baden-Powell and Moreland. <sup>11</sup> Suffice it to say, /the Settlements were based on Regulation VII of 1822 as amended by Regulation <sup>LX of</sup> 1833. The contributions of the N.W.P. in the settlement of Land revenue of the Panjab were:

1. A proper field survey with the results embodied in a map and field register.
2. A full enquiry into the rights and liabilities of all persons having an interest in the soil and the record of these rights and liabilities in permanent registers.
3. A moderate assessment based more on general considerations than on an attempt to deduce the demand from an exact calculation of the Landlords net assets and <sup>12</sup> the share thereof claimable by Government.

A systematic treatment of the Land Settlement of the Panjab and enquiry into proprietary tenures under the British demands, if it is to be intelligible, some notice of the Sikh revenue policy which preceded it. The Sikh revenue administration has already been described and its broad features commented upon.

A

11. Baden-Powell. *ibidem*  
Moreland W.H. *The Revenue Administration of the U.P.*
12. Douie J.M. *The Panjab Settlement Manual* para 57

A few statistics which were furnished by the Dewan of the Sikh Kingdom, Dina Nath, may be quoted to show the variety of ways in which the land revenue of the Panjab had been collected.

<u>No. of Dists.</u>	<u>Mode</u>	<u>Amount</u>	13
8	Farmed to Kardars	Rs 25,49,873/	
8	Assessed with headmen <sup>n</sup>	18,23,556/	
42	Division & appraisement	89,44,658/	

Summary Settlements. They formed a characteristic feature of the early stages of British occupation of a territory, and consisted in the process of collecting State demand of land revenue summarily settled. They were at best a provisional settlement pending the first regular settlement of the country. Their procedure was simply to calculate the average money value of the grain collections of a former ruler spread over a number of years, and after striking out the miscellaneous cesses, and allowing a small percentage, usually 5 on the whole, the balance was considered as appropriately belonging to the British Government.

Summary Settlements were, first, gradually effected in the Cis-Satlaj States of the Panjab Territories, as the villages belonging in feudal demesne to any chief lapsed for want of heirs to the British Government, as over-lords. These early

13. Parl. Papers. op cit. The Act. Resident to the G.G. Sept. 25. 1847.

early settlements were rather harsh; and were productive of such misery to the cultivators, for the only deduction made on the Sikh Chief's collection was the nominal 5% as emolument for village headmen, the rest being commuted in cash and charged. It was not realized at this early period, that a fixed cash assessment, in order to be effective in the benefits it intended to confer on the peasant community, and in the steady income it ensured the State, must fall far below the revenue paid by division of crop. The former was necessarily inelastic, while the latter fluctuated automatically with the character of the seasons. The general revenue management under the political officers<sup>14</sup>, was very defective, and excessive demands were often exacted from the people by force or illegal methods.

The next part of the Panjab to be summarily settled was the Jalandhar Doab, which was ceded to the British Government at the conclusion of the First Sikh War. The officer in charge of the territory was no other than John Lawrence, who had a great experience of land settlement behind him. He prepared an elaborate statement on the settlement operations, which had been carried out under his supervision, and submitted it for sanction to the Government.<sup>15</sup> Incidentally, it is a remarkable document embodying

14. Douie: *ibidem* para 42

15. Ind. Pol. Cons. 1847 Dec. 31. No. 2443, Encls. John Lawrence to Lt. Col. Henry Lawrence, Agent to the G.C. dated Nov. 28 1846

embodying John Lawrence's views on the revenue administration of the Country, his mode of land settlement, and his policy towards Jagirdars, which were to influence the later history of the Panjab so greatly. More particularly with regard to the summary settlement of the Doab, he speaks of a rapid tour of inspection he made through the country, the reliance he placed on the returns of the former Dewan, Misr. Roop Lal, who was one of the best of the Sikh Governors, for his data, which he was able to correct by local information regarding the character of the people and the assets of their villages. Finally in consultation with the proprietors and headmen of villages, he fixed a relatively low assessment. This was a much more reasonable settlement than the Cis-Satlej, because it was based on the study of local conditions, and the past and present revenue paying capacity of the people.<sup>16</sup>

On annexation of the Panjab, all revenue assessments which had been summarily made by Cocks, George Lawrence, Edwards, Nicholson and Lake during the Regency Government at Lahore, were confirmed by the Governor-General.<sup>17</sup> The activities of these officers had spread over nearly the whole of the Panjab west of the Beas, excluding the Multan Province of Dewan Mu//lraj. These settlements

16. Melvill, P. Settlement Off: Revised Settle. Rept. Hoshiarpur Dist. paras 71-72

17. The G.G. to the Bd. of Adm. dated March 29, 1849. op.cit. para 58

settlements were a good deal less satisfactory than the Jalandhur ones of 1846 ~~—~~, for they were carried out in haste, generally by young officers with no previous settlement experience. There were no measurements employed to assist them, and their knowledge of the country was very imperfect, picked up as it had been, in the course of hurried tours. The collections of the past few years as shown in the Darbar's books were taken as the main guide to arrive at the rate of new assessments. The arbitrary cesses were remitted, and abatements of varying amounts were allowed, so that the new jumma fell more leniently on the peasants. The Government's share of the produce was commuted for cash and was shorn of all subsidiary exactions.

Those districts which had escaped assessment operations were immediately put under summary settlement after annexation. The Board of Administration issued a set of rules, which were calculated to make settlement operations uniform, and in sympathy with the prevailing conditions of a locality.<sup>18</sup>

It is impossible to claim for the British Rulers that the summary settlements were an unqualified success, or to pretend that

18. Board of Adm. Revenue Circular No. 677, dated Sept. 11, 1849.

that they were far superior to the Sikh mode of revenue collection. There were the obvious defects of rigidity of demand, and lack of agricultural knowledge of the Province, which were attendant on such revenue operations. Notwithstanding these drawbacks, the Panjab summary settlements did contain some rule and system as their basis against the absolutely unsystematic and arbitrary taxation of the former Government. The summary settlements were remarkable in the fiscal relief they granted to the people, which equalled 30% according to the First Panjab Administration Report;<sup>19</sup> in the defination and consolidation of the public burden, which they purported to do; and in the cessation of vexatious and inquisitorial process of the Kardars, against which they stood a guarantee.

The summary settlements of the Panjab lost much of their popularity as soon as they came to be subjected to the economic forces, which began to operate particularly strongly in the early fifties in the Panjab. The establishment of peace throughout the country, where chaos and anarchy had ruled, brought back normal conditions of life and trade. The Jat soldier  
of

19. P.A.R. 1849-51. para 264



of the Khalsa army had perforce exchanged sword for a ploughshare and where the disbanded soldiery numbered several thousands it was obvious that pressure of population on land increased. This addition to the cultivating community, coupled with succession of unusually favourable seasons led to an enormous output of agricultural produce. Consumption did not increase to any great extent, and the means of export did not exist. The consequence was that there was so great a surplus of agricultural produce that it would not sell. This glut in the market produced a phenomenal fall in prices, and the downward drift continued till wheat was sold at 50% below its settlement valuation.<sup>20</sup> The result of the economic depression was that the summary settlements broke down. The peasantry was clamorous for large reductions in the revenue liabilities. The Board of Administration were obliged to grant either temporary remissions of revenue or order revised assessment on lands which appeared to be over-taxed.<sup>21</sup>

#### Regular Settlements.

The summary settlements of the Panjab were not intended to be more than mere makeshifts. They had determined Government's


20. P.A.R. 1854/56. para 45.

Douie; op.cit. para 42.

21. Bd. of Adm: Rev. Cir. No.9 dated, Feb.14,1852

Government's share of produce, commuted under the British for cash, pending survey of the country and full enquiry into its landed tenures. The Board of Administration lost no time in instituting regular settlements of which the first applied in the Satalj Divisions. The revised procedure of assessment involved a number of separate preliminary operations. Consequently it was a slow process, and took over ten years to complete. Thomason's Directions treated the subject of land settlement under two heads; one fiscal, and the other judicial or quasi-judicial. This division was characteristic of the N.W.P. system, which owed its origin to Regulation VII of 1822.

The fiscal aspect of the settlement as carried out in the Panjab may first be considered. Almost the first thing in the settlement operation was to demarcate Village Boundaries, which was known as 'thakbust' in the revenue language. The orders of the Government of India on the subject were most explicit, as has already been noticed in regard to the introduction of Revenue Code in the Panjab.<sup>22</sup> The adjustment of boundaries between villages, it was enjoined on the Panjab Authorities, was to be carried out with the utmost vigour in every district, and all disputes connected with them were to be adjudicated forthwith.

22. Supra p.  131.

forthwith. This was particularly necessary for the peace and quiet of rural life, where the absence of clearly defined boundaries was a fruitful cause of local friction and discontent among the village communities. The Sikh Kardar had often peremptorily fixed village boundaries, which were neither just to the villagers, nor administratively convenient for the State. And in not a few cases he had capriciously allowed them to be obliterated. The demarcation of village boundaries then naturally involved laborious scrutiny on the spot, and occupied a great proportion of the work of Settlement Officers. The adjudication of disputes and the reconciliation of conflicting claims among the powerful coparcenary bodies required great tact, shrewd commonsense, and knowledge of local history on the part of the investigating officer whose abilities were shown by the rapidity and effectiveness with which the task was concluded. Nearly all the village boundaries were defined and marked off at the first settlement. A general statement about the villages was drawn up in the 'thakbust misls', which formed not an unimportant part of the early settlement records.

The delimitation of local areas as belonging to each  
village

village involved, however, general principle of the rights of the State in respect of waste lands. Indian rulers had claimed large rights over the waste, whether it formed a part of the somewhat uncertain boundaries of villages, or consisted, as in the Western Panjab, of vast tracts of land covered with scanty grass and scrub jungle over which certain classes of families asserted a loose dominion. In the Kangra hills the Raja possessed a definite and exclusive proprietorship in the forest and waste lands subject to their being used by his people. Lord Dalhousie had issued orders in his original instructions to the Board of Administration that the superfluous waste should be formed into Government estates, when the demarcation of village boundaries took place.<sup>23</sup> This was not merely the assertion of the old royal rights to the waste in the hills, in the South West of the Panjab, or in the inter-riverain uplands, but a practical step to encourage cultivation, and plant a new population in thinly populated tracts, should the irrigational resources of the country be tapped, and its great water ways be harnessed in future. But the tendency among the early Panjab administrators imbued with strong ideas about village communities, was to " withdraw from all interference

23. The G.G. to the Bd/<sup>of</sup>Adm. dated, March, 29, 1849 op cit. para 60.

interference with the management of the waste, where any community could assert any reasonable proprietary claim with reference to it, and was likely ever to be able to bring it under cultivation; and further in some cases to transmute what were<sup>24</sup> nothing more than rights of user into rights of ownership". This tendency was exhibited more particularly in the Eastern and Central Panjab, where the village system was strong. The village boundaries being marked off, all unoccupied waste lands within the limits of each village was declared to be the common property of the joint-owners. The disinclination of the local authorities to recognise State ownership of waste land was characteristically stated in the official language of the Revenue Manual; " there are cases in which Government may appear as actual owner of the soil, but unwillingly so, and sound policy suggests that such properties should at once be<sup>25</sup> got rid off."

Again in the Kangra Hills village communities as will be seen in the sequel, were the artificial creation of the British Settlement Officers. The historic claim of the State to the waste which was stronger here than in the plains, was equally ignored, and the policy of allocating waste land to the joint-ownership of the village was applied. The State rights were, however,

24. Douie: *ibid* para 85.

Baden-Powell: *ibid*, vol.I.p.237.

25. Cust, R.N. *The Revenue Manual* p.5.

however, reserved in valuable trees, like deodar, after the fashion of Hindu rulers, who had laid claim to teak wood in Southern India.

In the West of the Panjab lay a vast arid area, where the climatic conditions, the mode of habitation, and political circumstances dictated a pastoral life. The villages had no real boundaries in so far as the waste was not confined to narrow limits. When however village boundaries were determined with a view to a regular settlement of the country, each estate came to possess an ample area of grazing land within its bounds, and the rest of the waste land was claimed as the property of the State.

The high unoccupied land in the Western portions of the Bari, Rechna, and Chaj Doabs was retained by the State after a reasonable amount of the waste had been included within the village boundaries. In the Sind Saugar Doab, however, liberal admission of private rights in the vast unclaimed area of the 'thal' was again allowed.

The second stage in the assessment procedure was the survey of the land. There were invariably two separate surveys in operation in the settlement, one the European Scientific Survey called

called the Topographical Survey made by the Indian Survey Department; and the other the Indian Field Survey carried out by trained amins and patwaris in the Settlement Department. The former dealt with villages as a whole, mapping their boundaries and marking the main topographical features, such as the homesteads, roads, canals, large sheets of water, and also served as means of testing the accuracy of the field survey; while the latter filled up the interior and field boundaries, by means of which the areas shown in the jamabandi were calculated. The survey of this nature was recorded in two separate documents one, a village field map---Shajra, and two, a village field register---Khasra. The Shajra was described in Thomason's Directions as a " rough plan of the village " to which the able Settlement officer George Barnes added in his report, dated 15th December, 1852, on a New system of Field Measurement in the Panjab <sup>26</sup> " nothing but a rough eye sketch laid down without rule, scale, or compass. It might or might not present an approximation to the actual contour and dimensions of the village area, but the only security for such results were the practised habits and correct eye of the amin." The Khasra recorded names of proprietors and tenants of each field, the area,   
crop

26. Selection from the Public Correspondence         
of the Panjab Adm. <sup>Vol. 1</sup> No XI. Financial Commissioner's  
Circular No. 86, 1855.

crop grown, and means of irrigation like wells and canals.

The field survey during the course of the Panjab settlements was further improved by Mr. Blyth of the Survey Department, who devised a 'Plane-Table' in the tracing of maps. By the use of the Plane-table, Compass and Sighting rod, maps drawn to scale, in which the fields were plotted, were produced with great accuracy. This scheme was based on scientific principles, and was yet intelligible enough for the patwaris to follow in the field survey. The Plane-Table was first applied in the settlement of the Central districts of the Panjab and was later introduced into the N.W.P.<sup>27</sup>

The instructions of the Supreme Government in respect of survey operations in the Panjab were tentative from the beginning. They required the application of field measurements and field maps only in those estates which were well cultivated, or <sup>to</sup> those villages in which the absence of a definition of rights and possessions was likely to lead to quarrels among the coparcenary proprietors. It was considered in most cases that a mere determination of the total waste and cultivated area would do for settlement purposes. The consideration of economy in the



the undeveloped state of the finances of the Panjab was not altogether absent from the proposal.<sup>28</sup>

These instructions were re-iterated two years later after the Marquis of Dalhousie had made his first Grand Tour through the new country. His original views on the matter had been strengthened by what he saw of the character of the country, and the nature of task that the Settlement Officers were handling. In a Minute dated Jan. 6th, 1851<sup>29</sup>, the Governor General commented on the inexpediency of introducing the expensive Khasra Survey into the Panjab. The employment of Hindustani amins, the professional surveyors, which the Khasra Survey rendered indispensable was calculated to win little sympathy from the Panjab cultivator because<sup>of</sup> their being aliens. Dalhousie spoke of Barnes' arrangements in the Kangra district, where the proprietors had been invited to give in the measurements of their villages, which had proved quite reliable in the making of assessment. Mr. Davies, the Settlement Officer in the Bari Doab had given his opinion in favour of such an informal and yet effective method of survey. The Marquis of Dalhousie finally

28. The G.G. to the Bd. of Adm. March 29, 1849. op cit. para 58  
29. Ind. Pol. & For. Cons. 1851 Jan. 17 No. 35. Minute embodied in a letter of the G.G. to the Sec. to the Bd. of Adm. dated Jan. 6. 1851

finally authorised the Board at Lahore to dispense with the Khasra Survey altogether where the circumstances rendered it superfluous, and alternatively invite the people to give in their own measurements as a basis of their rights to be recorded at settlement, which was after all the sole object of the Khasra survey. The Board of Administration after a lengthy correspondence with Robert Montgomery, the Commissioner of the Lahore Division reported to the Governor-General that they intended rather to reform the Khasra than abolish it altogether. The reform lay in changing the agency for the prosecution of survey. The old amins were replaced by patwaris, who lived in the scattered villages of the Panjab. The cumbrous external machinery was thus got rid off, and local assistance in survey operations was secured in the person of village accountant.<sup>30</sup>

On the relative merits of patwaris over the amins as instruments in the Khasra survey in a new country, there could be no two opinions. The practice of employing a specially trained staff of surveyors dated from the times of the great Akbar. It had been brought in the Panjab from the N.W.P. along with the general principles of revenue settlement. The amins were indeed

30. Ind. Pol. & For. Cons. 1851 Apr. 25. No. 43. The H. of Adm. to the Sec. Govt. of Ind. with the G.G. dated March 31, 1861

indeed, expert both at field survey, and at preparing the record of rights. But the danger lay in their exploiting the knowledge to their own advantage, and their experience and adeptness at survey were often counterbalanced by their lack of local influence; and inadequate sense of responsibility as a result of the temporary tenure of their office. The post of parwari on the other hand, was still, as in ancient times, generally hereditary in the family which had held it in pre-British times, and whose local influence, traditional knowledge of accounts, and respectability of character were considered a sufficient compensation for their imperfective acquaintance with the land settlement technique. The matter, however, was not allowed to rest on the relative position and standing of the two functionaries. The Board of Administration took active measures to organize a body of village accountants, and train them in field measurement, and the preparation of settlement records. A school for pativaris was established, and as the candidates passed out, they were employed in the regular settlements that were taking place throughout the Panjab. The system of field measurement, which had been instituted in the Kangra district and had worked satisfactorily was now applied in the plain districts

districts, but with considerable modifications to suit its  
31  
more elaborate temures.

The success and popularity which attended the employment of patwaris, at any rate in the earlier survey operations were well merited, and formed part of the contributions which the first Panjab settlements made in land revenue management. On the efficacy of the new arrangements, as illustrated in the settlement of the Lahore Division, the Board of Administration were able to record: "One main result [ of the changes in survey methods ] has been the formation of a class of village accountants such as are not to be met with anywhere, even in Hindustan, much less in the Panjab Territories. They are for the most part able to use the Persian character and have thus gained a step in advance. Some can even compose with tolerable proficiency. All are fair accountants, and many are quite expert arithmeticians. All are skilled in mensuration, and many can map lands with great neatness and precision. The rules laid down for their instructions were printed in the vernacular at the request of the late Lieutenant-Governor of the N.W.P., and many copies have been taken by the Revenue Board

31. The Panjab Selections. ibidem No. III

Board at Agra. The system itself, is also understood to have been partially at least, adopted in the settlement now progressing in the Saugar and Nerbudda Territories. " 32

The next point in the settlement of land to be considered is assessment of revenue. The assessments in the Panjab were governed by Regulation IX of 1833, the basic principle of which was expressed in the famous Directions as 'aggregate to detail' being contemplated on general conditions which meant the levying of a lump sum on a tract or circle - may be a pergunah, in reference to its past revenues and attesting it by the ability of each village to meet its proportionate liability. The standard of assessment in the Panjab was recognized to be two-thirds of the 'net assets', that is to say, of the theoretic economic rent. In practice, however, economic rent scarcely existed in the Panjab. " Rents taken by the division of crop were in many places, though not everywhere, clearly the creation not of ordinary economic causes, but of the recent action of the State in substituting a fixed cash assessment for a fluctuating share of the produce." <sup>33</sup> The dues which the land owners received from their tenants were simply the equivalent

32. P.A.R. 1857-53. para 290

33. Douie: ibidem. para 48.

equivalent of the revenue of grain, which the Sikh Kardars had taken from the actual tillers of the soil. They were not strictly speaking rents, and when produce estimates were framed, a fraction of the gross produce, generally one-fourth, was assumed as the share of Government through a whole district with small reference to the varying grain shares which actually obtained.

" Really, what was done in the first settlement, was to rely empirically on the fact that certain cash assessments existed, that these were too high and had been got in with difficulty or that now by the effects of peace, owing to better roads, and canals, to rise in prices and to extension of cultivation, they had become easy or too low.<sup>34</sup> Great emphasis was laid on the contact of the Settlement Officer with the people, and the country side to enable him to arrive at a fairly accurate estimate of local assets in determining an assessment. He looked to former revenue payments, and in full consideration of market advantages, fertility of soil, means of irrigation, and rough statistics of draught cattle, he levied a lump sum on that particular assessment circle, known in revenue literature

34. Baden-Powell: *ibid.* Vol 2, p.570

literature as 'chukla'. In framing revenue rates natural varieties of soil were ignored. Lands were merely classed according as they were irrigated or unirrigated, flooded or dry. The lump sum was put to a test by distributing it over the villages; and by dividing the village totals over the holdings, it could be seen whether they were fair. Produce-estimates were often made use of by turning into money a one-fourth, one-fifth, and so on of the gross produce, it was seen how the rates compared with those first assumed. Then, perhaps some land did pay money-rents, and these could be used for comparison and so also could plough-rates, where the people employed certain rates for each 'plough' possessed by the village body. In applying these variously ascertained rates to the tahsil acreage of each class of land, the Settlement Officer would see whether they gave an approximation to the total first levied or not; and he would then manipulate the rates till they could be fairly presumed correct to justify the total sum recommended. Equality of assessment however was by no means the general rule. It was continually being adjusted to the circumstances of each case. There was particularly a tendency to assess leniently those

35. Melvill.P.Settlement Rept.Hoshiarpur Dis.para 78  
Temple,Sir R. Settlement Rep.Jalandhur Dist.para 105

those classes of cultivators who by their antecedents or lack of opportunity were less skillful in agricultural pursuits.<sup>36</sup> A village 'juma' would thus be arrived at to be distributed over the holdings in consultation with co-sharers, who always understood such an operation - called making the "bachh."

The question of taxing lands irrigated by canal water at a special rate came up for consideration by the authorities quite early during the settlement. Investigations in operating the Husli Canal disclosed that the Sikh Government, unlike the South Indian rulers, were in the habit of charging rent for water for irrigation provided by the canal. The Board of Administration reported to the Government that water rate equivalent to Rs 2/6 per acre was levied, and the subsidiary exactions raised partly for the benefit of the State, and partly for that of the canal officers, further amounted to a sum of Rs 1/3/4 per acre. They recommended the continuance of water rate at Rs 2/6 an acre, but that all incidental additions to it should be abolished.<sup>37</sup> The Governor General approved this proposal in a Minute dated 8th Feb. 1851, and directed that water<sup>tax</sup> should be kept separate from the general land revenue.<sup>38</sup> the

36. Baden -Powell: ibidem. Vol 2 pp 571-2

37. Ind. Pol. & For. Cons. 1851 Feb. 21. No. 188. The Bd. of Adm. to the Sec. Govt. of Ind. with the G.G. dated Jan. 20, 1851

38. Loc cit. Minute by the Most Noble the G.G. dated Feb. 8 1851



The water rate did not apply to the Multan Division, where inundation canals obtained, but an approach to a fluctuating assessment was made by declaring a part of the revenue of canal villages remissible, incase of failure of supply of water from any canal.

39

With regard to the character of the assessments, the general observation may be advanced that they were almost all leniently made, whether considered in relation to the past history of the Panjab, or in the light of the economic depression that set in soon after annexation. The Panjab Authorities were remarkably consistent with their Revenue officers in insisting on moderation in revenue demand and the expediency of affording relief to the people. The members of the Board of Administration, who were acquainted with the great evils springing from over-assessment in some parts of the N.W.P. touched the heart of the problem of depression and misery in the Panjab by sweeping off all arbitrary cesses, and considerably reducing the land revenue. They recorded their conviction that," the history of the fiscal system in force under the Sikh Rule unquestionably proves that, where the country

country was thoroughly subjected and densely populated, the State exacted a larger proportion of the produce than could be permanently realized without impairing the resources of agriculture. Under the circumstances, it will be the policy of the British Government to reduce all demand in order that the people may flourish and capital may be accumulated." <sup>40</sup>

Conceived on such considerations, the assessments of the first regular settlement showed a large reduction on the demands of the summary settlement, which had been generally recognized as too severe. The policy of further lowering the revenue demand was pursued in face of the slump which began to disturb the price-level, in relation to which the assessment had been made. The Chief Commissioner in a remarkable and comprehensive review of the revenue administration of the Panjab in 1856, observed: "Moderation of demand is not only due morally and actually to the people, but is also conducive to the best interests of Government. The Chief Commissioner would entreat all revenue officers to see that the same causes which heretofore have necessitated moderation of...assessment, namely, low prices, concentration of industry upon land alone, excess

excess of production over consumption, cessation of service ... and such like employments, the want of markets, the unavoidable subtraction of cash from the country [ by salaries of troops <sup>payments</sup> remitted out of the Panjab ] at the very time when money/ of the revenue are in vogue... are still in operation, and may perhaps continue. It will, therefore, be necessary not to depart from the moderate course hitherto pursued." <sup>41</sup>

Accordingly, most of these regular settlements were characterized by large abatements allowed on the former land revenue demand. The policy of affording relief direct to the peasant population, and thereby securing general pacification of the country was a sound one. But the contrary view was advanced that the high rates of assessments were not necessarily injurious to the mass of peasant owners, and that the tranquillity of the country could be better ensured by a conciliatory treatment of the natural leaders in restoring to their former jagirs and other feudal privileges. <sup>42</sup>

It was important that the assessment proceedings should be properly supervised. The Board of Administration was <sup>anxious</sup>

41. Ind. Pol. & For. Cons. 1856 Dec. 13. No 193. John Lawrence, Chf. Comm. to Donald McLeod, Financial Comm. Sept. 9, 1856.  
 42. Bradreth, A: Settlement Report Jhelum District, paras 190-191

anxious to have a more direct and immediate control over the settlement officers and it ordered that as settlement advanced, each fahsil should be reported separately, and the Commissioner might allow one harvest after the introduction of the new demand elapse before reporting to the Board. It seems clear that the settlement officers, though working under pressure, exhibited languor and uncertainty in sending reports, and thus infringed the orders.<sup>43</sup> The Board, or after its abolition in 1853, the Financial Commissioner was rarely asked to sanction an assessment till the final report of the whole district was got ready, and the new demand had been in force for sometime.

In determining the period of the regular settlements to be relatively a short one, the Marquis of Dalhousie displayed his characteristic long range view. He observed that the long leases of the N.W.P. should generally be avoided in the Panjab. In view of the rapid development of the resources of the country, through the opening of canals, the reclamation of waste land, and the concentration of labour on the only industry of husbandry, he ordered a ten-year duration of the assessments in all but the most populous and fertile districts of the Panjab.<sup>44</sup>  
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43. Cust.R.:ibidem,p.86

44. Ind.Pol.& For.Cons.1851.Jan.17.No.35.The Sec.to the Govt. of Ind.with the G.G. in the Pol.Dept.to the Bd.of Adm. Jan.6, 1851

The period of assessments in the Panjab proper was declared to be ten years, with the proviso that it might be prolonged; while the assessments in the Cis-Satlaj States were to last <sup>45</sup> twenty years. In the east of the Beas and the Satlaj except the Kangra Hills however, a period of thirty years was prescribed, after the N.W.P. practice.

Concurrently with the settlement, the preparation of the Record of Rights was carried on, which involved determining the rights of those persons who engaged for the revenue and of others who had an interest in the soil. Ordinarily the right to engage implied the rights of proprietorship. But often in cases of complicated tenures of land, these rights of ownership were divided among two or more individuals possessing titles, none of which could properly be regarded as full ownership. Such were, for example, the titles of original proprietors which had been superseded by others of little or no pretensions under sheer adventitious circumstances, and which might in turn have to accommodate the claims of hereditary tillers of soil. All these classes had some permanent rights in the land, though by no means exclusive ownership of it, and the rights needed to be recorded in unambiguous terms at settlement. The recording of rights

rights called for great energy, knowledge of local tenures, and tact from the Settlement officers; it was a critical piece of work for its inherent importance. It differed from the fiscal aspect of settlement in so far as the registering of agrarian rights was enduring, and for all practical purposes final; while the assessment was only temporary and open to change.

Enquiry into the individual rights in land involved judicial process. The experiment of leaving this enquiry to the arbitrament of Civil Courts was first tried in the N.W.P. and had failed. These Courts had not the knowledge requisite for disentangling a confused web of rights in the soil, which had become in many cases ill-defined, and apparently contradictory. Hindu and Mohammedan Law, or the British Indian legislation had little bearing on them. The District Courts were equally ill-suited because of the partisan spirit that invaded them. The rights of cultivators, and the effects of village customs could best be ascertained by sympathetic and less formal enquiry in the village itself.

Provision had been made under Regulation VII of 1822 to invest officers engaged in the assessment of land revenue with power to determine, in the first instance, all disputes relating to

to titles in land. They were best fitted for the task by their presence on the spot and their understanding of landed tenures.. The relevant sections of the Regulation prescribed that the revenue officer's proceedings<sup>47</sup> "shall be founded on the basis of actual possession," and allowed a man who was dissatisfied with his decision, or who claimed a right of which he was admittedly not in possession to bring a suit in a Civil Court.<sup>48</sup>

In the Panjab, however, civil powers conferred on Settlement Officers were very large. The Board of Administration issued orders forbidding the Civil Courts in the districts west of the Beas to entertain any claims for land till an order had been passed, first, in a settlement office. The district revenue courts were at the same time directed to "confine their attention to the question of possession and leave to the Settlement Officers hereafter, the decision of disputed rights."<sup>49</sup> The following rules under the Circular Order were laid down in determining all rights in the soil:

1. "No claim to any fractional share of a village or to any specific lands, shall be investigated in a Civil Court unless the plaintiff filed an attested copy of decision of a Settlement Officer in the case.
2. "No claim, as above, shall be admitted in any Revenue Court other than that of a Settlement Officer, if the party suing has been more than one year out of possession.

47. Section II.

48. Sections XIII, XIV.

49. The Board of Adm. Rev. Cir. No. 122, dated May 30, 1849

3. "If the petitioner has been dispossessed within the year, his claim, as above, may be heard by any Revenue Court. But the Officer presiding shall give or confirm possession as it stood at the beginning of the year, without entering into the legal rights of either party.
4. "Where possession, as above, cannot be ascertained, the officer in charge at any Revenue Court shall investigate the case on its legal merits and decide according to equity and good sense.
5. "No claim, as above, shall be heard as <sup>a</sup> question of possession or right in any criminal Court." 50

The period of limitation was fixed at twelve years. The principle involved in this Statute was highly unpopular among the Jat communities to the west of the Jumna, where they attached more importance to ancestral rights than any other people in India. The Jat panchayats who were consulted on questions of inheritance and other local customs before the set of rules of Civil Procedure under the Regency Government <sup>51</sup> were drawn up, had expressed their concern about delimiting their rights in land, but the Authorities felt that unless a claim to landed property was debarred by an explicit time limit, the title to any agricultural holding would remain doubtful and unsettled, and hence the twelve years period was introduced. It was subsequently discovered that the Statute had been differently interpreted, sometimes to mean twelve years counting back from the

50. Loc.cit.

51. See supra p. 31.



the date of annexation, and at others from the date on which the claim was first put forward in the District Revenue Courts. The Statute even fell into desuetude in the Cis-Satlej States. The Board of Administration reported on a case which had casually come to the notice of John Lawrence in one <sup>of</sup> his tours in the interior of the country, where right to land was recognised after a change of faith, and dispossession of 120 years. <sup>52</sup> The Board gave its decided opinion that the Statute of Limitation should be enforced in all its integrity throughout the Panjab Territories.

The jurisdiction of Settlement Officers in civil causes was further enhanced, when the Board of Administration suggested the supersession of the provision of the Regulation VII of 1822, referred to above, which allowed a disappointed claimant to contest the findings of a Settlement Officer by bringing a civil suit in the District court, by a declaration forthwith that the decisions of Settlement Officers in the Cis and Trans Satlej States in all cases adjudged on their merits after full enquiry decisive "subject to the usual revenue appeal". <sup>53</sup> The G.G. in sanctioning the order applicable to Settlement Officers in the Cis and Trans Satlej Divisions, where alone regular settlements

52. Ind. Pol. & For. Cons. 1850 April 19. No. 125. The Bd. of Adm. to the Govt. of Ind. dated Oct. 20, 1849.
53. Ind. Pol. & For. Cons. 1849. Cons. Sept. 15 No. 60 The Bd. of Adm. to the Govt. of Ind. letter No. 94, dated 14th Aug. 1849

Settlements were in progress, impliedly extended it to apply equally to the decisions of all Settlement Officers under the Board in cases judicially investigated.<sup>54</sup> Settlement Officers became thereby judges with full civil powers of land causes, and a more complete union of revenue and judicial functions was effected.

The practical effect of the judicial powers of Settlement Officers in determining rights of property was that the entries in the Record of Rights as they stood at the termination of settlement operations, were conclusive as to the rights of all persons having permanent interests in the land. But this exclusive jurisdiction of the Settlement Officers entailed some inconvenience at the beginning. The local courts were debarred from entertaining suits for the recovery of rights and interests connected with the soil. As the progress of settlements was inevitably slow, because of its comprehensive operations, it produced<sup>2</sup> a certain amount of uneasiness. The Board of Administration tried to overcome it and in consultation with the Commissioners of the Divisions, they relaxed the previous orders No. 122 of 1849, by giving larger discretion to the Commissioner and Deputy Commissioners in determining what claims requiring immediate decision might be tried by civil court and what might safely

54. Loc.cit.cons.No.63. The Sec.to the Govt.of Ind.to the Bd. of Adm.No. 1602 Sept.1<sup>st</sup>1849

safely be left over till the settlement. The exercise of discretion in the case of subordinate officials was confined to the disposal of only those cases of real property which would not be prejudicial to the general interests of the village community, but which would, by undue delay, have caused hardship and injustice to individuals. " It is desired on the one hand to give relief, where relief is necessary, and on the other, it is by no means wished to anticipate the duties of the Settlement Officers."<sup>55</sup>

The nature of fiscal-cum-judicial duties at the settlement imperatively demanded that the officers entrusted with their discharge should be men of intelligence, zeal, and action. They were all very carefully chosen, and nearly all of them made excellent Settlement Officers. Barnes, Temple, Davies, Prinsep, and Cracroft among them were men of outstanding ability. The Settlement Officers were provided with an efficient establishment which was almost wholly Indian. The mode of judicial enquiry in the determination of proprietary claims was aptly described in a official document as follows: " Their form of procedure is simple and well adapted to gain the confidence of the people with whom the officers are in close communication. No Settlement Officer ever thinks of limiting his knowledge to formal

55. Bd. of Adm. Rev. (ir. No. 2. dated Jan. 13, 1852.

formal proceedings placed before him; he is umpire as well as (the) Judge in the question at issue, and it is his duty to search out and ascertain its real merits. He confronts the litigants; he closely and judicially cross-examines them; places the point at issue, where necessary before a jury of village elders; and even adjourns to the village and to the disputed spot in an intricate matter for the purpose of eliciting the truth.<sup>56</sup>"

The popularity of Collectorate Courts was exhibited by the prodigious number of suits (17,700) instituted in one year of which 10,940 were actually decided.<sup>57</sup> The rectitude of decisions given by the fiscal authorities in cases relating to revenue directly or indirectly was unimpeachable, for the revenue officers were necessarily interested in the prosperity of the village, and had a real knowledge of the subject and a real sympathy with the people concerned. The hearing of cases invariably took place in the interior of the country, and in the presence of landholders. A great deal of deceit was thus eliminated in the courts. And it even helped the litigating parties to come to a private settlement of their dispute. The judicial operations of the Revenue Courts were thus calculated to

56. P.A.R. 1849-50-51. para 295

57. P.A.R. 1851-53 para 347. These suits related to <sup>rent</sup> revenue, exactions and ouster.

to ensure judgment, which was at once swift, informed and sound. They in fact, proved the most satisfactory branch of the whole judicial department.

There is one broad feature of land, which distinguishes it from any other form of property, that is, its permanent character, passing unchanged from generation to generation until primitive men came to regard it as almost wrongful completely to divest themselves of rights over an ancestral holding. These ideas found expression in the customs of the Panjab relating to preemption, although such rights might be overborne or lie dormant under a succession of foreign conquests, or a gradual immigration of dominant tribes into the Panjab. The net result of such a supersession of superior rights was that the original rights came to be shared among larger groups of people. The Sikhs had dealt generally with the cultivator, the actual tiller of the soil to the absolute exclusion of overhead proprietors. This practice introduced new rights, often indefinable, in the land. It was but natural that old rights should fare badly under the arbitrary and rough domination of the Sikhs, but the conception of private rights over the land was not entirely destroyed. The Jalandhur Doab illustrates the  
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the point. The mier Roop lal who administered the territories was predisposed towards the cultivators. He fixed moderate jumazs, and preferred to close with them. The proprietors, broken by long misfortunes, were often content to receive their malikana (proprietary dues), and forgo the privilege of engaging. But sometimes, this privilege would be contended for. ' Then the proprietors would appeal to Lahore, and ... a warrant would come from the Maharaja setting forth that whereas certain parties, cultivators, had been admitted to engage to the exclusion of certain other parties, who were proprietors, and claimed their right to engage, therefore the engagements concluded with the former were to be cancelled.<sup>2</sup>'

To quote Sir Richard Temple, than whom no abler an interpreter of Sikh Government existed, from his Settlement Report of the Jalandhur District, which he submitted to the Government in 1851, and of which notice has already been taken: " From the tenor and tone of... public documents, it is clear that the Sikh rulers did ... look upon private property..... as a matter of origina abstract right, which was coeval with government and society; [and ] had been recognized by all dynasties... Authenticated deeds of sale and other transfers were regarded not as  
obsolete

a. Temple, Sir R. Settle.Rep. Jalandhur Dist. para 174.

obsolete nullities applicable to a system that passed away with the Government from which it sprung, but as instruments of immutable validity.... " <sup>58</sup> Sir Richard's assertion was true in theory, but it was, more often than not, lost sight of under the repercussions of later Sikh misrule. It may be convenient to talk of the Sikh system and of its effects; and it is possible to recognize certain broad features of Sikh rule throughout its kingdom. But there was no common scheme of revenue administration. Each Governor, and to a lesser degree each Kardar, each influential feudatory and revenue farmer had his own scheme, the point of contact being the denominator of exorbitant revenue demand from the people. A change of officials, which was by no means <sup>59</sup> infrequent, meant a change of system. The general effect of Sikh domination in the Panjab, like the Maharatta supremacy in the Deccan, was a levelling of old privileges and superiorities, and consequentially rendering rights over land indeterminate. The process had operated differently at different places, and the practical consequence was that the existing rights became confused and the diversity of tenures on which land was held increased. The village bond which had been particularly strong in the Jalandhur Doab had not remained so everywhere in the Panjab. In Gujrat, for example, the rights of old Rajput proprietors

58. para 177

Encls.

59. Ind. Pol. & For. Cons. 1851 Jan. 17, No. 13. / Land Tenures in the Lahore Division in an appendix to Report on Jud. Adm. in LMR. Div. by R. Montgomery. the Comm. July 10. 1850

proprietors had been over-riden to a still greater extent, and though not forgotten, they had ceased to be valued or asserted, because " they had become symbols more of misery than of benefit." <sup>60</sup> The overlord families had intermingled with settlers and dependants, and had consequently lost their identity. The Sikh misrule and Pathan devastations had reduced all rights to a common level. <sup>61</sup> Again, in the south west of the Panjab proprietary rights had existed previously in a higher degree than in the Jalandhur Doab, but a class had been interposed by the local Governor between the State and cultivators, whose claims could not be ignored, because of the enhanced economic value they had brought to the land. <sup>62</sup>

The land enquiry, which accompanied the settlements of the Panjab disclosed that proprietary rights in land were divided into three classes. They were,

1. The superior proprietors or talukdars, who were the descendants of original proprietors and had gradually lost possession of the village lands and the privileges incidental to them. Their interest in the estates was thus limited to the receipt of quit rent, or some proprietary fee, such as a seer in every maund of the produce from the persons in actual possession

60. Mackenzie, Capt. Hector. Settle. Rep. Gujrat Dist. para 169,

61. Baden-Powell: *ibidem*, Vol. 2. p. 671.

62. See *infra* p. 190 and p. 200.



possession of the land. A few proprietors of this class might even have considerable rights over the waste lands included within village boundaries, though it did not imply any power of interference in the management of the cultivated holdings.

II. The proprietors in possession, or the inferior proprietors, so called because they paid head rent to the superior proprietor. They formed a large body of proprietors who possessed land either individually or corporately. Where the tenure belonged to a single person, or a small family, a portion of the land was cultivated by their own ploughs, the remainder being occupied by cultivators, some more tenants at will; the others with right of hereditary occupancy contingent alone on the payment of rent.

III. The hereditary cultivators or the occupancy tenants who by usucaption were hardly distinguishable from superior proprietors. Where his class was particularly strong and industrious, he often succeeded in gradually usurping the rights of the proprietor. And where land was abundant, and cultivators scarce, the distinction between him and the proprietor was only nominal. The cultivator would in many cases, pay no more than an equal quota of the public demand. The main distinction  
between

between the two, however, was the inability of the occupancy tenant to ' sink a well, or to sell, mortgage or transfer land '

The distinguishing feature of land ownership in the Panjab was the wide spread prevalence of double ownership, where two right holders, a superior and an inferior claimed the ownership of land. They were designated ' ala malik ' and ' adna malik ' in settlement literature, but their local names varied in different parts of the Panjab. In the Cis sattlej States the superior owner was called ' biswadar ' and the inferior ' zamindar ' while in South-Western Panjab, the latter title was appropriated by the superior owner, and the inferior proprietor was commonly known as ' chakdar '. Where ownership of land was divided, the proprietary profits were shared between the two classes, who had an interest in the soil. An occupancy tenant holding at privileged rent, was in possession of only a part of proprietary right, but he differed from an inferior owner in as much as his rent was defined and limited, liable to enhancement only under certain circumstances, and his right to transfer was circumscribed by the superior right of a landlord.

Proprietary rights being thus divided, it became necessary to decide at settlement , which of them should be the owner par excellence

excellence, and therefore responsible for the payment of land revenue. Under the influence of the land revenue theory of the Upper Provinces, which had provided the main spring action of the settlement in the Panjab, a heavy presumption was made in favour of the title of inferior proprietors to engage for the Government revenue. The claim of the superior owner to a share of crop was commuted into a moderate sum leviable as a surcharge upon the revenue and calculated at a small percentage on its amount. "The former were looked upon as the valuable element in the community, the latter as an interesting survival of a state of society, which had passed away and should not be revived."<sup>63</sup> The general effect was that the benefits of the action of the State in limiting its claim against the produce accrued almost entirely to the communities, who were found in actual cultivating possession of the land, and it represented the extreme antithesis of the Bengal Settlement System.

The treatment of proprietary rights at settlement involved consideration of the important and complex village land tenure, which must however be reserved for separate treatment. To revert to the settlement operations, suffice it to say, that never before under any system preceding British rule, had the peasantry been subjected

63. Douie: *ibidem*. Para 117

subjected to minute enquiries into their affairs, the results of which were now embodied in a set of documents, collectively known as the record of rights. It recorded all rights in land as determined at the settlements; any change in the proprietary titles of cultivators, or mutation of property of any kind was to be noted very carefully in this register. It is worthy of note that the Board of Administration attached great importance to the preservation of proprietary titles from any kind of commercial exploitation from the very beginning. A practice had grown up in the Cis-Satlaj States for proprietors of villages, who had entered into contract with Government for the payment of the revenue to sub-let their lands to bankers, or other persons unconnected with the village community. The Board at Lahore viewed the matter with concern, as being fraught with great danger to the agricultural interests. Mansel and John Lawrence, each wrote a minute deprecating the practice of sub-letting at this undeveloped state of law relating to agricultural holdings, and spoke in general terms of the deterioration of land ensuing from sub-leasing, and consequently loss of revenue to the State.<sup>64</sup> The Board recommended the prohibition of sub-leases in the Cis-Satlaj States, which the Government of India approved. A little later,<sup>65</sup> these orders were circulated more generally throughout the Panjab. Besides

64. Ind. Pol. & For. Cons. 1850. Aug. 9. No. 89. The Bd. of Adm. to the Govt. of Ind. July 4, 1850, and encls. Minute on the subject of mortgages of land & subleases by J. Lawrence, June 20, '50.
65. Bd. of Adm. Revenue Cir. No. 49. Aug. 9, 1850.

Besides the document called the 'khwat' or jamabandi, which was cadastral register showing proprietors and cultivators with details of their holdings, there were two more sets of records the 'wajib - ul - arz', or the village administration paper, recording usages and mode of village management, its revenue and rent arrangements and the geneological table of proprietors. Preparation of these types of records was quite consistent with the general policy of the Marquis of Dalhousie put forward on annexation that the British Government would uphold Indian institutions and practices in so far as they distributed justice equally to all classes, maintain village communities in all their integrity, and improve and consolidate all popular institutions. The labours of the Settlement Officers led to the elucidation of tribal customs. In respect of inheritance, pre-emption- and the like, which were embodied in a treatise termed the 'ravaj-a - am' or the general customs prepared generally for a whole tract such as a tahsil. The points of difference between customs and Hindu and Mohammedan Law were carefully remarked upon in the village papers. All records of the settlement were deposited at district headquarters.

Cesse s.

Cesses.

Attention has already been called to the existence of hosts<sup>67</sup> of cesses-abwabs as they were called-- under the Sikh Government. They were levied in addition to the already exorbitant demand of land revenue claimed by the State, and their combined burden on the peasantry of the Panjab was indeed crushing. However necessary the cesses might have been in the feudal society of the Sikhs, they clearly were untenable, when agricultural reforms came to be applied on the annexation of the Panjab. A clean sweep was made of these arbitrary abwabs at the summary settlements, and the more legitimate of the cesses for remunerating village officers were defined, and the mode of their collection laid down. Among them were the Lambardari cess of 5% leviable on the revenue collected; and the Patwari's cess of six pies in a rupee, which was equivalent to a surcharge of 3 1/8% on the jama. A beginning was made in the raising of local rates at the regular settlements by prescribing that a Road cess of 1%<sup>68</sup> on the revenue should be levied in lieu of labour which ' by constant practice of India ' landowners were expected to furnish

67. See Supra. p.13.

68. Bd. of Adm. Rev. Cir. No. 392, dated July 19, 1849.

furnish to keep the roads through their estates in order. When the policy of popular education was instituted in the Panjab in 1854, a special cess of education at 1% of the revenue was levied<sup>69</sup>. The establishment of a postal service throughout the country later necessitated a further levy of a cess of one-half per cent called the Dak Cess.

The Malba cess was however of a different nature. It was not a government cess. It was rather the finance of village government, in the administration of which the village community was known to excel. The co-charers of a village agreed to tax themselves to provide for the joint expenses of the village. Characteristically, the Sikhs had allowed the malba to be used as a cloak for exacting all kinds of illegal imposts by clever village headmen.<sup>70</sup> At the regular settlements<sup>71</sup> the malba was fixed at 5% on the revenue, and the legitimate ends to which it was applicable were defined to be the cost of repairing survey works, the fees due on account of warrants issued for the payment of arrears of revenue, the expenses incurred by the Lambardar in execution of his duties, as journey to the tahsil to pay in the revenues, the entertainment of passers - 64

69. infra p.451

70. Montgomery : Land Tenures op.cit.

71. Melvill : Settlement Reports of Muzaffargarh & Northern Dists. Ambala para 94. and 77. respectively.

passers-by, who put up in the village rest house, and occasional gifts of money to village servants and holy men. <sup>72</sup> The administration of the village common funds was made a special charge of the Lambarder, and the right of any co-sharer to demand an account of its expenditure was recorded in the village administration paper at the settlement.

#### Land Revenue Officers.

The Commissioner at the head of a Division was a supervisor of revenue administration of the Division, and exercised direct control over the district officers in revenue matters. The Deputy-Commissioner was also a Collector over a district. When appointed to settle a district, he enjoyed all the combined powers of his rank of Deputy Commissioner, and his activities in the domain of land settlement were co-extensive with the details, which have furnished the subject matter of this chapter. But the usual practice in the beginning of British Administration in the Panjab was to depute Civilians and Military officers from the Panjab commission, to settlement work, who were not encumbered with the general district administration.

72. Brandreth, A. *ibidem.* ~~para~~ *Appendix 7.*



administration. The Deputy Commissioner was often too pre-occupied in organizing civil and criminal departments to give the exclusive attention to the settlement operations which they demanded. Under these circumstances, officers employed on revenue settlement came to have a rank of their own, and were designated Settlement Officers. They were invariably vested with magisterial powers commensurate with the dignity and work of the office. Young recruits in the Panjab Commission were generally attached to Settlement Officers to gain practical experience of their duties. The training acquired through working at the settlements/<sup>was</sup> admirably sound, and it was usually held that officer's rise in the future was pre-judged in proportion to the success that attended his revenue training. Such among them were John Lawrence with his colossal working capacity and Richard Temple with his refined ability.

A subdivision of a district, called the tahsil was, however, of primary importance in the fiscal administration of the country. The Mogul terminology of pargana applied to the same fiscal unit was still familiar to people, but it had often

often been confused with the Sikh ' taluqa ' or ' ilaqa '. The tahsildar as his name implied, was the officer in charge of the local area. Primarily a subordinate collector, he came to be vested first with magisterial powers as indispensable to the dignity of office, and later with judicial powers to try local petty cases with a view to rendering justice popular. <sup>73</sup> A good tahsildar, however, was well versed in revenue details, and had an intimate knowledge of the people in the tahsil, as well as the conditions of estates in it. He observed the state of agriculture, which was so liable to the capricious influence of climate in a country like the Panjab. Strictures on the double capacity of a tahsildar, revenue and judicial, however were not wanting, and it was not unusual that in certain districts, pressure of civil work engrossed all the energy of the tahsildar to the neglect and detriment of fiscal duties. <sup>74.</sup>

The early Panjab Settlements took notice only of two Village functionaries; the Patwari and the Lambardar. The patwari performed the duties of a weighman under the former Government, which the butai system rendered considerable, and was

73. See infra.

74. Brandreth, A: ibidem. para 172

*pp 296-99 and ft 286-88.*

was known as ' dulwace '. His remuneration was scanty, and was generally paid in kind. The re-organization of this class as paid functionaries was early considered by the Board of Administration, and the expediency of employing them in the survey department has already been noticed.<sup>75.</sup> Through systematic training, the old ignorant Hindi-writing patwari was gradually got rid off, and more intellegent were taken in to service and well instructed in Urdu script, which helped in the preparation of uniform settlement records. A patwari was not appointed to each village, but to a number of villages forming a patwari's circle, and care was taken to render his jurisdiction more compact. His salary was regulated and paid by a patwari cess of Rs 3/2% of the land revenue of the villages in his circle. The cess was collected by the Lambardar, and paid into the Tahsil treasury, from where the patwari drew his share of allowance. The remuneration of the patwari by a cess, though an improvement on the former mode, was open to criticism. It was an inequitable arrangement, as an accountant with a rich, highly cultivated ' circle ' drew much more pay than his colleague in charge of a much larger, and more difficult ' circle ' containing villages where the precariousness of crops had enforced a light assessment

75. See Supra pp. 148-50.

assessment. The reliance placed on the patwaris in carrying out settlement operations was not justified in every case, and the defects of their hastily improvised employment soon became apparant. But these shortcomings were inseparable from the infancy of the system. The education and training of the whole body of patwaris had not been rapid enough to eliminate the necessity of keeping accounts in antiquated Hindi. Often the annual edition of the record of rights was a simple repetition of the contents of a previous year. ' The crop inspection was a farce, and the annual papers a fraud.' These defects, however, were such as could be remedied through training and regular habits of business, and even as early as 1852, the effects of the new patwari establishment on the revenue surveys began to be striking in certain parts of the Panjab.

Of village functionaries the next in importance was the headman. Under the Sikh rule, there was generally one powerful headman appointed to a village, though each section of the community, and each 'patty', or 'taraf' had its own representative. The headman was the spokesman of the community in its dealings with the Government, and was generally remunerated either by a grant of rent-free land, or a substantial inam, which implied donations.

donations. At annexation difficulty was experienced of inducing the headman to come forward and engage the new village assessment on behalf of the community, which were being summarily settled. Some of the chief representatives of villages held back principally because of their unwillingness to give up the traditional practice of paying in kind. The lower degree representatives however, went forward, and had their names entered in the engagements. This lack of proper appreciation of the true situation at the earlier settlements resulted in the appointment of superfluous headmen, so that "every separate ~~interest~~ <sup>shock,</sup> such as patta taraff, came to have its own headman." <sup>77</sup>

The seeds of discontent were sown among the body of headmen. Nearly every settlement reported that the office of a headman was greatly coveted, and had been hotly contested among the co-sharers, some with legitimate titles and some <sup>78</sup> superiour ones.

Under new rules, appointments to the office of headman were governed by hereditary succession. The choice by election however, was conceded to the village community. Where the death of the incumbent of the office occurred without an heir to succeed, a near relation of the deceased might be chosen by the

77. Cap. Mackenzie: Revised Settlement Rep. Gujrat Dist. para 160

78. e.g. Prinsep: Settlement Rep. Sialkot Dist. para 359

the patti, and the sanction of the District Officer obtained subsequently.

The headman in the Panjab was styled lambardar, and was paid a ' pachotra ' i.e. 5% cess on the Government revenue. This was an innovation in the mode of remunerating the lambardar, and nothing was resented more in the 'bhyaichara' community, than the levying of pachotra. The shareholders had always looked upon the headman as one of their equals, of the same standing and in no way superior. <sup>They</sup> often refused to be taxed to provide the lambardar with his salary, who invariably resorted to the summary court for the realization of his dues. <sup>79</sup>

Again, where there existed a large number of lambardars in a village, the pachotra came to be shared equally among them; often the average receipts amounted to only 8 or 10 annas a month. <sup>80</sup> The Chief Commissioner took rapid measures to discourage the sharing of pachotra. Clearly, the appropriation of the 5% cess by more than one lambardar was opposed to the British Government's views respecting the office. The Courts were forbidden to admit or confirm claims based on the lambardar's <sup>81</sup> cess.

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79. Melvill, P: Settlement Rep. Amballa, Northern Pergunnas. paras 376 - 377
80. Brandreth, A: Settlement Rep. Jhelum Dist. para 293. <sup>And</sup> Ind. Pol. & For. Cons. 1856, Dec 3, No. 193 the Chief Comm. to the Financial Comm. dated Sept. 9. 1856, a review of rev. adm. in the Panjab.
81. The Financial Comm. Cir. No. 7, dated July 17, 1855.

The duties of the lambardar under the new regime were twofold; Police, and Revenue. This dissertation however is concerned with the latter. From the revenue point of view, the lambardar represented the community in all its transactions with Government. The community was ostensibly bound by what its headman did and agreed to. The lease of settlement was in his name, and the receipt issued to him.

The lambardar collected the rent from the cultivators of common lands, the proceeds of manorial rights and the revenue quota of each shareholder and sub-proprietor and paid the monies into the tahsil treasury. His authority extended throughout the village. He drew his percentage from every portion irrespective of any assignments of lands held by strangers, who had no right to interfere in the management of the village. The administration of the malba for defraying the common expenses of the brotherhood was entrusted to him.

The Panjabi Lambardar, however, differed from his colleague in the Provinces in one important respect, that he was one of the component members of the cultivating co-proprietors. He was therefore not merely remunerated by a special cess leviable over and above the revenue, from the land owners, but

but his responsibility in the matter of collecting the revenue was somewhat different. As a landowner or co-parcener, he was jointly and severally liable like any other co-sharer; but as lambarder, he was not held responsible for any revenue in arrear due from an actual defaulter.



The Village Land Tenures

The enquiry into the agrarian rights in the Panjab conducted at the regular Settlements served to indicate the importance of the Village Community as a unit in land administration. The Village Communities often tribal in their constitution and usually of joint or landlord type were generally more vigorous and better preserved than in the N.W.P.; and more appropriately to be called 'Communities',<sup>82</sup> The Village Community usually formed a large brotherhood whose common ancestry was assumed. It implied a system of holding land in Common in connection with <sup>the</sup> principal economic activity of its members. The status of members within the Community was that of a proprietor largely restricted, however, by the claims of the brotherhood. The waste was held in common. Joint ownership or collective enjoyment of the entire village area was by no means an invariable incident of the village tenure. Some degree of communal control over it was indeed present, but severalty in the beneficial occupation of a part at least of the area was quite normal, the sizes of the several holdings corresponding to shares regulated by various definite and

82. Baden Powell. Ibidem Vo. 2 pp 609 sqq.

and for the most part traditional methods.

The affairs of the brotherhood were formally managed by an informal village council, called the Panchayat. The panchayat had no legal power but what was implicit in its ability to inflict on recalcitrant members of the community the punishment of social excommunication.

The dominant note of the village community was the sense of kinship that bound its members together. It was like a regiment facing in common the adversities of climate, soil and any other odds. It often exhibited itself in the Panjab in the disregard of the conventional authority of the state. It was not an uncommon occurrence for the community before British rule to resist payment of revenue to the Government of the day and to decide its disputes by petty wars against another community.

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The brotherhood, besides the cultivating families who formed the major part of the group, comprised families hereditarily engaged in the humble arts, which furnished the little society with articles of use and comfort. The village community was nearly self-sufficing assisted by hereditary artisans

83. Baden-Powell, The Indian Village Community pp. 421-22

2nd ed. — Cambridge His. of India op. cit. p. 6. p. 82

84. Barclay: D.C. Sketch of the Panjab Tenures for the Adm. Rep. 1872/3

artisans whose remuneration was generally a customary rate of payment in grain according to a fixed scale at the time of harvest.<sup>85</sup>

There was great reluctance among the proprietary body in a true village to admit foreigners into their midst, which had found expression in village customs relating to inheritance and pre-emption. For "it is almost an invariable incident of the tenure, that if any of the proprietors wants to sell his rights, or is obliged to part with them in order to satisfy demands upon him, the other members of the same community have a preferential right to purchase them at the same price as could be obtained from outsiders."<sup>86</sup>

Such were the Village Communities which existed in the Panjab in pre-British times. They had continued to preserve their essential attributes. Fortunately none of the features which Sikh rule may have rendered useless were of any vital importance. Their policy, for instance, in matter of land revenue had been to deal directly with the cultivator under the 'kum-battai' system. It was unrelated to the coparcenary body, and therefore joint village responsibility was not enforced. Under the British Government, however, joint responsibility of co-sharers was a prominent feature of village tenure and

85. Maine, Sir Henry: Village Community in East & West. Ed. 5th p. 135.

86. Barclay. op. cit.

and was even applied at least in theory to parts of the Panjab, where like the Kangra Hills and the arid tracts of Multan the village systems did not exist at all.

Again, the village proprietors under the Sikh Government had often been found to relax their policy of excluding strangers from their local area in face of the crushing demands of the Sikh Kardar. Outsiders were welcomed and even invited to settle down and till the village lands to help pay off the dues as was done in Gujrat, Jhelum and Rawalpindi districts. The landowners were satisfied to secure small grain fees at harvest as an acknowledgment of their superior titles. Or as in Multan, the outsiders had been forced on the community by the action of state officials to extend cultivation and exploit the soil.

The tendency of British policy in the Panjab at first was distinctly to maintain the existing framework of society and support the coparcenary bodies. One of the laws calculated to secure this object related to pre-emption. Pre-emption law already existed in the N.W.P. The Board of Administration ordered in 1852 that if a landowner wished to sell his share, he should first offer it to the whole community or to some individual coparcener at a reasonable price to be fixed by agreement

agreement, failing which the revenue officers and three assessors were to determine its fair value.<sup>87</sup> The Panjab civil Code published in 1854 contained a special section embodying this law in an elaborate form. Pre-emption was declared to apply to village land, sites in villages and kas-las occupied by shareholders<sup>88</sup> in the estate, and was to extend to private sales or sales in execution of judicial decree and foreclosures of mortgage. On the failure of the owners to buy it, the hereditary tenants were offered the exercise of this right. Provisions were made for the valuation of land in case of disputes by a committee appointed by the revenue authorities. Pre-emption suits were to be heard in the civil Court but any issues as to the priority among cultivating claimants and the actual value of land were to be referred for decision to the revenue authorities. The Chief Commissioner was more than ever convinced of the necessity for preserving the integrity of village communities and he extended the pre-emption right to usufructuary mortgages.<sup>88</sup> The customs relating to pre-emption were entered in the Village Administration Paper.

Legislation regarding pre-emption, such as has been reviewed above, produced apparently very contradictory results. The

87. The Bd. of Adm. Rev. Cir. No. 28, dated May 3rd 1852

88. Financial Comm. Circular No. 41 of 1856, dated Aug. 11. B

The very act of limiting the State demand to a moderate rate of land rent put a premium on individual rights in the soil, which became saleable. Instead of strengthening communal ties, the practical effect of the English legal system was the growth on all sides of the sense of individual rights; of rights not vested in the total group, but in a particular member who could call on the arm of the state to force his neighbour to obey the ascertained rule if impinged.<sup>89</sup>

Of still greater interest in the matter of communal tenures, however, was the extent to which the lands of a coparcenary estate were held in common, and the rule governing the measure of rights and liabilities of different co-sharers in the aggregate common village property. The definition of such rights would naturally enough indicate the tenure or tenures on which the land was held. The terminology of Revenue literature and Settlement Reports of the Panjab as applied to the village tenures included the Zamindari tenures, Pattidari tenures and Bhyachara tenures. This was rather an imperfect classification, for it omitted some tenures which did not distinctly belong to any of these classes. The terminology used may be explained as follows:

Zamindari

89. See infra p. 413.

Zamindari tenure was really intended to apply to those cases in which a single landlord held the ownership of the village directly from an ancestor, or like the farmer and auction-purchaser of the N.W.P. had obtained the possession by some extraneous means. Previous political and social conditions of the Panjab had discouraged the growth of great landlords with a seignorial status over village communities, and where it happened to exist it was converted into a right to receive merely a fixed quit rent. This made the Panjab a land of peasant proprietors.

Pattidari tenure originally indicated property which was held, more or less closely in accord with the equal fractional shares of the law and custom of inheritance. In the Panjab the term was more loosely used to include a severalty holding on any scheme of shares, where those shares were really parts of what was once regarded as one patrimony.

Similarly, the Bhyachara tenure was at first applied to a special form of co-sharing joint-village, in which land was allotted by a peculiar customary method designed to secure equality among the brotherhood. By the middle of the nineteenth century, the term had come to mean any form of village, where

where possession was the measure of right, or where ancestral fractional shares were not respected, but the shares went by 'ploughs' or by 'wells'.

It is not to be supposed that the different forms of tenures were in their nature permanent. The death of a zamindar would naturally enough lead to the division of joint property among the sons in severalty according to the Laws of Inheritance, and the tenure thereupon became a form of pattidari tenure. By far the commonest occurrence was the merging of pattidari tenure into a bhyachara tenure. This had often been effected under the heavy exactions and the grinding rule of the Sikhs, where customary shares died out owing to the admission or intrusion of strangers into the brotherhood during times of difficulties. Under the British, the unequal improvement of different holdings and sales and mortgages of land to outsiders would produce a similar effect, and render the payment of revenue according to customary shares unsuitable.

But as was said above this official classification of land tenures is not complete. Owners were sometimes found in village communities, who did not belong to the brotherhood, and were not entitled to shares in the joint rights, profits, and



and responsibilities of its members. Their proprietary title was indisputable, but it was confined to particular fields, and they did not lay a claim in a distribution of common lands. They were found in the Jhelum and Rawalpindi Districts, and were known as 'Malik-qabza.'

The author of the Panjab Settlement Manual and Mr. Baden-Powell in his classic work on the Land Systems of India, have discarded the narrow and somewhat rigid classification of the Panjab temures as described in the District Settlement Reports. They have preferred to treat the subject on a regional basis, detecting broad features of temures as characteristic of different parts of the Province. Their treatment is much more rational. The diversity of the physical character of the country, and the different political and social repercussions of Sikh rule defied any proper groupings of the system of land holding.

The following brief general review of land temures in their geographical bearing may be of interest. To begin with, the south-eastern Panjab, which had first come in contact with the British rule, was characterised by village communities well organized under proprietary bodies of kinsfolk, whose rights  
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and duties were measured by ancestral shares. On the borders of the Rajputana desert many of the villages had originated in the voluntary association of agriculturists in comparatively recent times.

In the central Panjab, village communities were less homogenous. The Sikh rule had created a state of things in which the land in each cultivator's possession had determined the measure of his liability, and also of his right in any common property of joint proprietors.

A little further towards the north-east in the Cis-Satlaj States, a complication had arisen through the claims of those petty Chiefs who survived out of the mass of 'Princelets' with whom the British Government had originally made an alliance in 1809. The nature of their tenures partook of the general features of jagirs and is reserved for subsequent treatment.

In the Sub-Himalayan Districts of Kangra and Simla, communities analogous to the ryotwari type had existed. The physical conditions of the country, with its dense forests, and the precipitous character of the country rendered cultivation possible only in isolated patches. Each settler collected his firewood and grazed his cattle in the neighbouring forests

forests, and thus gradually created a personal right over the adjoining waste. The Raja, however, besides being a ruler, was the land lord of the whole country, and claimed all rights legitimate to his position. Every holder of land derived his title from a patta or deed of grant given by the Raja, conferring on him the right of a wairasi, or inheritance, and not a meliki or ownership.<sup>90</sup> The ownership of waste land in the Hills was vested in the Raja, who however, permitted its use by his<sup>91</sup> people.

The Hill Rajas had been treated very harshly by the Sikhs. They were either driven out of the country, or reduced to the status of mere jagirdars. They were not restored to their former position, when the British annexed these = Territories after the first Sikh War. The first regular settlement in the Kangra District made by George Barnes during 1850-52 was marked by the application of the theory of the village communities of the south-east Panjab to the Hill territories. The scattered hamlets were banded together to form a bhyachara village, and the inhabitants were placed under joint responsibility for the payment of revenues. They were at best artificial communities and

90. Barnes, G: Kangra Settlement Rep. para 20

91. Supra p. 143.

and were given rights in common over the waste adjoining their particular domain, the rights of the State to valuable kinds of trees, however, being reserved.

Up towards north and the north-west of the Panjab, the country was characterised by the juxtaposition of dominant families and clans and of a heterogeneous collection of depressed tribes. The heads of some of the fighting clans e.g. the Gakhars, had ruled over a wide expanse of country under the nominal suzerainty of the Moguls. But later on, when the Sikhs had gained the mastery over the Land of Five Rivers, the great families and clans fared very badly before their aggressive arms. The general policy of the Sikh Rulers was to level those interests, which became dominant either, by the sheer vigour of individuals, or by descent like the Rajputs, down with the average peasant. This process of 'leveling' and thereby obliterating rights had gone much further in the more accessible areas as in Gujrat, Rawalpindi, and Hazara, than in the wilder tracts along the Indus. The settlement of the frontier districts was not completed until after the Great Mutiny, when the claims of the martial races were more sympathetically considered. To the east of this region, however, the rights of the

the old clans, when recognized, were limited to a small surcharge on the land revenue. Further westward they received in addition, full proprietorship of the village waste, the inferior proprietors - the adna maliks - being given the ownership of holdings they actually possessed and cultivated. Still further down the west of the Panjab, the old leading families had managed to maintain themselves in full proprietary rights as well<sup>as</sup> their social pre-eminence, and they were recognized as such by the British Government.<sup>92</sup>

In the arid plains of the south west of the Panjab, the rarity of true village communities already noticed as a form of land holding in the Sub-Himayalan tracts, was reproduced under entirely different physical conditions. Extreme heat and the scantiness of rain made agricultural operations on any scale impossible. The people led a pastoral life, rearing cattle on the extensive grazing fields, for which they paid 'tirni'<sup>93</sup>. There was no settled life, and no recognized boundaries of waste land, claimable by any group of people. Hence one of the feature of village tenure did not exist. Agriculture wherever carried on was necessarily very crude, though every contrivance was designed to utilize river water by means of  
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92. Barkley: ibidem.  
Douie: ibidem, paras 174-8  
93. grazing tax.

of inundation canals. In the uplands, wells were deep and costly to work. They, therefore, formed a real unit of property. Along the fertile lands <sup>f</sup>ringing the rivers, there was indeed a semblance of village communities, where the common interests of the cultivators drew them close together for any joint action. Nothing illustrated the incidental nature of the south-western tenures better than the origin of a ' chakdar ' in Multan. It arose from the desire of an enterprising Nazim of the Maharaja Ranjit Singh, the Dewan Sawan Mal to reclaim the waste land. Capitalists were invited to sink wells in a parched soil. They were given patents to work the land. The wells by right of property belonged to them; and their right to use the zaminder's land was conditional on payment of a nominal quit rent. <sup>94</sup> The tenure it conferred on the capitalist partook of the rights of a proprietor and a hereditary cultivator, and was designated chakdar from the chak or wooden frame on which the well was built.

In this region, as in the Kangra Hills, communal tenures were introduced at the first regular settlement, though Captain Hamilton, the Commissioner of the Multan Division protested that they were quite unsuitable. The engrafting of the joint vil-  
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94. Multan Gazetteer: pp.170-171

village system was clearly incompatible with the lack of property in land generally, or with the existence of property in wells such as has been alluded to above. A considerable part of the waste, it is true, was treated as government property, but with this exception, the whole country was portioned out into villages or mauzas embracing wells and embankments. They formed, at best, an aggregate of separate proprietary units joined together for the purpose of revenue administration.

In the mountainous frontier districts in the north west irrigation was an equally important element in proprietary rights. The primitive tribal division of land was often overborne by the power of the tribal chief, called the khan, who not infrequently became a virtual ruler of the whole land. His treatment of the members of the tribe was influenced by the public opinion of the tribe, which allowed cultivation of land and grazing of cattle unmolested to those tribesmen, who bore arms and paid taxes. All the fields beyond the power of cultivation of tribesmen were at the disposal of the khan, as was the land of fellow tribesmen, who had departed or had died without an issue. The chief had the power to grant allotments out of the waste to men, who helped him with their swords or  
prayers

prayers. The conditions of the frontier tenures ultimately tended to approximate to those that had prevailed in the Hill Districts in the north east.

A general observation warranted by the patiently got up records of rights at the first regular settlements in the Panjab may be made that under the fostering care of the British Government the tenures were classified and stability conferred on them. From hence forth, they were not open to change either by the caprice of a ruler, or through any adventitious circumstances, but by the operation of legal process governing the tenures. The dominant principle of community in rights and interests suggested or ~~in~~ fact necessitated the imposition of a joint responsibility for the land revenue in the village system and the principle was ~~in~~ fact extended to certain tracts in the Hills and elsewhere for administrative convenience, where it was not strictly applicable.



### 3. Rent-free and Service Tenures.

In an agricultural country like India, the chief function of Sovereignities, that had preceeded the British, had been the exaction of an unusually large share of the produce from the soil tilled by their subjects, in order to maintain their luxurious courts and feudal hordes. This demand left the cultivators little more than the means of bare subsistence. There was no discernable difference in this respect between the Mohamadan Emperors of Delhi, the Maharatta Princes in the South, or the Sikhs of the Panjab. Such nobility as existed was supported not by rents derived from land, but by assignments of the royal revenue. The natural aristocracy of the country often differed but little from the humbler classes except for their assignments, or other prescriptions usually collected as the tax gatherers of the King. From the land tenure point of view, no where did these assignments appear in more formidable number than in the Panjab of the Sikhs. The Panjab might almost be called the land par excellence of jagirdars and muafidars, under whom the tenure of revenue assignments took

took shape. For the elucidation of these tenures, it is necessary to review the nature of Sikh rule, and its standing in relation to local chiefs.

The antecedents of the personal Government of Maharaja Ranjit Singh proved, if proof was required, how a master genius might arise from the welter of loose misles or confederacies and turn their martial character to the building up of a class rule over a vast population. The Khalsa Chiefs had helped the Maharaja in the founding of his power, and remained to be propitiated. The fiscal policy of the ruler was to deal direct with villages, which tended to check the growth of all tribal chiefs who would ordinarily have absorbed all subordinate rights, and become great and absolute landlords.<sup>95</sup> Through diplomacy or circumstances, Ranjit did not entirely ignore either the local chiefs, like the Mohammadan Khans on the North West Frontier, and the Rajput Rajas in the Hills, or those belonging to his own faith. He adopted the plan of making revenue assignments, and conferring feudal privileges on them. They were called ' jagirdars ', and were required to perform some military service i.e. furnish contingents of horsemen to reinforce in time of war the powerful army of trained foot soldiers and this was in essence the jagir tenure. A part even of the regular

95. Supra p. 167 and p. 169.

regular troops of Ranjit was paid by assignments of land revenue, and the same system was adopted in remunerating the high officers of the State, and for the support of the ladies and servants of the royal household. Co-operation of the leading men of village, the maliks, mukudims, and the chowdaries, in realizing the State dues was secured either by exempting parts of their holdings from taxation, or by allowing them to receive a share of the village collections, called inams. The religious toleration and catholicity of view of the Maharaja found expression in further grants of muafi tenures dedicated to some particular institution, or for the service of devotional acts and other purposes of charity. Among persons who received remissions or exemptions from land revenue under muafi could be counted many Mohamadans, the only inhibitions against them being the killing of kine and the saying of ' azan '.

Jagir and muafi tenures, except those of hereditary character, were very insecure under the Sikh Government. Most of these tenures were temporarily held for special objects, which might or might not last. Each grant was held at the pleasure of the Maharaja, whose generosity was inspired by political considerations. More especially, every assignment was open to re-  
consideration

reconsideration on the death of the incumbent; and if renewed, a fine or nazaranā was invariably exacted, which sometimes absorbed its income of several years.

The assignee of revenue stood in place of the States vis-à-vis the cultivators, and was entitled to the State's share of the produce which was calculated in kind either by actual division of crop or by appraisement. Where the grant embraced whole villages, the status of the grantee, from the tenure point of view, often changed to one of a proprietor. He enjoyed the right of extending cultivation by bringing tenants to reclaim the waste. He sunk wells and planted gardens. In this respect he claimed the same powers as the Kardar exercised in the Khalsa estates but with this difference that, "as he hoped by one means or another to make his assignment a permanent one, he was prepared to invest his own money for the improvement of the property." The larger jagirdars often exercised faujdari powers, which meant inflicting punishment on criminals in the shape of fines or even of mutilation and the confirming of arbitration in civil cases. It was <sup>not</sup> unusual for the jagirdars to grant in turn, small plots of land revenue free on similar conditions as those on which they held themselves

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themselves from the superior power in the country.

The British Government was first called upon to formulate its policy towards Jagir tenures of the Panjab in the Jalandhur Doab, known in official literature as the Trans-Satlej States, which was ceded to it at the peace treaty of March 1846. John Lawrence had been appointed the Commissioner and had in this capacity effected the summary settlement there. It is interesting to notice that the difference of policy on the great question of the treatment of jagirs between Henry Lawrence, the Agent to the Governor General at Lahore, and John Lawrence, the Commissioner at Jalandhur, came to light as early as November, 1846, and threatened to become notorious during their joint collaboration at the Board of Administration. John Lawrence submitted a Memorandum on jagir cases, in which he urged the necessity of speedy enquiry into every jagir and muafi tenure, and recommended as a general rule the levying of 25% or one-fourth of its assumed rental. He remarked that jagirs never were, nor intended to be private properties, but were mere alienations of public revenue. He characterized jagirdars as anomalous beings, paying no taxes, and in no way contributing to the general security of the country as had been proved by the Cis-Satlej jagirdars during the late Sikh war. The *raison d'être* of  
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of John Lawrence's views was aptly described in the final note:  
" I am not advocating these views for the sake of increasing the revenue, if Government can afford, I would give up revenue in proportion to the jagirs resumed, but in so doing, I urge the policy and justice of granting it to the country at large, in the form of general reduction of the land tax. I would give it to the industrious and hard working, not to the idle and useless, who are always drones except when opportunity allows them to be wasps to sting us."<sup>96</sup>

The initiative provided by John Lawrence in drawing the attention of the Supreme Government to the need of defining jagir policy in the Trans-Satlej States was taken up by Lord Hardinge, who annunciated a set of rules bearing on the issue in an official Communique to the Commissioner of the Trans-Satlej States.<sup>97</sup> These rules need not be reproduced here, for they were hardly given a chance of being enforced, and when they were later adopted, they were modified by Lord Dalhousie, when the reorganization of the Panjab after its annexation, called for decisive rules for application on a larger scale. One remark of Lord Hardinge's letter, in particular, was significant, containing an official version on the nature of the Sikh jagir tenures:

96. Ind. Pol. Cons. 1847 Dec.31, No. 2195. Notes submitted by J. Lawrence on Jagirs Nov.16,1846.  
97. Ind. Pol. Cons. 1847 DEC.31, No.2197. Government of India letter to the Comm.Trans.Satlej; States, No.78, dated Feb. 23,1847.

tenures:" There is certainly no reason why we should maintain in perpetuity an alienation of Government revenues, which would not have been maintained by the power we have succeeded ... All grants were resumed by the Sikh rulers at will without reference to the terms of grants, whenever State exigencies, or even caprice dictated. On the death of the grantor, they lapsed as a matter of course, and were only renewed on payment of a large nazarana, equal in some instances to many years' collections. The Governor General observes that the decision of the British Government on these claims will give a permanency, validity, and value to the tenures hitherto unknown, notwithstanding sanads from native Governments of perpetual release from all demands, which the holders know mean nothing." 98

On the annexation of the Panjab being declared at the end of March, 1849, Lord Dalhousie made it his first care to impress on the Board of Administration the necessity of undertaking prompt enquiry in all questions affecting the validity of grants to hold land revenue free. The urgency of the measure was dictated by the desire to obviate the tenures acquiring the force of prescription by any long delay. In issuing a little code of resumption laws, which embodied all the rules previously sanctioned

sanctioned by Lord Hardinge for the Trans<sup>̄</sup>Satlaj Territories, Lord Dalhousie gave expression to his personal views on the matter, which very nearly coincided with the ideas of the <sup>civilian</sup> veteran John Lawrence, who was now appointed a member of the Board of Administration at Lahore. Lord Dalhousie laid down in no ambiguous terms the fundamental policy of the Supreme Government that " by our occupation of the country, after the whole Sikh nation had been in arms against us, we acquired the absolute right of conquerors, and would be justified in declaring every acre of land liable to Government assessment. " <sup>99</sup> Lord Dalhousie ordered the forfeiture to the Government of all grants of land held by men who had taken up arms against the British by choice or compulsion. He referred to the certain and quiet possession which the British Authority would confer after a careful enquiry into the tenures as contrasted with the capricious grants and arbitrary recalls under the old rule. Every assignee whose tenure was upheld by the British Government was to surrender all deeds of grant of the former Government, and was to receive a sanad under the Board's seal and Secretary's signature, declaring that the assignment was the free gift of the British Government.

The rules

99. Ind. Sec. Cons. The G.G. to the Bd. of Adm. March 29, 1849  
op.cit. para 40



The rules prescribed by the Government of India for conducting investigation into rent-free tenures were:

- 1st. " All grants for the provisions or maintenance of former Rulers deposed, or former proprietors dispossessed, to be maintained on their present terms, subject to future diminution after the death of incumbents.
- 2nd. " All endowments, bonafide made for the maintenance of religious establishments, or buildings for public accommodation, to be maintained as long as the establishments or buildings are kept up, provided, as noticed below, they are not exorbitant.
- 3rd. " All persons holding villages or portions of villages free of rent or money payment, and for which no service was to be rendered, by grants made by Maharajas Ranjit Singh, Khurruck Singh, or Shere Singh, to be maintained in their holdings, free of rent, during their lives. Each case to be open to the consideration and orders of Government on the death of the holder, to be decided according to its merits. Long occupancy will of course receive the consideration of Government.
- 4th. " All persons holding lands or grants as above, subject to a payment of fines in the shape of nazrana, peishcush, or the like, to hold for their lives subject to the payment of quarter revenue, and on the death of the holder the land to be resumed and assessed at full revenue.
- 5th. " All persons holding land for which service of any kind was to be rendered to the Sikh rulers, including Bedis, and Sodhis, who were expected to perform religious services for the benefit of the donors, to hold for life, subject to the payment of one-fourth revenue; the case of each of such tenure to be reported for the consideration of Government on the death of the holder.

6th

- 6th " Grants made by persons not having authority to alienate the Government revenues to be resumed.
- 7th " Where no deed of grant exists, a holding of three generations to constitute a valid right, and entitle the holder to have his case adjudicated by the foregoing rules.
- 8th " Where Chiefs or others hold lands rent-free which were not granted by Maharaja Ranjit Singh or any other ruler but won by their own swords, they will deserve consideration, and their cases should be specially reported to Government with the Board's recommendation in each case: any particular cases not provided for in the foregoing rules, to be reported separately to Government for special orders? 100

Lord Dalhousie added, " Should cases of individual hardship arise from a strict observance of these rules, whether from indigence, infirmity, age or sex, the Governor-General on such being represented will be happy to relax the severity of the rules, or confer a pension on the object."

State pensions were to be enquired into, and the same principles observed in investigating their validity. But the specific rules bearing on them did not come in force until 1853 by the Financial Commissioner's Circular No. 16. dated April the 12th.

In interpreting the orders of the Government of India on the resumption of jagirs, the Board of Administration remarked in

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in a circular letter that:

1. Although Government had enunciated the principles for the disposal of rent-free temures, it left considerable latitude for the local officers.
2. With regard to the 2nd rule, religious endowments should be upheld in perpetuity subject to the good behaviour of the grantees, and conditional on the income being devoted to the objects originally proposed by the grantor.
3. That the 3rd rule should usually be held to apply to grants by the three Maharajas mentioned before their accession, or by other Chiefs before their time.
4. With reference to the 6th and 7th rules, that assignments unsupported by sanads or held under invalid sanads granted by Kardars, Nazims or the like, should, nevertheless be maintained for the lives of the present occupants, where possession was of long standing, and that unbroken occupation of 20, 25, or 30 years, whether by one individual or for two or more generations, should entitle the holder to a life interest.
5. That grants of recent date should, when the occupants were old or infirm, or for any other reason, objects of charity be maintained for life.
6. That once a jagir was confiscated, because the jagirdar had borne arms against the British power, all grants made by him to his dependants should at once be resumed. But in case of small assignments of long standing, special recommendation to maintain them for life might be made, if the holders appear to be entitled to this indulgence.
7. That grants of land free of assessment enjoyed by the headmen of villages, if supported by sanads were to be upheld. If they had been enjoyed for many years and the amount was not excessive, they were to be maintained for life, or at any rate, until the revised settlement, even though no sanad could be produced.

8th

8. That lands held revenue free by village servants, if the amount was moderate, were to be upheld until the revised settlement.
9. That the tenures under which gardens were held, were to be liberally dealt with, and if supported by valid sanads, or had been possessed for several generations, were to be recommended for maintenance in perpetuity. If resumption was resolved upon, settlement was to be made with the ex-muafidar at the ordinary village rate, and not at garden rates. Where the grant was new, and the garden existed before it was made, it was to be resumed and the land assessed to the best advantage.

It would appear that the rigour of the formal rules was greatly mitigated by the liberal interpretation placed on them by the Panjab Board. In a wide review of rent-free tenures, however, which had absorbed one-third of the revenues of Ranjit's kingdom, and in the determination of what portions of jagirs should be released or pensions granted instead, to the beneficiaries, there must always be a vulnerable point of difference of opinion among men such as composed the Board of Administration. The task of examining jagir tenures required dispassionate minds, but with the Board, its reasoning was often coloured by the personal sympathies of its members. No where were the temperaments and views of Henry and John Lawrence so sharply contrasted as in dealing with jagir questions, and their disagreement over certain points was referred to the Governor-General for final orders. An instance of this nature may not be without interest, displaying

displaying the eternal clash between the cherished desire of Henry Lawrence to conciliate the Panjabi aristocracy by any means, and the relentless application of principles by John Lawrence, who made no distinction between the different classes of society.

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The Board of Administration reported to the Governor-

General jagir and cash allowances of a substantial amount of Rs 118,290/ to be granted to the servants of the late Darbar, Raja Dina Nath and FAKIR Nurud-din. Sir Henry Lawrence recommended that in consideration of their past services on the Regency Council, they should be provided with perpetual jagirs besides the liberal life interests already conferred. Mansel concurred in the President's recommendations, while John Lawrence dissented. He held that the ruling on the point was clear, that no jagir should be released in perpetuity, which was not already of hereditary tenure, and that it should be applied equally to all cases, and not relaxed on mere consideration of the past services of a high State functionary. This dispute elicited a Minute from the Marquis of Dalhousie dated Nov.7, 1850, in which he re-iterated the objections of the Supreme Government to the permanent alienation of public revenues by assignments in favour of individuals, and saw no sufficient reason for making

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102. Ind. Pol. & For. Cons. 1850, Nov.22, No. 117. The Bd. of Adm. to the Sec. to the Government of Ind. with the Governor General dated 9th October, 1850.

an exception in the cases referred that " neither of them (Raja Dinanath and Fakir Nuruddin) represent families in the Panjab; they can possess no influence; they do not command any general attachment or sympathy." <sup>103</sup> The Governor General negatived the proposal of the majority of the Board, but concurred in granting them generous pensions and life interests in jagirs.

The agency for conducting enquiry into the jagir tenures comprised of the usual revenue officials, the Commissioners and the District and Settlement officers, each taking up a portion of the work. But it was soon found that the cases of jagir and service grants and title to pensions were so very numerous, and claims to them often so conflicting that the Board thought it expedient to appoint a special officer having an exclusive jurisdiction over these tenures. Such an officer was found in Lieutenant Becher, who was distinguished for his knowledge of tenures and his sympathy with the people, and who was adept <sup>104</sup> in the rapid dispatch of work. Enquiry into the smaller grants was however left mainly to the Settlement officers.

The Board of Administration was alive to the delicacy and importance of deciding these revenue-free tenures from the political and administrative point of view, and it pursued the task with firmness and vigour. The result of its labours was recorded

103. Loc.cit. The Minute by the G.G. Nov.7, 1850 282. The Bd. of  
104. Bd. of Control's Collections. 1851-52. vol. 2444. No. 134, Feb. 7, 1851.  
Adm. for The Affairs of the Panjab to Lieut. Becher

recorded in the First Administration Report on the Panjab issued in August, 1852. The Board classified grants in land and pensions under the different objects for which they were intended to be conferred. The same classification may be followed for the purpose of this treatise, because of its clarity in the vast medley of jagirs and muafias which existed in the Sikh Kingdom.

Classification of grants in land-jagirs and muafis, and  
105.  
cash pensions:-

Service grants:

1. Military
2. Civil
3. Feudal
4. Household

Personal grants:

5. State Pensioners
6. Royal Ladies
7. Family Provisions
8. Inams - allowances to influential landholders.

Religious grants.

9. Endowments.
10. Charitable
11. Holy men

Rules governing grants in consideration of long service were, service of 25 to 30 year entitled to one-quarter of his previous emoluments; service of 30 to 35 years to one-third; and service of 35 to 40 and upwards to one-half. The 25 to 30 period of service was reduced to 15 years in favour of jagirdars  
to

to entitle them to claim a quarter of their emoluments. The grants for military and civil service were chiefly in lieu of salaries. The British Government on annexing the country disbanded the Khalsa troops. Some of them were, however, admitted into the British army; while the remainder were pensioned off on one-fourth, one-third, or one-half the grant according to their respective claims. If the grant was found to be a superannuation allowance, it was maintained in full. The same principle applied to the Household grants held by the attendants of — Sikh Sovereigns. The feudal grants were held by the great Sardars and dignitaries of the State. The feudal service was commuted to a payment of fees at special rates,<sup>106</sup> or a part of the jagir was resumed. But the personal grant of the feudal chief was maintained for life, and a portion only granted in perpetuity to his legitimate male issues either in virtue of prescriptive possession, or on the authority of sanad, or on some special consideration of family influence and antiquity or of individual character and service.

State pensioners were allowed to enjoy the grants for life subject to diminution after their death. In the case of Royal ladies, mostly widows of Maharajas Ranjit Singh, Kharak Singh,

106. See infra *sup* 254-56.



Singh, and Share Singh cash pensions were granted equivalent to their landed possessions for life. Family provisions were in the nature of pensions granted by the British Government to ex-jagirdars and ex-muafidars on lapse or resumption of their revenue free holdings, to the widows of jagirdars found in distress, and to the heirs and relations of deceased chiefs, soldiers, and servants of the State, who had been provided for by the late Darbar and were now authorized to receive specified grants. Instructions as to the mode of paying pensions to ex-jagirdars and ex-muafidars were issued by the Board of Administration in its Revenue Circular No.7, dated 27th March 1851. These instructions continued to be applied, but they did not receive the formal sanction of the Government of India till 1857, which was embodied in the Financial Commissioner's Circular No. 74, dated July 22, 1857. The Board of Administration also sent up proposals on the subject of granting pensions to widows of jagirdars in reduced circumstances, for the consideration of the Supreme Government. They purported to deal with exclusive claims such as of:

1. widows and male issues of men of high rank, and known local influence, in distressed circumstances.

2. widows and widows only of those who had done especial service, and were now reduced to want.
3. widows and male issues of holders of jagirs of long standing, now in distressed circumstances.
4. Special cases of widows and heirs lacking the necessaries of life.

But the Governor General in Council declined to lay down any specific rules, and preferred to judge each case on its proper merits. The only general principle declared by the Government was that except on proof of positive distress or want, applications for pensions on behalf of the relations of the deceased jagirdars were not to be entertained, and that the male issues of such parties were to look to their own exertions for a livelihood.<sup>107</sup> The Chief Commissioner, the successor to the Board at Lahore, nevertheless caused the previous instructions to be circulated to the local authorities, remarking: "These orders necessarily leave a large discretion to local officers and Commissioners.... in dealing with applications of this nature, you will give attention to the tenor of the observations of the Governor General's letter."<sup>108</sup>

Among this class of pensioners, were included the widows of Generals and soldiers of the Lahore Kingdom, who had fought the English in the Sattlej campaigns. They had been provided

107. Ind. Pol. & For. Cons. 1853. March 4. No. 407. The Govt. of Ind. to the Chf. Comm. letter dated March 4, 1853.

108. The financial Comm. Cir. No. 7. dated March 24, 1853.

provided for by the late Darbar, whose existence was guaranteed by treaty, and consequently its acts were essentially valid. In confirming pensions to relations of the dead soldiers, the British Government was lawfully fulfilling the obligations of the Power, whom it succeeded, but the jagirdars and other beneficiaries, who took up arms against the British in 1848 were rebels against the Regency Government, and therefore rightly lost all.

Other money grants bestowed on influential land holders were called ' inams ' which formed a peculiar aspect of land administration in the Panjab, of a type which Robert Montgomery said he had not seen elsewhere. <sup>109</sup> Originally inam implied certain deductions being made from the revenue of an estate in favour of some village chief, who was designated as chaudri . The chaudri by his local knowledge and influence assisted the State in the process of revenue collections and maintained peace and harmony among the villagers. But latterly, inam had taken the shape of an additional impost on the village levied by local authorities, and appropriated to different objects.

Characteristically in Sikh administration, there reigned great confusion in the allocation of the inam. Sometimes it was administered by the jagirdars of the village, and often it was

109. Ind. Pol. Cons. 1851. Appendix on Land Tenures in the Lahore Div. by the Comm. Mr. Montgomery. op. cit.

was appropriated by the headman of the village, and often it was shared between him and other village dignitaries, if its yield was considerable. There was not sufficient information available, however, when the summary settlements were made in 1847, and in many cases the lambardar managed to retain the inam besides his official emolument of 5% on the Government revenue. The attention of the Board of Administration being drawn to this anomaly, it declined to lay down any definite principles concerning inam, and preferred to judge every case according to the circumstances. But it circulated to the local officers a statement of general principles, which were to guide them in the consideration and disposal of inam cases. Where 'huk inam', that is, a money allowance had been enjoyed by any proprietor of a village community previous to annexation, he was permitted to retain it for life, subject to good behaviour and the following conditions:

1. " It shall be collected like other village burthens, and can be sued for and recovered in the revenue courts of the districts.
2. " It shall not be inheritable or transferable.. the Government reserving to itself the right to resume, or bestow it on the heir of the deceased incumbent or on any other proprietor.

3.

3. " It shall be considered as the remuneration of services to the Government and to the village community, and the incumbent shall be entitled to the distinction of chaudri.
4. " It shall be liable to confiscation for gross neglect of duty or from the incumbent having been proved guilty of any crime. But it shall not be resumed because he may be infirm or old; the incumbent shall continue to enjoy the inam, his son or other relation, whom he may name, with the consent of the District officer performing his duties.
5. " Claims to inam shall be investigated, and reported on, and when once allowed, shall be registered... as in muafiz cases.
6. " Where the amount of inam is disputed, where it has been surreptitiously increased by the incumbent without the sanction of the ruler of the day, it shall be reduced to a sum which seems reasonable and just, and the difference shall accrue to the village community. Where the District officer for any reason, shall propose to reduce the amount, it shall only be done with the sanction of his Commissioner. 110

By the extension of a few privileges to intelligent and able individuals from among the community, their co-operation was enlisted on behalf of the local authorities. And it was hoped that the popular agency of the chaudris might be turned to good account in the policing of rural areas, in the management of disorganised estates, and helping in works of public utility.

Endowments and religious trusts were established, or confirmed subject to the general ruling that their specific purpose be

be maintained, which were often of both a spiritual and secular nature. Among them could be counted grants for the support of temples, mosques, places of pilgrimage and devotion, schools, village inns and the like. Charitable grants or 'dhurmarths' as they were called were equally generous, and comprehended people drawn from all religions of the Panjab; Sodhis, Bedis and Granthis of the Sikhs; Pundits, Brahmins, Khutris, Sunyasia and Sadhus of the Hindus; and Syeds, Fakirs, and Jats of the Moh-<sup>111</sup>amaden religion.

Investigating, reporting and the subsequent confirmation of rent-free tenures, and of pension grants entailed an infinite amount of labour for the local Government. The rules prescribed by the Supreme Government in its original letter dated 29th March, 1849 to the Board of Administration had contemplated every possible alienation of revenue, and the orders were apparently precise and definite. The final confirmation of release or resumption of all tenures rested with the Governor General in Council. Close scrutiny of the grants revealed them to be of great variety and some of so minute a value, that the Board of Administration appropriated to itself the power ( in the erroneous belief that it had been invested with it ) of disposing finally

111. Home Miscell. No. 761. pp1247/Memo. on different denomination of jagirs and grants in land and money in the Panjab.

finally of petty rent-free tenures. Questioned by the Government of India on the legality of such a power, when the release of ~~of~~ even the smallest holding required the sanction of the head Government as laid down in the resumption rules, the Board<sup>112</sup> replied, that the members of the Board had certainly believed they had the power in question, and quoted the rules prevalent in the N.W.P., which admitted the jurisdiction of local authorities over small assignment tenures. The Board had already issued a Circular Order dated Jan. 16, 1850, embodying rules according to which several thousands of rent-free tenures had been released. The Board finally suggested that the Government should prescribe a limit within which it might dispose of pettycases for the life time of the present occupants. The Government of India viewed the proposals favourably, and in consideration of the labour, delay, expense and vexation inseparable from the adjustment of rent-free tenures, decided to give authority to the local Government under five rules, by which the Board could dispose of cases according to the proposals made by the investigating officers.

1. " Henceforth, no case where lands are resumed, need be reported to Government, whether donations in money are given or not, or whatever be the amount of resumption.

II,

112. This controversy is recorded briefly but very clearly in all its bearings in the Govt. of Ind.'s letter to the Court of Directors dated, Sept. 12, 1853. Ind. Pol. Letters received, 1853. Vol. 24.

- II. " Grants of land to village servants may be made by the Settlement Officers, under the authority of the Financial and Chief Commissioners.
- III. " The Financial Commissioner shall have authority finally to dispose of all grants of land under 10 acres which he may be of opinion should be released during the lives of the occupants, or the term of settlement.
- IV. " The Chief Commissioner shall have a similar authority with a limit of 50 acres for the lives of the occupants or the <sup>term of</sup> settlement.
- V. " All other cases where it is proposed to release lands above 50 acres in extent, to the occupants of their lives, or to release land of any amount to the second generation, or in perpetuity, or beyond the term of settlement, or where it is proposed to release land forming a whole village, or the fractional part of village, for any period of time, must be reported to "Government". 113

The policy of the Government of India underlying the resumption rules for jagir temures was hardly open to question. The exposition of the nature of these temures, and the unreliability in which they were held under the former régime was clear and generally correct; and the close and strict scrutiny into the claims and conditions, <sup>under which</sup> they were renewable under the Conquerors was dictated by political considerations and administrative expediency. For five years these rules were in force, and all decisions of the Government of India reported to the Court of Directors received their formal confirmation almost

113. Ind. Pol. & For. Cons. 1853, March 24, Nos. 105-110. The Govt. of Ind. to the Chief Com. Mzyck 24. 1853.



almost without an exception. But curiously enough the unfamiliar and untrained eye of the Court detected an apparent inconsistency in the Government decisions given in certain rent-free tenures, which were certainly not uniform, as they applied to different types of jagirs and held by different sections of the community. The Court of Directors mistaking the details for the fundamental policy of the Government of India, which the latter had unambiguously put forward, and unwaveringly pursued, asked the Governor General in Council to revise his decisions in quite a large number of cases. The Court now prescribed for his future guidance, a general rule that " if a jagir has been in the uninterrupted possession of one family for 60 years, a part of the estate shall descent in perpetuity to the lineal male heirs of the jagirdars, who held the estate at the time when the country came under our Government." They further added;" This rule is not meant to be inflexible, that cases may arise, where the length of possession ought not to confer a permanent title, and other cases, where a shorter term, in conjunction with other circumstances, should confer it. But in all such cases a special report will be expected by us." <sup>114</sup>

These injunctions of the Court clearly ran counter to the rules

114. India Political Despatch. The Court Of Directors to the G.G. in Council. No. 15, dated April 27th, 1854.

rules originally prescribed by the Governor-General regarding revenue-free tenures. They were, indeed, inconsistent with the general principles of these rules in so far as 60 years uninterrupted possession was to confer a prescriptive right, while the 1849 principle claimed for the British Government the 'absolute right' acquired by conquest of a country in arms against it, of putting an end to every rent-free tenure, but which, nevertheless, contemplated an enquiry into possession to ascertain its validity. The Government of India in its official letter reviewed the whole ground, and re-iterated the enormous difficulties of revising a great mass of jagir cases, which would not only agitate the people, but would react on the prestige of the British Authority. The mistake which had occasioned the Home Government's criticism was pointed out, and the objections to adopting a set of new rules were so incontrovertible, that it was not long before the Court of Directors withdrew their injunctions.

On another point of difference arising out of the same controversy with the Court of Directors, who interpreted a personal rent-free grant into rights of private property, the Governor-General

115. Ind. Pol. Letters, Vol. 26. The G.G. in C. to the Hon'ble the Court of Directors. Dated Sept. 18, 1854.

Governor-General in Council wrote ( it incidentally shows the incomplete or rather defective conception of property under the Sikhs ):" It is impossible for us, we regret to add, to concur in the view which your Honourable Court apparently entertains that a personal rent-free grant is in the nature of actual property. It wants some of the chief characteristics of property. It is created by the will of the ruling power, and may be annihilated by the same will. It is under no circumstances transferable; it is heritable only with the express consent and sanction of the power that creates it; it exists simply by sufferance. The Power which we succeeded in the Panjab, did not regard these tenures in the light of property, and neither justice, nor policy, nor the nature of the case requires that we should so regard and so deal with it." 116

#### Cis-Satlaj Tenures.

Land tenures in the territories lying between the Jumna and the Satlaj constitute a subject by themselves; for they were affected by a political event of a generation or two earlier, namely the collapse of the Mogul rulers of Delhi, the salient points of which may briefly be reviewed.

The Sikh conquest of the Cis-Satlaj States dated back to 1763

1763

the year made memorable in Indian history by the débâcle of the Mogul Empire and the mortal blow to the ascendancy of the Maharattas in the north at the hands of the Durarnis. In the general confusion which followed, the Sikh horsemen overran the country, and divided it into shares, varying in size from the fief of Patiala with a revenue of nearly twenty-five lakhs to a fractional part of a village. In some cases these horsemen had been content to usurp the right of collecting revenue; in others they had ousted the actual proprietors of land, whether Gujars, Dogras, or Jats. They became to all intents and purposes, the rulers of the people. In few instances did they experience any stubborn resistance from the hostile Syed chiefs and Rajput princes. The overlapping jurisdictions and territories of the Sikh chiefs gave them an exceptionally plausible chance to lead a predatory life. Adventure and pillage were the things that mattered. The whole country was given up to ruin and anarchy.

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It was not till after the Treaty of Tilsit in 1807, when European diplomacy began to react on Indian affairs that the English looked northward beyond the Jumna for any political activity. The fear of Napoleonic adventure in Central Asia, and

and the consequent repercussions on India, brought about the possibility of diplomatic understanding between the British and the Sikhs, and the British and the Afghans as a counterpoise. At the same time the Cis-Satlej Chiefs menaced by Ranjit's aggression beyond the Satlej solicited the protection of the British Government. British diplomacy between 1807-09 was directed at securing two very difficult ends; an effective alliance with the Maharaja of Lahore, and the extension of British protection over the Cis-Satlej States, which were coveted by Ranjit Singh. The diplomatic negotiations were entrusted to a brilliant young officer, Charles Metcalf, who by tact and the suavity of his demeanour concluded a treaty of friendship with the Sikh State on April the 25th, 1809. Colonel Ochterlony, the Resident at Delhi, took the Cis-Satlej Chiefs under protection of the Government of India at the same time by proclamation. It is worth while to examine the implications of this public pronouncement. The British Government agreed to forego tribute from the protected Chiefs, who were left as sole owners of their possessions. They were, however, bound to furnish military aid to the British, when demanded. Non-interference in the internal affairs of the Chiefs soon proved to be a misplaced indulgence, because

because they were in a continual state of mismanagement, and the chiefs were always fighting. By a supplementary proclamation of 1811, they were asked to desist from their marauding habits. The British Government, however, soon learnt that the Sardars whose independence and integrity it had guaranteed, were very numerous and often petty, whereas those who had approached it for help in the beginning had been a few big chieftains; and <sup>that it had</sup> been a leap in the dark. <sup>119</sup>

Between 1809-47, the relations of the British Government with the Cis-Satlej Chiefs and fraternities were conducted through the Political Agency at Amballa. Every opportunity was taken to claim estates as lapsed to the suzerain Power on the death of the descendants of the owners in 1809 without leaving an heir. A new development however, arose during the Satlej campaigns of 1845-46, when some of the chiefs broke their treaty engagements by going over to the enemy; while others observed a semblance of neutrality and refused to give any material assistance to the British. On the conclusion of the hostilities, the British Government took action by reducing the chiefs of independent status to the position of jagirdars for their disloyalty and misgovernment in their estates. The Governor

Governor-General's letter to the Agent to the Governor-General N.W.F. ordered that all the chiefs with the exception of nine holding large estates should be forthwith deprived of police powers. All transit and customs duties were also abolished and a commutation for the personal service of the chief and his contingents was accepted. <sup>120</sup> The nine estates in whose favour exceptions were made were, Patiala, Jhind, Nabha, Faridkote, Malerkotla, Raikot, Chichrouli (Kalsiah), Buriah ( Dialghar ) and Mamdot.

Once the chiefs were deprived of police powers, they were found unable to realize their revenues from the cultivators in their estates. They had made themselves hateful to the public by their misrule. A proposal was being considered for a regular settlement in the Cis-Satlaj States, when the hostilities with the Sikhs broke out again. The subsequent annexation of the Panjab rendered the matter simpler, for there were no political considerations in favour of maintaining the chiefs in any considerable independence. In June 1849 accordingly, it was declared that with the exception of nine States, the chiefs should cease to hold sovereign powers, should lose all criminal, civil and fiscal jurisdiction, and should be considered as no more than ordinary subjects of the British Government in possession of

120. Ind. Sec. Cons. 1846. Dec. 26 No. 1313 The Sec. to the Gov. of Ind. to the Agent to the G.G. N.W.P. letter No. 465, Nov. 17, 1846

of certain exceptional privileges. The revenues of the estates belonged to the incumbents, but were to be assessed by the British officers under the Government's orders, which, however, did not come in to force till 1852. Thereafter, the chiefs and fraternities ceased to retain any relics of their former powers, and became mere jagirdars with the implied right to enjoy the revenues assigned to them subject to special laws of succession.

To return to the consideration of the jagir tenures in the Cis-Satlaj States, it will readily be seen, that they differed from the jagirs of the Panjab proper, over which the British Government claimed 'absolute right' acquired by conquest <sup>of the Country</sup> in arms against it, and therefore the right to re-grant, confirm or release the rent-free tenure. They also differed from the conquest jagirs of the Jalandhur Doab, the holders of which were the descendants of men, who whether originally independent or not, were subjects of the Maharajas of Lahore before they came under the British rule, and were specially provided for. The Cis-Satlaj jagirdars formed that numerous body of chiefs, however petty, who had been in theory and largely in practice, also recognised as independent rulers, whose ancestors had come under British protection in 1809 with a guarantee that they would remain in exercise of the same rights and authority, which they



they hitherto enjoyed, but who were transformed rather drastically in 1847 and 1849 into jagirdars. They fell from the status of being allies of the East India Company to that of its subjects. There was a proposal after the first Sikh War to declare all estates in the Cis-Satlaj States forfeit because of their dubious loyalty to their engagements with the British Power, and to re-grant them under sanads. But Hardinge in view of the delicate negotiations pending with the Darbar to re-establish the Kingdom at Lahore, negatived the proposal. The fallen independent overlords of the Cis-Satlaj States, who became jagirdars, had no mark of distinction or dignity left to them ~~and~~ and were distinguished only by their special inheritance laws.

The Cis-Satlaj jagirs were of three classes:

1st. The large estates, which were in possession of individual Sardars, or their descendants, and usually included a larger or smaller number of villages.

2nd. and

3rd. the pattidar and zaildar Jagirs, which were held by fraternities consisting of the descendants of horsemen, who overran the country when it was conquered, or who were called in later to help the original conquerors to hold it. These fraternities

fraternities divided amongst themselves the villages which they seized in horsemen's shares.

Where the fraternities maintained or subsequently acquired a position independent of the great Sardars to whose assistance they had come, their tenures were called the pattidars, and where they remained subordinate to those Sardars who claimed the right to lapses of heirless shares, they were called zaildar jagirdars.

This division, however, did not exhaust all the different tenures in the Cis-Satlaj States. With the introduction of British rule in these territories, a new Power was added, to which some of the chiefs became amenable; others were dependents of the Sovereign States recognised by the British. There were also some states of which the special feature was that a part of an estate was dependent on one sovereign Chief, and a part on another. Finally, there were coparcenary villages presenting every shade of these tenures. The intersection of authority under which these tenures were held was elucidated by cataloguing of shared villages which may be reproduced here for its bearing on the complete confusion that reigned in this part of the Panjab. They were:

1. Villages belonging solely to the British Government.
2. Villages belonging partly to the British Government and partly to a Sovereign State, the former having police powers therein.

3.

3. Ditto ditto ditto, the latter having police powers therein.
4. Villages belonging partly to the British Government and partly to a Dependent State, the former having police powers therein.
5. Ditto Ditto Ditto, the police powers therein being <sup>with</sup> one of the Sovereign States.
6. Villages belonging solely to a Dependent State, the police jurisdiction being with the British Government.
7. Ditto Ditto Ditto the police jurisdiction being with a Sovereign State.
8. Villages shared by two or more Dependent States, the police powers being with the British Government.
9. Ditto Ditto Ditto the police powers being with a Sovereign State.
10. Villages shared by two or more Sovereign States, the British Government having criminal jurisdiction.
11. Ditto Ditto Ditto one of the Sovereign States having police powers.
12. Villages belonging solely to a Sovereign State having police powers therein.
13. Ditto Ditto the British Government exercising police jurisdiction.
14. Villages held by two or more Sovereign States with Government jurisdiction.
15. Villages showing almost every possible combination of the above tenures. 121

The treatment of these multifarious tenures called for great ingenuity, and much tact on the part of local functionaries. Their task was two-fold; on the one hand, the balancing of conflicting claims, the adjustment of rights, the curtailment of privileges, and the enforcement of authority; and on the other, the demarcation of villages, and the mutual adjustment of jurisdictions with proper regard to the interests of protected chiefs

121. Ind. Pol. & For. Cons. 1849. Cons. June 16 No. 102 The Bd. of Administration to the Government of India letter No. 121 dated 17th May 1849.

chiefs and the coparcenary bodies, so that each jurisdiction should be rendered more compact and effective. This was all systematically tackled and accomplished. The process was laborious, and often involved long delays, which however, are inseparable from any official undertaking, more so, in a task of this nature, when a reference to the superior authority over any doubtful point was imperative. The net effect was that no amount of labour and thought was spared to "mend a system whose normal state was confusion, and in which the absence of any certainty was the only thing certain."<sup>122</sup>

Another aspect of the Cis-Satlaj tenures equally important was the common usage of the Sikh chiefs, which governed their succession. The Sikh practice illustrated the common occurrence in history of the tenacity of primeval customs and tribal laws with which they operate, and outlast a particular antecedent of society. The Sikhs had been transformed almost overnight from being mere peasants to become princes. It was not unnatural that they should apply their customary law to the succession of estates as they had applied formerly to their agricultural holdings. It was by no means uncommon that the title of <sup>a</sup>sonless widow to succeed to an estate was admitted, and where the title was

122. The Calcutta Review, Vol. ~~LXI~~. The Adm of the Panjab. p 275

was not admitted, it was usually managed in quite a legal way, as was customary among the Sikh Jats, by the performance of ' karewa ' marriage between the widow and her brother-in-law.

123

124

The Government of India had drawn the attention of the local authorities, at the same time when the Protected Chiefs with the exception of nine were brought under direct British jurisdiction, to the necessity of preparing rules to regulate the succession to the estates on the death of the incumbents without lineal male heirs. ' The strictest enquiry as to right and usage ' was enjoined in the preparation of these rules. Sometime, however, elapsed before action was taken. On the receipt of a report on the subject from the Board of Administration in its letter dated the 31st December 1850, the Governor General minuted laying down rules on the collateral succession to pattidari shares in the Cis-Satlaj States. They were:

1. " That no widow shall succeed;
2. " That no descendants in the female line shall inherit;
3. " That on the failure of a direct male heir, a collateral heir may succeed, if the common ancestor of the deceased and collateral claimant was in possession of the share at or since the period, 1808-9, when our connexion with the Cis-Satlaj territory first commenced." 125

The Marquis of Dalhousie added: " Though the rules now laid down may be at variance with the course which has been actually

123. Griffen, Sir.L: Law of inheritance of Chiefships as observed by the Sikhs previous to annexation.pp.18-19
124. The Govt. of Ind. to the Agent to the G.G.,N.W.P. letter No. 465, dated Nov.17, 1846 op.cit.
125. Ind.Pol.Cons. Minute by the Most Noble the G.G. dated Feb. 7, (1851.Feb.2, No.177)

taken in many cases, I would by no means disturb the decisions which have been given. All parties, who have received possession from a British officer, should retain it for their lives, except females who should receive pensions instead." The latter provision was in compliance with the Board of Administration's proposal to grant to widows and daughters cash allowances not exceeding half of the deceased pattidar's share.<sup>126</sup> The Board was permitted at its own suggestion by the Supreme Government to modify the cash provision of half the share by a general rule, which allowed all widows, who had been in possession of estates for seven years, to claim full proceeds in cash thereof during their lives; and those who possessed estates below the value of Rs 50/- were to receive pensions equivalent to the value of their holdings irrespective of the length of their occupancy.<sup>127</sup> This rule, however, produced another anomaly, for a widow, who had held shares worth perhaps a trifle more than Rs 50/- and under seven years, was entitled only to one-half of that amount; while another widow whose shares were equal to Rs 50 and no more, had a claim to the full amount of Rs 50. An amendment was, therefore, sanctioned by the Governor-General in Council's order, which laid down Rs 50/- as the minimum amount of

126. Loc.cit. Cons.No.176.The Bd.of Adm. to the Govt.of Ind. dated Dec.31,1850.

127. Ind.Pol.& For.Cons.1853.Feb.16.No.163.The Govt.of Ind.to the Chf.Comm. Feb.16,1853.

of pension in all cases of widows dispossessed, and of widows of pattidars dying without issue. The only exception allowed to it was when the share fell below Rs 50/ value, and the widow was entitled to <sup>its</sup> <sup>128</sup> actual worth.

The rules of succession to pattidari shares, definite in their character and necessary under the circumstances to replace the former haphazard and somewhat contradictory orders passed by the British officers in the Cis-Satlaj States, did however depart from the general Sikh usage, and their customary law. The exclusion of widows from succeeding to the estates of their husbands was clearly contrary to the recognised practice of the Malwa Sikhs. <sup>129</sup> The Court of Directors were quick in detecting the violation of the well-established practice, and asked the Government of India for <sup>proof of</sup> maladministration in the estates of the dispossessed widows, which might warrant their exclusion. <sup>130</sup> The Governor-General in Council replied that "these horsemen's shares or jagirs were under the Sikh rule not inheritable by right or from the nature of <sup>the</sup> tenure tenable by women; for the jagirdars were bound to attend their feudal superiors or the paramount power with horsemen whenever called upon." <sup>131</sup> It was true, the Government of India wrote, that widows

128. The Govt. of Ind. to the Chf. Comm. No. 3974. Sept. 9, 1853. Quoted in Barkley's Non-Regulation Law in the Panjab p 308
129. Supra pp. 237-8
130. Ind. Pol. Desp. Vol. 17. The Court of Directors to the G.G. in C. dated Jan. 28, 1852.
131. Ind. Pol. Lets. Vol. 21. The G.G. in C. to the Crt. of Drs. June 15, 1852.

widows and other females had since 1809 succeeded in many cases without observartion, and of late had been permitted to do so by district officers without the sanction of higher authorities and "the complete resumption of such inheritance would have been justifiable by the law and practice of the Sikhs, but the local authorities deemed it equitable to allow them pensions for their lives, and to this arrangement no objections have been urged."<sup>132</sup>

The Court of Directors however remained less convinced than ever of the expediency or legality of the views held by the Government of India on this subject. They failed to see any cogent argument on the side of the Government. They referred again to the usage of the Sikhs in favour of the succession of widows, and to the Governor-General in Council's remark that, the tenure implied feudal service, the Court replied : "They ( females ) could, however, furnish their quota of horsemen without personally serving, and besides, the question relates not only to horsemen's shares but to what were, until lately, independent estates, which from the mode in which they came under our protection in 1808/9 were under no definite obligation of military or other service, but merely bound to general fidelity in

132. Loc.cit.



in return for protection." <sup>133</sup> The fact that widows had succeeded since 1809 'without observation' was tantamount to its being permitted by the custom of the country. The Court of Directors were unquestionably correct about the female right to inherit estates in the Cis-Satlaj States, and was conformable to the general practice of the Malwa Sikhs. For once the Government of India had been misinformed and had to bow to the emphatic insistence on observing the customary law, with which the despatch of the Court of Directors concluded: "We therefore think that such widows as may be still in possession ought to remain undisturbed, and that such as have been dispossessed should receive pensions equivalent to the net income of their estates deducting, of course, a commutation fixed in the usual <sup>134</sup> manner for all service due from them."

These views of the Home Authorities were transformed into <sup>135</sup> positive orders a year and half later, which laid down that widows who had been dispossessed should have their pensions raised so as to equal the full value of their former pattidari shares, and that those widows who were still in possession should not be disturbed unless they preferred pensions to jagirs. The revision of the pensions of the dispossessed widows was <sup>134</sup> ordered

- 1333 Ind. Pol. Desp. The Crt. of Drs. to the G.G. in C. Apr. 13, 1853.  
134. Loc. cit.  
135. Ind. Pol. Desp. The Crt. of Drs. to the G.G. in C. Aug. 23, 1854.

ordered by the Government of India in its letter to the Chief Commissioner dated the 18th of October 1854.

It may be convenient to consider here the scale of pensions applicable to widows and unmarried daughters of the deceased holders of 'conquest jagirs' in the Trans-Satlaj States. They were called conquest jagirs, because they had been acquired by the ancestors of the present incumbents by conquest prior to the ascendancy of the Maharaja Ranjit Singh. The rates of pensions sanctioned by the Governor-General in Council on the recommendation of the Chief Commissioner were:

If the value of the lapsed share exceeded Rs 50 -- the amount of pension would be one-half, but if the half were to fall below Rs 30, the pension would be Rs 30.

If between Rs 30 and Rs 50 -- pension to be Rs 30 p.a.  
136  
If below Rs 30 -- the whole.

To return, rather belatedly, to the consideration of the original rules regarding succession to pattidari jagirs, the second of these was in accordance with the customary law of the jagirdars, though the political officers had in an earlier period ~~==~~ recognised the succession of daughters and their sons in opposition to the usual practice. The third rule had been

136. Ind. Pol. & For. Cons. 1857. May 1st. No. 461. The Govt. of Ind. to the Chf. Comm. letter No. 1993, May 1st. 1857.

been sponsored by Mansel and John Lawrence. Sir Henry Lawrence had preferred the principle which had governed the succession to the larger estates of Jind and Kaithal, namely, that without reference to the state of possession in 1808/9, lineal descendants on the male side from the first conqueror or occupant should inherit the shares of the common ancestor, though he may have died prior to the year 1808/9, and may have divided his territory during his life time. <sup>137</sup> The Governor-General, however, adopted the recommendation of the majority of the Board of Administration. The limitation of the rule to the year 1808/9 necessitated the drawing of the genealogical tree of every family in occupation of a share of pattidari jagir, tracing it down to the present descendants. The task was entrusted to officers responsible for making regular <sup>land</sup> settlements.

In the application of these rules of succession special consideration to family customs was to be paid, and even upheld in matters of succession, when to do so did not conflict with the prescribed orders. The agency for the superintendence of the succession rules was generally the Settlement officer, because of <sup>his</sup> own knowledge of the customs of the people and their agricultural habits, and because he had better means of conducting

137. Ind. Pol. & For. Cons. 1851. Feb. 21. No. 176. The Bd. of Adm. to the Govt. of Ind. dated Dec. 31, 1850.

conducting enquiry into the state of jagirs through his establishment. It was thought expedient to spare the already harassed deputy commissioner, who was preoccupied with the general administration of the district. The cases in which pattidari estates were held by large fraternities of shares were so numerous in the Amballa and Thanaysur districts, that Edmonstone, who was the Commissioner and Superintendent of the Division, proposed the appointment of "sirkardahs" for registering the deaths of sharers and for facilitating the collection of commutation money from every individual of the community directly. The Board of Administration concurred in the proposal and as it involved pecuniary charge, it applied for sanction to the Supreme Government, which was readily given.<sup>138</sup> The appointment of sirkardah rested with the settlement officer, who usually acted in collaboration with the pattidars. The fraternity, which was to be represented, had a free choice in his election. A sirkardah was appointed to each patti or village. He was remunerated by a 5 % levy upon the amount of <sup>Commutation</sup> he realised.

The rules of succession, like every other rules regulating landed tenures, were necessarily tentative in so far as they were

138. Ind. Pol. & For. Cons. 1851. Sept. 26. No. 198. The Govt. of Ind. to the Bd. of Adm. dated Sept. 17, 1851.

were based on limited knowledge of the state of the country, and embraced only prominent features of succession. It was not to be expected that cases not expressly provided for would not arise and on the fuller information given by further enquiry into the subject, it was discovered that the 1851 rules did not cover all the ground. Edmonstone, the very brilliant administrator of the Cis-Satlaj States to whom reference has already been made and who had made a special study of these tenures, proposed eight subsidiary rules on the succession, and were sanctioned in the Board of Administration's letter to the Commissioner and Superintendent dated the 21st January 1851. The more relevant of these rules were as follows:

- I. That a specific order of the Government, even though opposed to the principles and rules now prescribed, should avail in favour of the party concerned and his lineal male heirs.
- II. That the official and recorded declaration of the Political Agent as to the person in possession in 1808/9 should be accepted without question and succession continued accordingly.
- III. That alienations by a jagirdar or pattidar of portion of his holding, whether to his relations or strangers, should neither be officially recognized nor recorded.
- IV. That one or more sons of a common ancestor in 1808/9 being entitled to the whole shares possessed by such common ancestor should be held and declared responsible for the maintenance of widows left by the deceased brother who, had they lived, would have shared the patrimony.

Rules

Rules of succession applicable to zaildari jagirs were however different. The jagirs in themselves differed from pattidari tenures in that, lapses by escheat passed to the holder of the large estate, on whom he was dependent instead of to the British Government claiming it. It was ruled in 1852 again at Edmonstone's suggestion

1. That the enquiry then being made into the pattidari jagir tenures should not extend to the possession of zaildars or dependants of an individual Sardar during his life time.
11. That on the estate of that Sardar lapsing, the possession of his zaildars should <sup>be</sup> open to enquiry, and the results thereof recorded. From and after the date of the lapse of the Sardar's estate, lapses of the zaildars' shares and succession to the same should follow the first and second of the rules applicable to the pattidari tenures.

Two years later John Lawrence conferred with Edmonstone, who had become Financial Commissioner under the Chief Commissioner, and modified the two rules relating to the zaildari jagirs. The year 1847 in which the Chiefs were deprived of their sovereign powers was henceforth to be assumed as the basis of adjudicating disputes between the Sardar and the zaildars over the shares of the latter.

Succession to larger estates was left undetermined. The Marquis of Dalhousie stated in his orders of 1851 that he did

did "not see any necessity for establishing an absolute rule in the case of larger estates. Each case may without any difficulty and with great advantage be determined upon its own merits as it arises. His Lordship would, however, remark generally that consideration of the customs of the families should have a preponderating influence in the decisions of such cases." The larger estates were consequently exempted from enquiry being made into their tenures by the settlement officers, and the Board of Administration ordered that each death should be reported with a statement of the custom of the family.

There was besides, another class of jagir tenures, called the 'chaharamis',<sup>139</sup> under which the jagirdars or societies of jagirdars were entitled to only one-fourth of the produce as their shares. This tenure had emerged from the stress of the political necessity of conciliating influential families, whose interests the conquering Sikh horsemen could not possibly ignore. There was considerable friction over the chaharami tenures, and one of such disputes, which came to the notice of the British Government quite early was between jagirdars of certain villages and the Patiala State. Both parties were entitled to an equal share

139. Melvill, P.S: Settle. Rep. Amballa. 1855. op.cit. paras 323-24

share of the revenues of the villages, but Patiala claimed superior jurisdiction over the jagirdars, a claim against which they protested. The British Government by way of media-<sup>140</sup>tion instituted an enquiry into the case in 1847. This enquiry resulted in a number of these ja-girdars being brought under British jurisdiction, and in the division of jagir vil-<sup>141</sup>lages so as to allot whole villages to Patiala and whole villages to jagirdars. On the position and rights of the chaharemis in general, there had been great ignorance and faulty specula-<sup>142</sup>tion among the earlier administrators. They were exhibited in their true perspective by Lieut.Col. Mackeson, the first of the great Commissioners of the Cis-Satlaj States, in a very interesting report, which he submitted to the Board of Adminis-<sup>142</sup>tration in 1850. In preparing the registers to regulate succession the status of the year 1852 in which enquiry into these tenures was entered upon by the settlement officers was adopted.

The rules governing jagir tenures in general prescribed within the period of this treatise were necessarily inchoate. They lacked uniformity, and it needed the knowledge and exper-  
ience gained by the developement of the jagir system in Delhi  
Territory

140. P. A. R. 1849/51. para 428

141. Ind. Pol. & For. Cons. 1855. Oct. 26. Nos. 197-206. The Chf. Comm. to the Govt. of Ind. July 18. 1855.

142. Ind. Pol. & For. Cons. 1852. Feb. 27. No. 65. Encls. Lieut. Col. Mackeson to the Bd. Of Adm. dated Jan. 8. 1850.



Territory to enable the legal system to differentiate between the various kinds of jagir tenures and so enable that system to assume a more homogeneous form. But this development belongs appropriately to the post-Mutiny period.

There were however certain fundamental rules to which jagirs of all denominations were made amenable. In all cases of rent-free tenures, sanads or deeds of grant held from previous governments were to be recalled and fresh sanads from the British Government were to be granted, where the claim was admitted.<sup>143</sup> The sanad was to contain the terms and conditions of the tenure. A further rule of the Government, which defined 'heirs male or lineal heirs' in the sanads of hereditary grants to mean the 'heirs male lawfully begotten of the grantee', debarred the claims of females, of brothers or of adopted children of the grantee.<sup>144</sup> By a special order alienation of perpetual grants was prohibited, and was to be recorded so in distinct terms in the sanad. Such tenures were considered to have lapsed to the Government on failure of male legitimate issue in the line of original grantee.<sup>145</sup>

Another aspect which was common to all jagirs was the settlement of their land revenue. Professional survey and measurement

143. Supra p. 209.  
144. Sarkley: op. cit. p. 218.

145. Ind. Pol. & For. Cons. 1852, Aug. 27, No. 1104. The Govt. of Ind. to the Bd. of Adm. No. 2990, Aug. 27, 1852.  
Bd. of Adm. Rev. Cir. No. 54. 1852.

measurement of Jalandhur Jagirs, in the first instance, had been provided for, but the matter was left to the discretion of jagirdars and zamindars, and the civil court intervened where they disagreed. This step was made obligatory throughout the Panjab at the time of regular settlement by the orders of the Board of Administration, which declared that the expense of the scientific survey of jagirs would be borne by the Government; while the jagirdars were made liable for the cost of measurement of their lands by khasra and sudbust.<sup>146</sup>

The re-assessment of the jagirs under the Panjab land settlement rules was ordered by the Board of Administration's Revenue Circular No.13, dated Feb.26th,1852 to give effect to the original instruction of the Government of India ( March 29, 1849 ) that the rent-free lands should be assessed to determine the revenue demand payable on them, so as to prevent the proprietors or occupants of the soil from being rack-rented by the assignees.<sup>147</sup> By the determination of the liability of the peasant, he was ensured against the undue exactions of a landlord or jagirdar hurrying to enrich himself. It also eliminated the discomfort and uneasiness consequent upon a new settlement at final resumption of the jagir. The interests of

146. Ind.Pol.& For.Cons.1850.Sept.20.No.23.The Bd. of Adm. to the Govt. of Ind. Aug.22,1850.

147. The Govt. of Ind. to the Bd.of Adm.March 29,1849.op.cit. para 43.

of cultivators in their general relations with a jagirdar were especially safeguarded under an elaborate peice of 'dustur-ul-mal' or rules of procedure for the adjudication of complaints between jagirdars and biswadars. <sup>148</sup>

Before the order regarding settlement of jagirs was put in operation, many jagirs had already been reported by the Board of Administration for the orders of the Government of India, and the value, not being <sup>accurately</sup> known, had been assumed at the sum entered in the record of the original grant. On settlement taking place, the value was generally found to be less than that reported to Government, owing to the British <sup>revenue</sup> demand being lighter than that of the Sikhs; and where a portion of the jagir had been resumed and a portion, stated to be of certain value, released, the question arose whether the jagirdar was entitled to a jagir of the full value mentioned in the Government order, or only to a jagir bearing the same proportion to that value as was borne by the actual to the assumed valuation. The question was referred by the Chief Commissioner to the Supreme Government. The Governor-General in Council decided that the latter was the interpretation to be put upon the order releasing jagirs. <sup>149</sup> This ruling was published in the Financial

<sup>1,043.</sup>  
148. The Bd. of Adm. Rev. Cr. No. 1. dated Nov. 23, 1849.

149. Ind. Pol. & For. Cons. 1853. July 15, No. 138. The Govt. of Ind. to the Chf. Comm. July 15, 1853.

Financial Commissioner's Circular No.33,dated the 1st of Aug. 1853. The same interpretation held good where a sum fixed in a certain proportion to the value of a jagir was deducted at the time of settlement as commutation of service due to <sup>150</sup> Government.

The existence of rent-free plots within the limits of jagir villages called for special orders being issued that all claims relevant to jagirs within the jagir were to be investigated and specific orders passed on them in the same manner as if they lay in khalsa villages. And that on resumption being determined either ~~at once~~ on the ground of invalidity, or later on the death of the incumbent or some other reason, the benefit of its lapse was to accrue to the jagirdar in whose estate it was <sup>151</sup> situated. The only tenures exempted under this ruling were those which were proved by authentic sanads to have been granted by the Maharajas Ranjit Singh, Kharak Singh and Shere Singh, or those which after an enquiry conducted through the jagir office of the late Board of Administration, had been either resumed or maintained in favour of the incumbents under special orders of Government. Such tenures, if <sup>they</sup> existed within the limits of jagir granted or confirmed by the Government, were regarded as <sup>separate</sup>

150. Govt. of Ind. to the Chf. Comm. No. 982. Feb 15, 1856, quoted in the Financial Comm. Cr. No. 12, March 12, 1856.

151. Financial Comm. Cr. No. 1. Jan. 7, 1854.

separate properties, and on lapse were to escheat to the  
152  
Government.

An instance how a jagir tenure assumed an exaggerated value under the former régime, was the claim of privilege put forward by the assignees to be exempted from the village cesses and contributing towards the common expenses of the community. As the jagirs formed equally with khalsa lands a constituent portion of the village, and their holders and occupants a portion of the body politic with village functionaries to assist them, the Government declared them liable to pay their shares of 'malba', the lambardari pachotra and the patwari's  
153  
cess of 3 1/8 %.

Commutation for military service.

The payments made under commutation of service arose from the Protected Sikh Chiefs having been made liable to certain demands for military service, when required by the Political Agent for the maintenance of order in the Cis-Satlaj States, or when the British Government required their aid in time of war. The demand for military service was merely a continuation of feudal service and had been referred to in Ochterlony's  
proclamation

152. Loc.cit.

153. The Financial Comm.Cr.No.22.dated March 6,1855.

proclamation of 1809. The strength of the quota due from each of the Sikh Chiefs was neither ascertained nor recorded until 1841, when George Clerk, who was political Agent at Amballa, reported that some records had been prepared showing first, the strength of the contingents which the Chiefs were required to maintain in constant readiness, and second, the force which they could bring into the field for any particular service in aid of the British Government.<sup>154</sup> This demand of military service in the shape of horsemen and footmen was fixed somewhat arbitrarily on a rough estimate of the revenues of each state. The consequence was that there was a great inequality in the demand, but in a number of cases the quotas were fixed by usage and were incidents of tenure.

The utter futility of these feudal contingents in the Satelej campaigns was notorious.<sup>155</sup> On the assumption by the Government of the police jurisdiction in the Cis-Satelej States at the close of 1846, it was determined to substitute a money demand for the service periodically furnished by the Chiefs. The same principle was applied to the jagirdars formerly subjects of the Lahore Government, who were brought under <sup>British</sup> jurisdiction in 1845 and 1846, in commutation of service of horsemen and footmen

154. Pol. Agent. N.W.F. to the Govt. of Ind. No. 118, Aug. 9, 1841, quoted in a letter from Bd. of Adm. to the Govt. of Ind. Feb. 16, 1852 in Ind. Pol. Cons. 1852. May 7. No. 32.
155. Supra p 231.

footmen which they supplied to the Lahore armies. The rates originally adopted by the Government for determining the amount of commutation were Rs 16/- per month for every horseman and Rs 6/- for every footman.<sup>156</sup> The commutation of military service into cash, though applicable to all chiefs at the same rate per man, operated with great inequality, when compared with the revenues of each state. "The Lahore jagirdars paid on average 4 as. and 3 3/4 pies in the rupee of their estimated revenues; while those of the Protected States paid 1 anna and 2 1/2 pies only, and in individual cases the proportion varied from little more than 1 anna to upwards of 15 annas in the rupee."<sup>157</sup>

The Board of Administration proposed equalizing the commutation fee by substituting a percentage rate on the revenue for fixed sums chargeable on each horseman and footman.<sup>158</sup> The Government of India, however, sanctioned the rate of 2 as. per rupee of the revenue assessed upon jagirdar's land in the Cis-Satlaj States, and 4 as. per rupee of revenue for the Lahore jagirs, the difference in favour of the former being justified on the ground that as "the protected jagirdars have been reduced to the condition of subjects from that of petty sovereigns

156. Ind. Sec. Cons. 1846. Dec. 26. No. 1313. The Govt. of Ind. to the Agent to the G. G. on the N. W. P. No. 465. Nov. 17, 1846.
157. Ind. Pol. & For. Cons. 1852. May 7. No. 32. The Bd. of Adm. to the Govt. of Ind. Feb. 16, 1852.
158. Loc. cit. The Govt. of Ind. to the Bd. of Adm. May 7, 1852.

sovereigns during the last two years, the more lenient com-  
159  
mutation may be admitted of them."

Forfeiture of jagirs for capital crime.

Orders of the Government of India in its letter No.4170 dated Aug.the 8th 1856 to the Chief Commissioner on the subject of the punishment of jagirdars for capital crime were embodied in a Circular, which laid down that jagirs or shares inherit-  
160  
able in jagirs, should be forfeited upon the commission of a capital crime by the person entitled. The scope of this rule was subsequently limited by para 12 of the Court of Directors' despatch No.44,dated Aug. the 18th 1858, and communicated to the Chief Commissioner by the Government of India, to the case in which the accused was in actual possess-  
161  
sion of a jagir or share thereof.

It only remains to notice briefly the jurisdiction in cases of succession to jagirs in general. It was usual in the Cis-Satlej States and the Panjab to reserve the decision of such cases to the Supreme Government, or to Executive officers subordinate to it, and to whom it delegated the power to deal with them according to prescribed instructions. There is  
strong

159. Loc.cit.

160. The Financial Comm. Cr.No.44.,dated Aug.28,1856.

161. The Financial Comm. Cr.No.40.,dated Dec.2,1858.



strong reason to believe, however, that in many cases, especially in those of the larger perpetual jagirs, Government not merely laid down rules to regulate succession, but expressly reserved to itself the power of deciding who should succeed, either in the orders confirming such jagirs, or in the deed of grant. Often the discretion, which the Government of India claimed of leaving the succession to hereditary tenures undetermined until after the death of the incumbents, was discouraged by the Court of Directors, who insisted on a precise principle being enunciated on the subject. The Court wrote : "It is very important both to the feelings and to the substantial interests of the holders to know with as much certainty as is ascertainable, what their successors have to expect." <sup>162</sup> The jurisdiction of the civil courts in respect of jagirs was barred as in land causes generally by the Board of Administration's order <sup>163</sup> and by section 1 of the first part of the Panjab Civil Code.

The task of assessing the labours involved in the investigations of rent-free and service tenures, and the policy of limited liability underlying them becomes easier now. To affirm for the British administration firmness tempered with sympathy

162.. Ind. Pol. Desp. The Court of Directors to the G.G. in C. dated July 13, 1853. para 22.

163. Bd. of Adm. Circular No. 5, dated Feb. 10, 1853.

sympathy and the assertion of authority with the general recognition of vested rights, is to indulge in mere platitude. The fact is that the whole business of jagir tenures in the Panjab, which the local government was called upon to handle was at once stupendous and difficult. Huge statements of these grants, at one time apparently endless, were expeditiously surveyed, criticised and ultimately disposed of. The proportion which assignments in land and cash bore to Provincial revenues was of one to five. The wisdom of sacrificing public money to such a large extent might be open to doubt, but the circumstances prevailing in the Panjab were not the creation of the British. They had inherited an unpleasant and unsound situation from the Sikhs, under which alienation of State revenues was the necessary and inevitable consequence of their rule. The British tried to replace the waywardness of the Sikhs in creating perpetuities by a bold and statesman-like policy, which was to govern unwaveringly all classes of interests in future. The efforts and tact of the Government were directed to a purposeful end, which appeared equally successful, politic and wise. A contemporary commentator on the affairs of Government remarked, and remarked quite justly, that the  
Panjab

Panjab in regard to the alienations of land revenue in the fifth year after annexation stood where Bengal had got to <sup>164</sup> seventy years subsequent to the acquisition of Dewani.

It is useless to pretend that enquiries into vested interests such as those created by the alienation of revenues could under any circumstances be undertaken and pursued without apparent harshness to some one class. They impinged upon the very roots of the narrowly based aristocracy of the Panjab, and the fiscal operations in the settlement of land on the one hand, and the devaluation of pecuniary rights in land under assignments of various names and degrees on the other, could hardly have any other effect than to obscure gradually the former privileges of a feudal status. The inescapable result following on the revenue policy of the British, which aimed at rendering the old Sikh Panjab at once an economic asset and a source of political strength to the Empire was aptly described by John Lawrence in the Second Panjab Administration Report, which might with advantage be reproduced here: "The settlement of the country is by the present date assuming its solid and permanent proportions; the transition is well nigh complete, and the country is becoming the Panjab of the British power. The feudal

feudal nobility of Ranjit Singh, the pillars of his State, are tending towards inevitable decay . . . . . The British Government has done all it consistently could to mitigate their reverses and render their decadence gradual . . . ."

And again, "Inshort, while the remnants of a by-gone aristocracy are passing from the scene, not with precipitate ruin, but in gradual and mitigated decline; on the other hand the hardy yeoman, the strong-handed peasant, the thrifty trader, the enterprising capitalists are rising up in robust prosperity to be the durable and reliable bulwarks of the power which protects and befriends them. Among all classes there is greater regard ~~for~~ for vested right, for ancestral property [and] for established principle."

165. P.A.R.185J/53 para 496  
166. Ditto para 501.

**B. Taxation and Fiscal Reforms**  
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Nowhere was the vicious lack of principle displayed by Sikh rule better illustrated than in the realm of finance. What with the land revenue, and its accessories, the general taxation in the country was hopelessly contrary to all economic principles. The country <sup>was</sup> intersected with a net work of preventive lines, and a host of articles even human labour, were enmeshed to provide revenues under different heads. Such were the excise and customs taxes, town and transit duties, capitation imposts, and artisan fees. The wide range of their operation, the various measures designed to scrap~~them~~ and foster economic prosperity under the Regency Government have already been reviewed <sup>1</sup> and need not be repeated here. Suffice it to say, that fiscal reforms had proceeded on the principles that " while foreign and import trade was a fair object of taxation, internal trade should be set free; that the produce of the country should be sold in the country without the imposition of duties; that the Indian born subjects of the State should pursue their trade and professions without the exaction of imposts; that agricultural produce which had

1. Supra pp 17-18 and pp 35-37.

had already contributed to the land revenue should as much as possible, be exempt from further taxation; that the ubiquitous custom-lines should be replaced by one cordon, coinciding with the frontier, and arresting all dutiable goods; and finally that the salt revenue should be placed on a more certain basis.<sup>2,7</sup>

On annexation, the subject of fiscal duties in the Panjab presented itself in six different aspects which were largely the outcome of reforms already carried out during the year 1847. The first three were concerned with the frontier tariff lines, on the Indus, on the Jumna side and on the Beas; the fourth with the unrepealed duties in the Multan Division; fifth with the recently enforced excise on salt and spirits and the ferry tolls, and finally there was the British customs line of the N.W.P. which ran through the Trans-Satlaj States, taxing salt, cotton and sugar on importation and sugar on exportation.

In pursuance of the instructions contained in the Government of India's letter dated 29th March, 1849,<sup>3</sup> the Board of Administration lost no time in reviewing the importance of Customs under the new revenue management. In a letter of the Supreme Government<sup>4</sup> the Board adduced good reasons to show why, the Panjab having been declared an integral part of the British dominions, trade barriers

2. P. A.R. 1849-50-51 para 304

3. para 15

4. Ind. Pol & For.Cons. 1849, June 30, No 163. The Bd. of Adm. to the Government of Ind. dated June 2, 1849.

barriers on the Satlej and Beas should not be removed. They recapitulated the recent developments in the customs of the country, and recommended the <sup>total</sup> abolition of all inland duties, which had been levied on 22 articles since the Regency Government. The loss of revenues which would thereby ensue to the tune of eighteen and three quarter of lakhs of rupees, the Board proposed to recover by a uniform excise on salt at the rate of Rs 2/8 per maund in the Panjab by an excise on liquor and drugs, and by a toll on ferries. The Board held that the incidence of excise on salt would be negligible in comparison with the practical relief afforded to the people by the abolition of the customs tariff with its implied vexations and inquisitorial process. The political and social consequences would be no less important. The Board wrote: "The inhabitants of the Province for a long way to the eastward of the Satlej will obtain the purest salt at a less price than they now pay for an inferior article. To the lower classes it will be a boon the value of which we can not estimate, but which they will not be slow to feel and acknowledge."

Further, the Board strongly suggested that the tax on salt should be considered an excise, and not a custom duty, and that the arrangements

5. Loc.cit.

arrangements of the mines and the management of the salt range as a whole should not be made over to the Imperial Customs Department. This was essential because salt arrangements were mixed up with land tenures of the country and involved consideration of the privileges of proprietors of adjacent lands. The Board asked permission to appoint a European officer who should equip himself with the necessary knowledge of the system, which had been operating under Misr Rup Lal, pending taking over of the Mines by the Government. And finally, as a bargain with the Maharaja Gulab Singh of Kashmir, the Board remarked that His Highness might be required to remove all duties on salt, and not enhance those on timber in consideration of the removal of all customs on shawls and pushmana wool in British India. The Government received these proposals with sympathy, but was anxious to secure expert opinion on the matter. It referred the matter to the Lieutenant-Governor of the N.W.P., who in a letter dated July 25, 1849 addressed to the Government of India considered the subject in its financial bearing so far as it affected the Customs department of his Province.<sup>6</sup> Mr. Thomason doubted the success of the scheme proposed by the Local Government of the Panjab,

6. Home Miscell. 760 pp. 533-42.



Panjab, and he apprehended great difficulty in preventing the sale of untaxed salt, which without a strong and expensive and preventive establishment reinforced by penal enactments would be likely to find its way into the market from Rajputana or Sind, and even by illicit manufacture within the Panjab itself. The Board of Administration met these objections in a very elaborate review of the whole question<sup>7</sup>. They discounted the fears expressed regarding the introduction into the country of new fiscal economy as exaggerated. They regarded such slight infraction of rules as inseparable from fiscal reforms. They modified the former proposed rate of excise of Rs 2/8 per maund and suggested that, to discourage smuggling and render the change less distasteful to the people, a comparatively low rate of Rs 2/- should be levied. The detailed recommendations of the Board were<sup>8</sup> that all articles of British trade and other goods which have been imported at any of the custom Houses of Bengal, Madras, and Bombay shall be declared free of customs duty on import, transit and export from the Panjab from a given date.

" That all other articles whatever shall be liable to no other customs duty than the frontier duty on the N.W. Line and the continuation of that Line in the Panjab imposed under  
Regulation

7. Ind. Pol. & For. Cons. 1850, Jan. 18, No. 37. The Bd. of Adm. to the Government of Ind. letter dated Oct. 9, 1849.

Regulation XIV, 1843.

" That the Lieutenant-Governor of the N.W.P. may be requested to direct Mr. Smith, the Commissioner of Customs N.W.P., to extend his frontier Line to Mithankote and to superintend the working of the same. The judicial power of punishment for smuggling be vested in the local officers of the Panjab as usual.

" That the notification of the price to be fixed for the sale of salt in the Panjab, say of Rs 2/- per Co.'s maund, and of the abolition of the Jalandhur Line be issued as soon as convenient by the Lieutenant-Governor.

" That the Board be authorized to extend to the Panjab Act XIV of 1843 with such supplementary provisions as may be necessary for the securing of the mines at Pind-dadan-Khan and elsewhere from smuggling."<sup>8</sup>

The facts elicited from the controversy enabled the Governor General to write a minute dated December 19, 1849.<sup>9</sup> in which he placed the subject of customs in the Panjab in proper perspective. The evils of inland customs, the consequent discouragement of trade and industry, and the resulting embarrassment of the people and the poverty of finances of the country were the subject of a fresh and able exposition by this great autocrat

8. Loc.cit.

9. Home Miscell. op.cit.pp 576-585

autocrat. The advantages of doing away with the vexatious customs were obvious. The new excise on a commodity which was universally consumed, was calculated to replenish the Government treasury at an economical cost, and to confer some direct benefits on the people at large. The positive orders bearing on fiscal reforms in the new Province were embodied in an official letter to the Board of Administration No. 2766, dated December 27, 1849, which gave a new orientation to the Panjab finances. All the inland customs and transit duties levied in the country were abolished. The western line of stations running along the banks of the Indus, as far down as Mithankots on the frontier of Sind; the line along the foot of the hills which guarded Kashmir, and the line on the right bank of the Beas and Satlej, commonly called the eastern line, were all withdrawn. The levy of timber duty down the great rivers, and at the innumerable toll-bars was discontinued. The whole trade of the Panjab, the traffic from Central Asia, and the imports from British India were left free and unshackled in all directions. The only restrictions on trade and industry permitted were not only in keeping with the British policy elsewhere, but were consonant with the potential development of the economic resources of the country in

in the future, and calculated to supply the Government with revenue to carry on the administration. An excise was imposed on spirituous liquors and drugs. The use of stamps was required on deeds and other legal documents including judicial processes, as had previously been sanctioned by the Government. Tolls were levied at public ferries in the Panjab and the Cis-Satlej Divisions. The salt mines were taken under the direct management of the State, instead of being leased out to contracts as they had been; and an excise of Rs 2/- per Co.' maund of 40 seers was made payable on the delivery of salt at the mouth of the mines. At the same time the manufacture of edible salt in the Panjab was prohibited, and the rules and penalties laid down in Act XIV of 1843 were made applicable, subject to such modifications as the Local Government might from time to time deem expedient. The N.W. Customs Line, which had been carried up to the east bank of the rivers Satlej and Beas after the first Sikh war, was altered. It now became imperative to extend this Customs Line to guard the entry of salt from Rajputana, and the line was prolonged from Fazalka on the west bank of the Satlej, down that river, and as far as Mithankote to effect a junction with the Indus, below Multan. An excise of Rs 2/- per maund was

was imposed on salt crossing the tariff frontier. These orders were made public by the Board of Administration's Revenue Circular No.5, dated Jan.5, 1850 addressed to all Commissioners in the Panjab, and to the Deputy Commissioners of Peshawar and Kohat, which/<sup>were</sup> administered under the direct supervision of Lahore, and were communicated to the Commissioners of the Cis-and Trans Sattlej States by the Secretary to the Board in his letter No.4. of the same date forwarding copies of the Circular for their information.

The new Customs Line along the Sattlej was placed under the Lieutenant Governor of Agra, who had the responsibility of organizing an effecient establishment for it. The Lieutenant-Governor later reported to the Government that the Sudder Board of Revenue at Agra was not in a position to undertake the superintendence of the preventive line, which skirted the northern boundary of the Presidency reaching far down in the west to meet Sind, and that the management must necessarily involve questions which primarily concerned another Province over which it had no jurisdiction. <sup>a</sup> The Agra Government however indicated its readiness to collaborate with the Lahore Authorities in the matter. But to unify control over fiscal operations and to corelate them with

a. Ind. P. C. No. 1850. Oct 18. No. 14/15  
in Govt. N. W. P. to the Govt. of Ind. Sept 16. 1850.

with the general administration of the Panjab, the Supreme Government deemed it expedient to entrust the superintendence<sup>11</sup> of the Sattlej Line to the Board of Administration.

Rules for the protection of revenue derived from the salt mines in the rugged and bleak Sind-Saugar Hills and at Kalabagh were prepared by the Board at Lahore and submitted for the sanc-<sup>12</sup>tion of the Governor General. The Government forthwith approved the rules so elaborately drawn in its letter No. 1690, dated May 29, 1851. These rules were brought into operation throughout the Panjab by Revenue Circular of the Board of Administration No.29, dated September 27, 1851. These rules were of a very comprehensive nature, and laid down the mode of payment of exise, the removal of consignments from the mines, the penalties for any offences committed against the Government monopoly of salt and finally defined the fiscal jurisdiction of Custom and District Officers vis a vis their local duties. Only the more important of these rules can be referred to here. Rule 1 declared the Salt mines the property of the State. The mines were worked and their product was sold for the benefit of public revenues. Rule 13 empowered the Collector of Salt Revenue, the Deputy-Collector, the Patrols and the Assistants to search any house or other

11. Home Mis-cel. 760 p. 588. the Govt. of Ind. to the Bd. of Adm. Oct. 21, 1851.
12. Indl Pol. & For. Cons. 1851, June 13, No. 38 The Bd. of Adm. to the Govt. of Ind. May 12, 1851.

other premises within the area of 10 miles around the mines. Rule 14 made the person who possessed salt over 5 seers in weight without good title liable on conviction by a Deputy Commissioner, or Assistant Commissioner, or an Extra Assistant to a fine not exceeding Rs 500, or in lieu imprisonment for not more than 6 months with or without hard labour. By Rule 24, the administration and collection of salt revenue was vested in the Collector, who was to act under the control of the Commissioner of the Multan Division in respect of the Satlej Line, and under the superintendence of the Commissioner of the Jhelum Division as regards the Sind Saugar mines protected by the Indus Line. Rule 29 established a liaison between the police and revenue officers on the one hand and the customs officers on the other, who were to co-operate in the execution of the rules. Rule 31 authorised tahsildars and thanadars to arrest smugglers, and those engaged in the manufacture of the forbidden article. The rule was careful to state explicitly that the local subordinate officers might suppress factories, and apprehend the offender, who possessed illicit salt of over one seer in quantity. But in all other cases the police and revenue establishment of a district were expressly interdicted from acting on their own authority, and were to take orders from

from the superiors. Rule 33 declared that all Deputy Commissioners, Assistant Commissioners and Extra Assistant Commissioners were competent to hear and determine any charge of offence against the rules and that all sentences passed in pursuance of them were open to appeal in the regular courts. And finally, Rule 35 dealt equally severely with any officer of the salt revenue establishment, or of the Preventive Line who transgressed his authority in matter of search or of undue detention of person or property.

Possession of any foreign salt between the Beas and the Indus was prohibited by No. 21 of the Rules made in 1851 for the protection of the salt revenue. This rule was afterwards modified in favour of Sambar Salt of the N.W.P., which was to be admitted into the Panjab duty-free, by the Governor-General in Council's letter No. 3148, dated 3rd June 1856 to the Chief Commissioner. These orders were circulated in the Panjab by a proclamation which announced that Sambar salt might be imported in the country after paying the government duty on the Customs  
13  
Line of the N.W.P.

The principal veins opened, were those at Khewra and Buggi. When the State took charge of the mines, it was discovered that the excavation had been carried on crudely and unskilfully. The

15. Financial Comm. Cr.Order.No.36, dated July 19, 1856



The entrances to, and the galleries along the quarries were irregular, winding and narrow. There was little sanitation; water supply was defective, and there was no shelter whatever from the inclemencies of the weather. Above all, the miners were a suspicious, troublesome and discontented. A host of these problems were solved and many reforms were attempted at the suggestion of Mr. Carne, the Collector of the Customs, who had the cordial support of the head of the Government. The road was cleared and levelled; approaches to the mines were carefully made; a good water supply was provided in wooden troughs at the mouth of <sup>the</sup> mines; the blocks of salt began to be excavated on an improved system; in short, everything was done to expedite delivery, and eliminate vexatious delays. Among the rules bearing on the delivery of salt to merchants was one, which enabled payment of excise to be made not only to the Collector of the Customs at the mines, but to any officer in charge of a treasury in the interior of the country. The remodelling of salt revenue management in the Cis-Indus mines contrasted as much with the irregular system which preceded it as it promised well for augmenting the meagre finances of the Panjab in future.

The rules of 1851, however, did not apply to the salt mines west of the Indus, except those at Kalabagh. The rate of duty to be levied at the mines over on the other side of the Indus was left to

14. Home Miscell. 760 pp 592-605. An interesting report on the improvement of salt mines is furnished in a letter from H. Carne, Collector of salt Rev. to E. Thornton, Comm. *Inclarn* Div. Jan. 17, 1851.

to the discretion of the local officers.<sup>15</sup> At first the system of contract which had prevailed so extensively under the Sikh Government was maintained for the frontier mines, but was soon abandoned in favour of State management. The policy of conciliating the frontier tribes and thereby preserving peace, dictated an extremely low excise on salt from the Trans-Indus mines and therefore a maximum rate of 4 as. was fixed payable at the source.<sup>16</sup> The 4 as. rate was by no means general, at some mines a rate of 2 as. or 3 as. was fixed.<sup>17</sup> Instructions issued to the local functionaries on the subject by the Lahore Authorities were invariably approved by the Governor-General, and apparently they formed the main body of rules for the management of the Trans-Indus Mines, apart from those contained in the Government's letter of the 27th December 1849. In order that this lightly taxed salt should not compete with the salt from the Cis-Indus mines, a preventive line was drawn along the left bank of the Indus.

The Concessions in salt revenue conceded to the tribesmen across the Indus prompted local authorities to resort to the adoption of <sup>the</sup> same expedient in the hill country around Hazara, for they believed them to be admirably calculated to preserve tranquility. The Board of Administration on the initiative of Mr. Carne, the Collector of Salt Revenue, made representations to the Government that the excise of Rs 2/ per maund had considerably enhanced the price

15. Barkley: Op.cit. p.337. The Govt. of Ind. to the Bd. of Adm. letter dated April 13, 1850.

16. Ditto p.339. Ditto letter May 10, '50

17. Sel. from the Records of the Govt. of Ind. Forg. Dept. No XII p. 50

price of salt, and that it might with advantage be generally reduced in favour of the indigent tribesmen of Hazara. The Governor General in a Minute affirmed that it was expedient that financial considerations should give way to political advantages, but he held that the price of salt had risen in sympathy with the price of salt in the plains, and that the people of Hazara having already benefitted from an abatement in land revenue amounting to about 50% ought justly to be taxed on salt. The Government therefore, refused to make any general reduction in salt excise for the hill people of the Panjab.

Abkari

The Board of Administration in their Revenue Circulars No. 116, dated May 28, 1849, and No 127, dated June 2, 1849, ordered the introduction into the districts of the Panjab of an abkari or excise on spirituous liquors, and an excise on intoxicating drugs including opium from the 1st of July 1849. These taxes had already been introduced in the Cis and Trans Satlej States. The management of abkari in each district was placed under the charge of the district officer. The Commissioners of the Divisions were authorized to direct Deputy Commissioners to manage abkari kham or lease it out as they considered best to advance the combined objects of preserving order and discouraging smuggling. The local officers were informed that the increase of revenue was only a secondary

18. Home Miscell. 760/588ff Minute by the G.G. dated September, 14, 1850

secondary object of this tax. The Governor-General approved the imposition of an excise upon spirituous liquors and drugs in the Government of India No.2766 dated December the 27th 1849 which abolished inland customs.

In 1856 the Chief Commissioner proposed to the Government of India two rules regarding the retail sale of imported liquors excise free subject to the payment of enhanced licence fee of Rs 32/, and liquors manufactured in India after European method to be treated on the same footing. The Governor-General in Council approved these rules<sup>19</sup> and they were published in the Financial Commissioner's Circular Order No.53, dated Sept. the 23rd 1856. The comparative figures of revenue derived from excise during the maturing years of the re-settlement of the Panjab were as follows:

1853/54	. . . . .	Rs 5,36,795/	
1854/55	. . . . .	Rs 5,37,562/	
1855/56	. . . . .	Rs 6,07,578/	20

The Panjab excise differed from the excise in operation in the N.W.P. in one important aspect. The cultivation of the poppy except by licence, was prohibited in the Provinces. But it had always been cultivated freely in the Panjab, and the Board of Administration wisely considered it inexpedient to

20. Ind. Pol. & For. Cons. 1856. Dec. 13. No. 193. Encls. The Chf. Comm. to Donald McLeod, Financial Comm. Sept. 9, 56.

19. Ind. Pol. & For. Cons. 1856. Aug. 29. No. 290. The Govt. of Ind. to the Chf. Comm. letter No. 4509, Aug. 29, 1856.

to restrict the cultivation at once by fiat. However, the Lahore Government issued orders that the cultivators should be forbidden to sell opium except to contractors, who had obtained a licence to sell intoxicating drugs within some revenue or police sub-division of a district.<sup>21</sup> The Government later on contemplated substituting a direct tax per acre on poppy cultivation in addition to the land tax, for the prevalent indirect tax obtained from a monopolist farmer to whom a poppy grower was obliged to sell his produce. This system undoubtedly checked indigenous culture of poppy, and was, therefore, open to illicit traffic of drug. The alternative scheme of a direct tax on indigenous poppy cultivation could bring in only less revenue, as the cultivation would be on a small scale. But it was thought that the abolition of monopoly restrictions would give fillip to the extension of poppy cultivation and would afford a superior product to the peasant classes instead of inferior imported drug - "a result to be highly desired for the sake of agriculturists."<sup>22</sup> Nothing definite seems to have been accomplished in this direction during the period under consideration.

21. The Bd. of Adm. Rev. Circular No. 127, dated June 2, 1849.

22. The Chf. Comm. to the Financial Comm. Sept. 9, 1856. op. cit.

### Tolls and Ferries.

The imposition of tolls on ferries was one of the substituted taxes sanctioned by the Governor-General in Council in the official letter abolishing transit duties in the Panjab.<sup>23</sup> Ferry service across the large rivers of the Province contributed to the comforts of the community. It facilitated means of transport and communication, and therefore furnished a just source of revenue. The charge on ferry service was also in accordance with the practice which had obtained elsewhere in India. Such tolls were accordingly generally established, and their proceeds, except on roads and bridges constructed and maintained from Imperial revenues, were formed into local funds for district improvements.

### Stamp Duties.

Rules for the collection of stamp duties were first issued in the Cis and Trans-Satlej States in 1847. The same rules were introduced into the Panjab by the Government of India in the summer of 1849,<sup>24</sup> and a further emphasis on their importance as a source of revenue was laid in the Government's letter No. 2766 dated December 27th, 1849, which ordered the remodelling of fiscal duties in the Province. The scope of stamp duties is related

23. The Govt. Of Ind. to the Bd. of Adm. No. 2766, Dec. 27, 1849 op. cit para 15.
24. Ind. Pol. & For. Cons. 1849. June 2, No. 107. The Govt. of Ind to the Bd. of Adm. No. 782, May 23, 1849.

related with judicial administration, but from revenue point of view, suffice it to say, that the rate for stamping judicial documents was only half that which prevailed in the Bengal

25  
Presidency. Its yield in the Panjab rose steadily owing to the increase of litigation, registration of deeds and general  
26  
prosperity as is shown by the following statistics:

1853/54 . . . . .	income	Rs 2,60,324/
1854/55 . . . . .	..	Rs 2,86,686/
1855/56 . . . . .	..	Rs 3,07,865/

In reviewing the general features of the finances of the Panjab the reformed fiscal arrangements under the British Government stand out for their comprehensive<sup>ness</sup>, simplicity, brevity and adaptability. The forty eight taxes of the Sikh Government produced an annual revenue of sixteen lakhs of rupees, the revised scale of the Regency, thirteen and a half; but of the four new taxes of 1850, the revenues of salt monopoly alone ranged from Rs 20,54,020 in 1853/54 to Rs 21,87,354 in 1854/55 and fell again to Rs 20,26,002 in 1855/56.<sup>27</sup> The Chief Commissioner's remarks on salt monopoly are significant. He wrote:  
but  
"There can be little doubt/that the consumption of salt has greatly increased , perhaps two-fold since annexation owing partly to the increase of population, but chiefly to the enlarged means of the agriculturalists after reduction of their taxation  
and

25. P.A.R.1849/51 para 309.

26. The Chf.Comm.to the Financial Comm.Sept.9,1856 op.cit.

27. Loc.cit.

and to the enhanced comfort of the poorer classes generally. Although the government revenue has risen so greatly, yet the price of the consumers has not increased since former days and still ranges at rates at which even the poorest can afford to purchase it.<sup>28</sup>"

Salt in India is more of a necessity than a luxury to the teeming millions engaged in agricultural pursuits, who require salt not only for their own subsistence, but also for the rearing of cattle. On pure abstract economic principle, a salt tax could never be justified because of its heavier incidence on the poorer classes; but in the Panjab prescription and administrative convenience could be pleaded in its behalf, when a trifling increase in the price of salt could ensure large funds to the State for financing public services. Prices charged for salt by the farmers of revenue under the Sikhs did not appear to be high, but money and transport difficulties helped to restrict the area within which rock-salt was consumed. The tendency of the State monopoly of salt under the British had a reverse effect, and though the people paid a little more, the consumption of salt, as the remarks of the Chief Commissioner quoted above bear out, nearly doubled within the first three years

28. Loc.cit.



years. This was reflected in the large yields to the revenues of the country. The removal of the tariff barrier on the Beas and the Satlej enabled the rock-salt to supplant the unwholesome Mundi mineral in the Cis-Satlej States, and its social effects were not inconsiderable.

In one instance, however, the Panjab Government was forced to give up the economic principles in deference to the wishes of the people of the country, which formed the basis of its fiscal reforms. Duties were levied upon mercantile transactions in the major towns under the former régime, but this source of income had been given up by the British Government. As the administrative developments rapidly progressed, the Government felt constrained to re-introduce them in many places in lieu of the hated house tax. The town duties had prescription in their favour, which facilitated easy collection of funds for police organization in towns and for municipal improvements.<sup>29</sup>

29. See infra pp 304-310.

C. Currency of the Panjab.  
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In no way less difficult or less important in the government of a country is the question of Currency, to which the Board of Administration was called upon to address itself early in the re-settlement of the Panjab. The power or right to coin money in all countries is looked upon as one of the great symbols of authority. And it was obviously politic to substitute the Company's rupee bearing Queen Victoria's likeness for the Nanunkshai rupee and other kinds of coin. But the problem of currency in the Panjab was not so easy to solve. IT was more than the withdrawal of one set of coins and relacing them by another. The h<sup>e</sup>ritage of the Khalsa consisted of curious medley of currencies, which were in circulation at one and the same time. Indeed, a close inspection of them revealed that for generations past, every Sovereign and even Provincial Governors had exercised the power of coining money and adding to the confusion of the circulating medium. The successive masters of the Land of the Five Rivers had each left his marks or legend on its currency, which were never effectively obliterated

obliterated by <sup>the</sup> one who came after. In the district of Khangur in the Leia Division about twenty eight different varieties of these coins were discovered to be in circulation. In Gujrat, Lahore, Amritsar and Rawalpindi, though not equally numerous, there were as many different denominations as the ambitious chiefs and the pretentious governors, who had succeeded in establishing their own symbols of authority. Even the value of the coinage varied considerably. The basest rupee of all, the Kashmir Hari Singhi, was worth 100 to 66 of the Company' rupees; the best and most general was the Namukshai rupee, one hundred of which equalled nearly one hundred and one of the Company's rupees. The Namukshai rupee was in fact, a better and purer coinage than the current money of the East India Company. Of the former alone, besides sixty-one other kinds of coinage, there were fifty different varieties, not less than six crores and a half = having been issued during forty-two years from the mints of Lahore and Amritsar. Consequently, there was great confusion in the circulating medium. The prevalence of diverse currencies had encouraged fraud among the money changers, who often quoted unfair rates of exchange; while it embarrassed the officials incharge of local

local treasuries.

The Company's Government had persistently insisted on having a uniform currency in older Provinces as they fell/into the ambit of its jurisdiction and were organised. The same consideration dictated the Board of Administration to adopt a steady policy of evolving order out of monetary chaos, which had for so long given rise to popular discontent and crime in the country. The Board brought to the notice of the Supreme Government, in particular, the dissatisfaction among Indian troops stationed at Peshawar and on the frontier, who were paid in Namukshai currency, but who actually preferred to be paid in the Company's rupee. And basing their argument on the political stability of the British rule in the new territories, they solicited authority to commence withdrawing all obsolete coins at fixed rates.

The sanction of the Government of India for the measure was conveyed in a letter to the Board of Administration embodying extracts from the Resolution of the Governor-General in Council in the Financial Department dated March the 30th, 1850. The different currencies were to be gradually recalled; the Namukshai rupee of/Sambat and later years including the Deri Dundi

30. Ind. Pol. & Fin. Cons. 1850. Apr. 3. No. 183. The Bd. of Adm. to the Govt. of Ind. dated Jan. 3, 1850.

31. The corresponding year in Christian era being 1814-15.

Dandi being taken at par with the Company's rupee - rupee for rupee; and the mints of Calcutta and Bombay were to send up for purpose of exchange and for paying wages and salaries in the Panjab large supplies of the Company's rupees. The need of establishing a separate mint at Lahore was thus obviated. The coinage of the Panjabi denominations was concentrated at Lahore and placed under the charge of Mr Greenway, the Assay Master, for assortment and valuation before melting them down for re-coinage. The Board of Administration was further authorized to open a Bullion department under the authority of the Assay Master to receive bullion on the same principles as were observed at the Agra depôt.

The net effect of these orders was that in one year from May 1st 1849 to May 1st 1850, the Panjab absorbed a huge sum of 81,93,500/ of Company's rupees. The withdrawal of old currencies however proceeded at a much slower pace, and it tended to swell the balances in local treasuries of the Panjab far in excess of the requirements of the Government. The Court of Directors took objection to it, and sent down orders that the financial officers and the subordinate governments, the Panjab in particular, should be instructed to keep the balances

balances at the lowest amount consistent with the discharge  
of public liabilities properly.<sup>32</sup>

Another aspect of the currency of the Panjab which engaged the energetic attention of the Board of Administration was the suppression of forged coinages. The prevailing variety of circulating medium under the Sikhs had peculiarly lent itself to abuses which thereby vitiated the Central authority. It was indeed susceptible of proof, brought to knowledge by the exertions of Mr Brereton of thagi fame and other Panjab officials, that under the late Darbar a considerable body of goldsmiths followed the profession of fabricating base coins, and that they paid a regulat tax to the Sardars and other Government officials within whose jurisdiction they resided for the privilege of pursuing their trade unmolested.<sup>33</sup> A very useful knowledge of the crime was embodied in the report on the coiners of the district of Jalandhur dated February the 20th, 1850, which Mr Brereton in his capacity of officiating deputy commissioner submitted to Mr McLeod, the Commissioner of the Trans-Satlej States.<sup>34</sup> The crime was grappled with by making

32. Ind. Bengal Despatches. Financial Dept. 1851-52. Vol. 74. p 691. The Court of Directors to Our G.G. in C. Dec. 17, 1851.
33. Ind. Pol. & For. Cons. 1854. Sept. 1st. No. 227. The Chf. Comm. to the Govt. of Ind. Apr. 18, 1854.
34. The Panjab Selections op. cit. Vol. 1. No. VII.

making offences against the Currency penal, and by round up the gangs. There is perhaps an element of cynicism in the fact that the suppression of crime like the uttering of debased coins under the British rule caused distress in many villages, where the people disdained to give up labour of easy gains for the slow returns of dull legitimate enterprise.

Justice

#### IV. Justice

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Judicial institutions are the necessary appurtenance of a modern State. They were for the most part undefined and insignificant in the framework of an Oriental Autocracy. Whatever law there was, was of a religious character, which as in early Rome was propounded and administered by the pontiff or the learned in law. But as in all unorganized despotisms, the application of these religious injunctions to the every day life of the community was tempered by the arbitrary will of the ruler. The administration of justice in Mohammadan India had been incidental to the feudal and military tenures on which Indian society was organized. While there were <sup>s</sup>mu~~x~~lim courts of law in the chief towns, the country-side was completely made over to the jagirdars and other local authorities, a situation fraught with possibilities of rendering justice irregular and capricious. Consequently, justice was distant, and the people invariably resorted to arbitration within the ambit of the village community. The Sikh autocracy was no exception to the traditional mode of dispensing justice, which it inherited from the Moguls. The precarious character of justice, or even its complete absence in parts of the Panjab under the Sikh régime has been remarked upon in the opening chapter of these treatise<sup>s</sup>. The British as ever convinced

1. See supra pp. 18-21.



convinced of the superiority of their laws, discovered that the existing laws and justice were too feeble to preserve security of life and property, and set out to establish law and order, which would guarantee civil rights and ensure the peaceful pursuit of their occupations by the people. The advent of the British to power in the Panjab led to a reorientation of social values and legal obligations as it did in the realm of economics. The country was brought under the influence of new ideas of justice and social dignity, and commerce grew under the impetus of contact with the outside world. The subject of the formulation of law, and its enforcement with the object of securing justice and equality among the various communities of the Province is fascinating and important no less for the ultimate results achieved than the inherent interest of the institutions themselves.

#### A. Law and Order

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The immediate task before the Board of Administration was to rescue the country from the grave disorder and anarchy in which it had long been plunged. And it required the establishment of some visible and strong authority to demand obedience to law and order. The inevitable disbandment of the Sikh forces after Gujrat and the general reduction in the Jagirdari levies denuded

denuded the country of armed support, except that of the British Indian army. The Lahore Government submitted to the Central Government an outline of the policy of raising properly constituted Regiments of Police both Horse and Foot. These Regiments were intended to replace the Military establishment in the duty of looking after the peace of the country, and they were to serve as a ready means for suppressing any turbulence that might again endanger life. The Board stated that of the two branches of military police, infantry and cavalry, the latter should perform multifarious duties - patrolling high roads and the vicinity of jails, manning police stations, protecting District Revenue officials and their subordinates, escorting prisoners, treasures and daily dawk, and finally furnishing aid to European travellers. At the headquarters of a district, they were to form a force, which would intervene in support of small district posts to suppress petty disturbances or to deal with any other emergency. These duties at the annexation of the Panjab devolved on the miscellaneous fragments of the old establishment of some 2,000 Jagirdari horsemen ( raised at the cost of Rs 582,743, and involving the alienation of land revenue on 37 estates.) and of an additional force of 3,000 irregulars. The inefficiency of these feudal levies was notorious, and the Government had earlier in the resettlement dispensed with the military service required from

2. Encl. to the Govt. of Ind. Sec. Letters, 1849. Vo. 121 No. 61  
Major Burn, Asstt. Sec. to the Bd. of Adm. to the Govt. of Ind. dated Aug. 3, 1849

from the Jagirdars, and charged its equivalent in money. The Board now asked permission to apply the same principle of reduction to the jagirdari cavalry, which was in effect an 'irresponsible body of armed men, powerful for evil and inefficient for good.' As the need of raising a new police force was great, and the principle involved was in accord with the declared State policy of minimizing the influence of feudal tenures, the Governor-General in Council in the Government of India's letter dated September 20, 1849, readily sanctioned the immediate adoption of the Board's proposals.

It took a year for the Lahore Government to formulate a definite scheme of police organization for the Panjab, which they forwarded to Calcutta for the Governor-General's approval. The police were to consist of two distinct forces, the military preventive and the civil detective, for objects which are self-explanatory. The civil police were to be charged with the investigation and detection of crimes, and to supply general watch and ward. The military branch of the police, on the other hand, was to patrol the highways, and to reinforce the civil police in the event of disturbance taking place. The Board recommended that the mounted police of the military section should be organized into yussalla troops of 100 sowars each; and that the infantry battalions should be placed under Indian Commandants, who were in turn

3. Supra pp 254-56.

4. Home Miscell. No. 761. pp 925. The Bd. of Adm. to the Govt. of Ind. Aug. 5, 1850

in turn to be amenable to the jurisdiction of Divisional Commissioners and District Officers; and finally, that European officer should be appointed for the general supervision of the whole force. The Government of India in giving effect to the scheme observed that the ordinary detective police should be termed the 'Rural and City Police', and that the mounted section of the organised preventive police should act in aid of the ordinary police, to be styled respectively the 'Panjab Mounted Police' and the 'Panjab Police Battalions'. The mounted force of 2,700 strong was to be <sup>5</sup> in 27 <sup>grated</sup> units of rissallas, each under its own complement of officers. The Government fixed the number of the Panjab Police Battalions at six, each with a strength of 800 men. The Governor General shared the confidence of the Board in giving command to Indian officers, but emphasized the importance of European surveillance for the maintenance of discipline and the corps in the police organization. The Marquis of Dalhousie went on to define the office of the Chief Command vested in an English officer, who was to be assisted by two or more Captains. His duty was "to look after the organization of the police, its clothing, arms, and interior economy, in short to maintain one uniform system throughout the whole body". The Chief Comandant and the Captains were to have the power of Joint-Magistrates over their own men when on duty. The Chief Commandant was himself to be subordinate to

5. Home Miscell.No.761. p 941 ff The Sec.to the G.G.in the Pol. Dept.to the Bd of Adm.Dec.10,1850.

to the Board of Administration in all respects. The Indian officers of police acting in a district were to be amenable to the supervision of District Authorities, whose jurisdiction over the rank and file of the force in disciplinary action, or minor offences was affirmed, while in more heinous crimes, they were to report to the Chief Commandant of Police. The District officers could recommend deserving men of the force for promotion/<sup>or reward.</sup> was to rest with the Commandant in the case of all below the rank of officers. The officers of the force were to be promoted by the Board alone.

These comprehensive orders completed the organisation of the Military Corps of Police, the main body of which consisted for six battalions of foot, and twenty-seven troops of horse. Of the battalions, the first four were recruited from the disbanded soldiery of the old Khalsa, who had remained faithful to the Rengency Government during the Second Sikh war. The fifth battalion was raised in Rawalpindi by Lt. Miller. The Sixth battalion was raised by Lt. Younghusband, while Captain R. Lawrence added another, ' which was composed of a splendid body of young lads, sons of the best yeomen of the <sup>6</sup>Manjah,' thus bringing the total to seven during the period of this treatise. There were besides, two corps of irregular infantry which were engaged in police duties. Each battalion had its own Indian Commandant. The troopers were recruited from among

6. Garret, H.L.O.Lt.Co.: A Brief History of Police Battalions in the Panjab. p.3.

among the horsemen of the late Darbar. Suspicion about the possibility of Sikh disaffection was allayed by carefully rendering both the wings of the service predominantly Mohammedan. Major Chamberlain was appointed the Commandant of police force, and had four British officers as Police Captains under him. The whole military police was placed under the control of the Provincial Government.

Both sections of the force were regularly armed and drilled, and were supplied with <sup>the</sup> necessary military equipage. They were raised to meet the special conditions which obtained in the war-ridden and the alarming state of the Panjab. The duties of the two branches of police were identically those, which the Board of Administration had originally adumbrated, and need not be gone over again. Suffice it to say, that all the requirements in the way of policing the country were amply provided for. The highways were well patrolled so that travel by them became fairly safe. The treasuries, forts and city gates were all guarded. The frontier was also guarded by the police battalions on garrison duty at places like Kohat, Banma and Hazara. The mounted police afforded general assistance to the infantry in its duties, and being concentrated at

at the chief civil stations and by its mobility, it effectively intervened in any emergency either to crush resistance or to expedite pursuit.

The Detective Civil Police was made up of three component parts. First, the regular establishment paid by the State; second, the city watchmen; and third, the rural constabulary, both being paid by the people themselves.

The regular civil police was organized on the basis of small police units in which the country was mapped out, numbering 230 odd. Each of these police jurisdiction was called the 'thana' and was entrusted to the charge of a thanadar. He had under him one or two assistants and thirty burkundases on average.

The Board of Administration ever attempting to improvise a system of government as effectual as the backwardness of the country permitted, hit upon the plan of securing the local influence of the Indian collector of revenue, known to the official world as tahsildar, in the policing of the country side. The Board represented to the Government of India that tahsildars should be given the power of a chief officer of police under the designation of 'Darogha Ala' within their  
fiscal

fiscal jurisdictions under Regulation XI of 1831.<sup>7</sup> This was unquestionably a significant stroke, for the tahsildar possessed local influence and intimate knowledge of social customs, which might serve as corrective to the flaws from which rural life suffered. His contact with the people and his fiscal experience were well calculated to infuse vigour and honesty in the police, and thereby direct their energies to a purposeful end.

The Board of Administration took care not to confuse the dual or rather triple functions of the tahsildar, for he was almost simultaneously given judicial powers. The Board issued an elaborate set of rules defining his police duties and keeping them distinct.<sup>8</sup> By these rules the thanadars were made subordinate to the tahsildars and were to act as their deputies. Any contumacy shown by the thanadar to his superior was made punishable by instant dismissal from service. A formal and dignified form of address for official correspondence between the local police functionaries was prescribed. The thanadar was required to send in daily reports to the tahsildar, who was personally made responsible for investigating all heinous crimes, like murder, high-way robbery, or dacoity.

7. Quoted in the Bd. of Adm. Judicial Cr. No. 33, dated June 27, 1851.

8. Bd. of Adm. Jud. Cr. No. 37, dated April 23, 1852.



dacoity. Great stress was laid on the need that the tahsildar should always sedulously avoid mixing up his police and judicial jurisdictions. As daroga ala, he was charged with the making <sup>of</sup> preliminary investigations into a crime before the accused was committed, and was bound by special rules. He was not, for instance, authorised to take evidence on oath, as he would if he acted as a Judge. As head of the police in the subdivision all correspondence bearing on police management passed through his hands. The appointment or dismissal of village chowkidars was vested in him, and he was made responsible for the regular payment of their salaries.

These rules were well calculated, on the one hand, to enhance the prestige and character of the office of a tahsildar, and on the other, to ensure proper control over the police organization and keep it functioning for its legitimate ends, that is, the maintenance of law and order and the protection of life and property. The tahsildar by a gradual increase of his powers came to represent the Non-Regulation system in his own person in a small way, though its chief representative remained the deputy commissioner at the head of a district. It is true that the administration of the country tended to be concentrated

concentrated in the same set of officers, whose duties were of a very mixed character. It meant that the local functionaries often found themselves encumbered with a great mass of details. It is on record that in parts of the Panjab the tahsildar not rarely preferred one set of duties to another, and allowed the work of the latter to fall in arrears.<sup>9</sup> It was to be expected that the initial stages of resettlement of the country would be fraught with difficulties of this nature. And making allowance for it, it is clear that what the early administration lost by excessive amount of work, was more than compensated for by the vitality of Government's conduct of affairs and prompt decisions - the twin results of the union of powers which formed so characteristic a feature of the Panjab system.

As has been remarked above police were subordinate to the fiscal authorities of the country, and the jurisdiction was so adjusted as to admit of two or more police divisions falling into one tahsil, the head of which was the tahsildar. Over the tahsildars was the district magistrate; and he in turn was controlled by the divisional commissioner, who was vested with the power of a superintendent of police.

The specific duties of the regular establishment of the  
Detective

9. Supra p 180.

Detective Civil Police were that it reported crimes, tracked and apprehended criminals under the immediate countenance and superintendence of the tahsildar. It served judicial processes; it arranged supplies for the troops when they were in motion, and made country boats available for effecting passages across rivers; it guarded public ferries and even escorted prisoners. Like every other branch of administration under the British, a very carefully prepared system of diaries and records was set up to help easy reference to the state of organization of the service and the efficiency of its work.

The relative strength of the police establishment in different parts of the Panjab and its importance as a factor in checking crime relative to these parts, were <sup>however</sup> governed by any special circumstances prevailing in them. A glance at the geography of the Province would reveal central deserts in several of the Doabs in which criminal tribes lived, who had from ancient times practised their nefarious activities. Even among the ordinary population cattle lifting was a common crime - it might well be described as the special weakness of Jat character in those regions, and it necessitated a comparatively large police <sup>force</sup> being placed in those inaccessible parts.   
out

out of all proportions to the density of the population and the amount of revenue. Again, close and careful watch was required to be kept on that gate way of India - Peshawar on the North West Frontier with its war-like and ferocious people. The Marquis of Dalhousie with his unerring confidence in the ability and judgment of John Lawrence deputed him to Peshawar to report on the police measures to be taken for the valley.<sup>10</sup> John Lawrence, after a study of the conditions at close quarters drew up an able Memorandum in which<sup>11</sup> <sup>he</sup> stated that no previous Government had ever succeeded in establishing a semblance of peace there; that the extreme poverty and the inhospitable character of the soil, coupled with the innate independence of the Afghan temperament had fostered in them predatory habits and rendered life and property peculiarly unsafe; that the city and cantonment of Peshawar had been so systematically raided with impunity as to constitute a grave menace to the integrity of British authority. The tribesmen found in the hills about the valley a sure refuge. John Lawrence emphatically declared that as the frontier people were so independent and that as past experience proved their dislike of peaceful occupations, the only recourse left under the circumstances was

10. Ind. P.M. Letters Received, 1852, vol 21, dated Jan 24, 1852
11. Ind. P.M. Letters, 1851, Aug. 29, No 25. Memo by J. Lawrence, March 6, 1857.

was to chastise them by punitive expeditions and keep them shadowed by an active police. The Government of India sanctioned the raising of this specially active police force for service on the frontier at an annual cost of Rs 153,708/<sup>12</sup>. This force was recruited locally and contained men who possessed the knowledge of/frontier and endowed with exceptional physique and fighting qualities. The mobility of the Peshawar police was ensured by the intersection of the valley by lines of roads, bridged and fortified with police stations radiating from the city of Peshawar as a centre. A line of posts was also established round the surrounding valley at the base of the amphitheatre of hills. The centre was again flanked by a line of posts designed to protect the suburbs of the city and the environs of the cantonment.

Advantage was taken of the fact that the heads of tribes and villages were, by the custom of the border, invested with patriarchal authority over their people, to make them responsible not only for their own clansmen, but also for strangers who happened to pass through their jurisdiction or sought hospitality with them. Care was taken to disarm travellers who came within the precincts of the town. Their arms were deposited

12. Ind. Pol. Letters Received Jan. 24. 1852. of. cit.

deposited at the police station, to be returned on their quitting the town. A strict vigilance was exercised over un-<sup>2nd suspicious</sup> known characters to restrain them from prowling about. Curfew penalties were enforced against those who wandered about the country-side armed between sunset and sunrise. These measures were fully justified by the comparative tranquillity which prevailed and in the considerable reduction in crime which became noticeable in Peshawar soon afterwards.

The police organization on the frontier was not unrelated to its military defence, which was a special charge of the Board of Administration. The Irregular Force and the Trans-Indus police co-operated together in garrisoning posts at Peshawar, Hazara, Kohat, Bunnu and some other forts off the main line. The police command was, however, kept separate from the military command.

Mention may be made of the River Police, which were organized subsequently to check marauders from making use of rivers for the purpose of crime. But river crime in the Panjab was insignificant in comparison with crime on the river Ganges.

City

City Watchmen

The local branch of Civil or Detective police was constituted on the principle that the inhabitants of towns and villages ought to be, as far as they could, the protectors of their own property.<sup>13</sup> Accordingly, in the cities bodies of chowkidars (watchmen) were raised. To remunerate them, a cess was levied similar to that known in the older Provinces as the house tax. The basis of this tax was the rat-able value of each house in proportion to the means and circumstances of the family or families in the case of the Hindus residing in it. The Board of Administration laid great emphasis on the equitable distribution of the cost of police, which admitted of the very poor of the citizens being exempted from the burden. The Board of Administration further expressed the hope that no hostility or resentment from the townsmen might be anticipated towards this measure.<sup>14</sup> The number of watchmen was left to be determined by the magistrates according to the needs and circumstances of each city. Usually one chowkidar was appointed to every 50 houses but the district officers had the option of relaxing this limit in the case of impoverished areas.<sup>15</sup> Before very long serious discontent arose among the citizens at the chowki-dari cess. Montgomery, whose judgment of the temper of the people and power

13. Bd. of Adm. Jud.Cir.No.700, dated Nov. 6,1849

14. Loc.cit.

15. See e.g.R, Montgomery's letter to all the Deputy Commissioners, dated Aug.22, 1849. Encl. to the Pol.& For. Cons.1851 Jan.17. No. 31

power of detecting the weakness of an administrative measure was almost infallible, commented in his report dated July 10, 1851 on the judicial work done in the Lahore Division that "Large cities like Lahore, Amritsar, Buttdala pay a cess for the support of the city police, and also for the conservancy purpose. I question whether any measure of our Government is more unpopular than this. The Panjab forms no exception to the general hatred with which this measure is looked upon throughout India. From Peshawar to Juggernaut the same strong feeling exists against it, and the tax is so obnoxious, that it is well worthy of consideration whether some other plan might not be found, which whilst the object would be attained, would satisfy the people.<sup>16,</sup>"

Popular pressure for the abolition of the chowkidari cess was so strong that it was ultimately replaced by town duties, which had been remitted since the Regency Government. But before that development took place, it may not be without interest to consider the circumstances more fully, which led to the defeat of this direct tax, and why it was given up in favour of the restoration of the tax on goods entering towns.

Richard Temple, the Secretary to the Chief Commissioner,<sup>17</sup> wrote a memorandum, dated January the 1st, 1853, on the system of

16. Ind. Pol. & For. Cons. 1851, Jan. 17, No. 10. Enclosures  
17. Panjab Selections Vol. 1, No X.



of town duties recently introduced into the Panjab analysing the situation very clearly. He stated that the over-worked magistrates were prevented from supervising properly this particular cess, and that its management had been left in the hands of the influential burghers. The assessed quotas ranged from half an anna to Rs 5 per house. But very soon the management of the cess showed signs of human imperfections in the form of favouritism and unfair influence. The process of collection was in itself of an inquisitorial nature, which had been apparent even in the North West Provinces. The house-tax in the Panjab was an innovation; its direct incidence proved a heavy burden on the community. The cumulative result of this<sup>new</sup> venture in the Panjab taxation, which had invariably been attended by popular discontent, was that many defaults occurred in the payment of the cess. And it became necessary to issue a judicial process for realising the arrears of revenue. It was discovered that in some of the important towns the yield of the tax, which was collected with so much trouble to the State and heart-burning among the people, fell short of the cost of the city police, and was a low percentage of the known wealth of the community. During

During 1850 on the representation of citizens town duties were re-introduced on trial in Lahore and Muritsar in lieu of house-tax. The experiment proved an unqualified success. Official countenance was given to the general revival of town duties wherever people showed a preference for the substitute.

The chief advantage of town duties lay in their being an indirect tax, which readily passed in current prices. The octroi had prescription and tradition on its side; the duties were collected according to the mercantile usage of the country; and finally, the duties fell lightly on the influential and monied sections of the community and the burdens were shared by non-resident agriculturists and traders.

Temple's memorandum on the subject of town duties, which has been referred to above, affords an informative study of the various transit duties levied under the Sikhs. These duties, which were imposed on the egress and ingress of goods within the limits of the towns, contained a species of police rate or "rakhi" as it was called. This chowkidari cess formed a part of the 3% of "huq-arthi" or wholesale dealer's commission on the goods entering the city. There was no fixed <sup>limit</sup> on the amount that might be devoted to the watch and ward



object was to eliminate the dilatory process of search and weighing, which must at best be vexatious and slow. The duties were collected by an officer stationed at each of the twelve gates of the city.<sup>19</sup> In Ferozepur city the general rate of these duties was even lower than Amritsar; about 4 annas on the percentage value of all goods entering within the four walls of the city, while in the principal country towns in the district, the practice was to deduct a brokerage of Rs 2 which was made up of the following charges: brokerage Rs 1/4, chowkidari -/10/- and charity fund -/2/-.<sup>20</sup> At a few places the duties were leased out on contract to a farmer, who employed his own establishment for collection, but was without any real power of enforcing collection. The remarkable thing about the duties was that they were so thoroughly understood by the people and their obligations so properly appreciated, that there was hardly an instance of evasion or resistance, or of any undue pressure by the farmers of the revenue.

An instructive comparison is afforded by the study of statistics relating to the town duties levied under the two régimes. Ranjit Singh' Government collected two lakhs and five

19. Ind. Pol. & For. Cons. 1852. Dec. 29. No. 144. Enclosures: R. Montgomery, Comd. of Lahore Div. to the Bd. of Adm. General Rep. dated July 16, 1851.
20. Brandreth E.L.; Revised Settle. Rep. Ferozepur Dist. 1855. para 198.

five lakhs of rupees from the two biggest towns of the Panjab, Lahore and Amritsar. The new duties levied for municipal purposes realised Rs 23,000 against the Rs 16,000 derived annually from <sup>the</sup> house-tax in Lahore and Rs 41,000 against the Rs 24,400 yielded by <sup>the</sup> house tax in Amritsar. <sup>21</sup> Income from town duties in Amritsar rose to Rs 49,450 in 1854 and to <sup>22</sup> Rs 53,265 in 1855. The tax was, thus, in every sense of the word "a purely municipal ad valorem tax levied at the express wish of the citizens by their elected representatives." <sup>23</sup> The wisdom of conceding to popular sentiment in circumstances where an inexperienced administrator might refuse, was amply justified in the present case. The Board of Administration wrote: "It is surprising to see how a tax not the most equitable that could be devised for this particular purpose (city police) and repugnant to our system, may yet be made to work admirably through the power of popular sympathy." <sup>24</sup>

The merit of the tax was by no means confined to its popular character. The magistrates in the Lahore Division, for instance, were enjoined to consult the 'punches', that is the city burghers in expending the surplus of municipal taxation on conservancy and general improvement <sup>of</sup> towns. This   
mode

21. Temple's Memo. op.cit.
22. P.A.R. 1854/56. para 25.
23. Montgomery's General Rep. op.cit.
24. P.A.R. 1849/51. para 176.

mode of appropriating the income of the town still further educated the citizens in the art of local self-government, which they had long understood and appreciated.

Finally, as regards the efficiency of the service and the value of the work accomplished by the city police, the Commissioner of the Lahore Division, who had more share in its organization than any other single officer in the Panjab, gave it as his deliberate opinion that "the City Police Force of Lahore and Amritsar are finer than any I have seen in India. They are smart, intelligent and well armed, and are excellent detective as well as protective police. The inhabitants of both cities are very public spirited and are ready to aid in any improvements. Improved drainage, paving and widening narrow streets, opening out of crowded bazars, filling up pestilential pits etc are all going on rapidly." <sup>25</sup>

#### Rural Constabulary.

The village watchman or chowkidar in the Panjab, as in upper India generally, formed a part of the village system in its integrity. Under the former régime the office of village watchmen like that of village notary, was placed on a very unsatisfactory footing. The chowkidar belonged invariably to

25. Montgomery's General Rep. op cit.

to a low caste. His duty consisted in mounting guard at night at the behest of the land owners, and he waited upon Government officials whenever they passed through the country side. He was called the 'burwalla'. His stipend was precarious and consisted of a trifling portion of grain at harvest time or some cooked food from day to day.

The orders constituting the city watchmen declared the maintenance of rural chowkidars to be an integral part of that village responsibility, which was so conspicuous a feature of the land revenue administration of the country. 26  
The inhabitants of a village by their declared local custom were held responsible for any crime committed within the precincts of that village. They were consequently bound to be vigilant, and to provide the necessary agency for protecting life and property. The old mode of paying the chowkidar in grain was maintained. The chowkidars under the new rules were nominated by the village headmen and were to be approved by the magistrate. The original orders on the remuneration of chowkidars were modified by the Board of Administration's subsequent letter No.1046, dated June the 10th, 1852, which laid down that "the remuneration may be in cash or grain, or in both

both or in grain and land." This last alternative brought the Settlement officers into the management of village chowkidars. The number of the chowkidars came to be fixed at the time when the regular settlements were made. In 1855, however, the Chief Commissioner at the suggestion of Donald McLeod, who had been promoted from the Commissionership of the Trans-Satlaj Division to become the Financial Commissioner of the Panjab, issued <sup>positive</sup> orders relieving the Settlement officers of all duties relating to the office of village chowkidar. The determination of number, rate and mode of payment of the chowkidar was henceforward vested with the district officer. Assignments of land were prohibited, for the practice of granting land had proved very unsatisfactory. The land lords of a village generally set apart the worst plot for the maintenance of the chowkidar.<sup>27</sup> He was to receive from now on a fixed cash allowance supplemented by a small quantity of grain at the harvest.

There raged a great controversy over the status and duties of village chowkidar among the local officers of the Panjab. There were those who would place the headman over the watchman and vest in him the responsibility of police duties. There were

27. Financial Comm. Circular No.42.May 4.1855 and the Enclosures.



were the others, who would strip the watchman of all his functions and devote the funds appropriated to his office to the raising of an independent rural constabulary. Their argument purported to localize this branch of the police and do away with the joint-village responsibility. Between these two protagonists was a more moderate group, who wished to maintain the ancient village institutions, but were anxious to secure more efficient and honest men in the service on payment of regular salaries. The moderate view prevailed, because it was consonant with the obligations of land owning classes to assist in the preservation of public peace. The Government restored the chowkidar to his age-old office of providing watch and ward for the village. His duties were carefully defined and his remuneration made certain, though it was still a pittance. He worked in collaboration with the village headman, and was supervised from the local thana. He still performed the general duties of his office to the village community. The responsibility of land owners in matters of policing the village and apprehension of wrongdoers was re-affirmed under penalty of fine.

The study of earlier Settlement Reports reveal that  
there

there was considerable discrepancy in the organization of village police in different districts of the Panjab. On an average, a chowkidar to a village <sup>of</sup> 100 to 125 houses was appointed; and where the number of houses exceeded 125, two chowkidars were appointed. The pay of the chowkidar was regulated by the labour and responsibility involved in the office. The full pay of a chowkidar in a village of 50 houses and upwards was Rs 3 p.m., and in smaller villages "where the community was too thin to make good all the pay, the State aided in doing so." <sup>28</sup> The village watch and ward fund was raised by the levy of a house-tax through the agency of the lumbaradar. Each house was assessed separately with reference to its size and quality; the very poor being exempted. The fund thus raised was paid into the tahsil treasury from which the chowkidar drew his stipulated allowance.

The chowkidars were armed with a spear in January 1851, and with a sword in addition in 1855. The expense of these arms was borne by the village. <sup>29</sup> The chowkidar was therefore well equipped with arms to perform the duty of watch and ward. The scope of his activities in other directions embraced

28. Melville P.S: Revised Settle.Rep.Northern Pergunas, Amballa Dist. para 387.  
29. Capt. Mackenzie, Settle.Rep. Gujrat Dist. para 245.

embraced his joint responsibility with the lumbarder in reporting crime or its absence to the local thana. He was charged with reporting births and deaths in the village. He was asked to exercise vigilance over the loose characters of the neighbourhood, and had authority to detain and arrest offenders. In short, he furnished the last link in the chain which connected the village with the head of Executive authority in the country.

Doubts were expressed whether the village constabulary as thus constituted might prove detrimental to the responsibility of land holders or whether the chowkidar might emerge a rustic despot under circumstances which devolved on him high duties and independent powers.<sup>30</sup> But the Lahore Government took measures, on the one hand, to encourage freer intercourse of the chowkidars with the villagers instead of remaining aloof, and on the other, enjoined stricter supervision by the district and tahsil officers over the village police. The general result was that village police grew by degrees in popularity and efficiency.

#### Track Rules.

Next to demand consideration was the indigeneous system of

30. Major Cracroft: Settle.Rep.Rawalpindi Dist. para 274.

of tracking criminals, which formed so important a factor in the organization of village police. It had always been associated with the village system of Northern India and was found to be in active operation in the Panjab on its annexation. The Government of India, in its earlier letter setting up the administrative machinery for the new Province, referred to adhering to the "local laws, which regulate the tracing of criminals and the responsibility of land-holders for their pursuit and apprehension."<sup>31</sup>

This requires elucidation of the traditional practice of tracking thieves, or the "khoje" as it was called. The khoje formed an essential element of the village community. It conducted the process of tracking thieves by their foot prints, and making the village to which the track was carried responsible for the amount of the stolen property. The fundamental thing was the responsibility of the whole village in restoring the lost goods, or making amends in some other way, in which case a sum of money sufficient to cover the loss was raised from among the community by "baach". The British became aware of this practice on the acquisition of the Delhi Territories and on the lapsing of a number of the protected States in the Cis-Satlaj

31. The Govt. of Ind. to the Bd. of Adm. No. 418, March 29, 1849  
op.cit para 7.

Satlej States, where the system of khoje prevailed with some vigour. The Court of Directors had issued instructions in reference to the above territories as early as November the 28th 1832 that "the system of levying the value of stolen property from the zemindars or the landowners, when the robbers can be traced to their lands and when they are unable to trace them on to the lands of some other proprietors, to be adapted to local circumstances whenever Independent Territories and Jurisdictions are so much interspersed as to afford too great facility in the commission of robberies and escape from justice<sup>d</sup>."

These instructions were not infrequently departed from by the local functionaries; and often the khoje system was abused in the hands of incompetent village police officers. The Covenanted officers from the Regulation Province were prejudiced against anything that was not familiar in their particular sphere of administration, and they not unnaturally looked askance at the track system that obtained west of the Jumna. This prejudice was superficial and arose partly because the khoje did not form a part of the legal system - fact that made it anomalous in the eyes of a Collector-Magistrate - and partly because the system was very imperfectly understood. That this  
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*a. Bengal Despatches. Vol. 120. pp. 1299-1300.*

is not a fanciful presentation of the position can be shown by the following example. G. Blunt was an able Bengal Civilian. During his temporary tenure of office as a Sessions Judge in the Cis-Satlaj States, he heaped abuse on the khoje system as it was operating in the country. In a report on the administration of criminal justice he stated that the police had done little to verify the authenticity of a claimant's loss, or ascertain the value of the loss alleged. <sup>32</sup> Nor did the police, he wrote, institute a preliminary enquiry into the case of loss, whether the property had been well taken care of or what were the antecedent circumstances of the loss. Blunt asserted that vast sums had been levied from innocent villagers through the careless discharge of duties by the village police. It is true that Blunt's criticism was well merited. The duties of chowkidars underlying the khoje were improperly understood, and therefore badly discharged. But Blunt gave a dogmatic preference for the entire abolition of the khoje over its maintenance subject to any modifications however stringent. These remarks of the Officiating Sessions Judge of the Cis-Satlaj States evoked an equally strong and able rejoinder from John Lawrence, the Commissioner of the Jalandhur Doab, than whom

32. Ind. Sec. Cons. 1847. Dec. 31. No. 1433. From G. Blunt, Late Offg. Sess. Jdg. to W. Edwards, Dep.-Sec. to the Govt. of Ind. dated April 15, 1847.

whom no one else entered deeper into the spirit of Indian institutions, and had a better grasp of the psychology of the Panjabis. John Lawrence emphasized the traditional aspect of the khoje as being consistent with the usage of the country. He expressed his reluctance that any Indian ideas should be put into practice unless they were properly understood and appreciated by government functionaries. He saw clearly that the abuse to which the khoje had been subject was mainly the out-come of such a faulty handling of the institution. He believed that the adoption of the indigenous track system would prove successful only under the cautious and sympathetic supervision of the British Government. John Lawrence was supported in his views by Sir Theos Metcalf, the Commissioner of Delhi, who wrote a somewhat similar rejoinder to Blunt's strictures on the khoje.<sup>33</sup> But John Lawrence went further and maintained that the natural principles of justice were well served by the fundamental idea of the tracking system, namely that the village, which harboured offenders against society, and the headmen of which shared in the fruits of theft, and the inhabitants who refused to assist, should rightly be punished. John Lawrence, finally, recommended the continuation of the khoje practice subject to the following limitation:

33. Loc.cit.Cons.No.1441. Memo.by Sir Theos Metcalf, Comm. Delhi Territories, dated June 22,1847.

limitations:

1. "That under no circumstances, any fine should be levied by a district officer without the express concurrence of the Commissioner.
2. "That in no case compensation should be allowed where it was not satisfactorily shown that the sufferer had taken every reasonable precaution to secure his property from loss; any laches on his part, either on that point or in giving information to the police and following up the perpetrators and doing his utmost to bring them to justice, should bar all claim.
3. "That clear proof of traces carried to within reasonable proximity of the houses of the village was necessary, and those villages should be exonerated where the tracks finally being lost, its inhabitants afforded a free and thorough search of their houses and did their best to carry on the traces further unless an open collusion with the criminals, or connivance was self-evident. Even then full compensation should never be granted." 34

It would appear that the modifications of the khoje, which John Lawrence put forward, were essentially in the nature of limiting the scope of its operation so as to render it more effective. Formerly, greater freedom of action had been given to the local constabulary than was expedient in the cause of just administration. John Lawrence now improvised stricter official supervision over the village chowkidar and defined clearly the responsibilities that lay on the village community in matters of detection of crime. The Government of India  
formally

34. Loc.cit.Cons.No.1443.John Lawrence,Comm.Trans-Sat.States dated June 24,1847.



formally adopted the above limitations as calculated to secure the efficient working of the track system, and they were made operative in the Trans and Cis Satlej States under letters dated August the 9th, 1847 addressed to the respective Commissioners of the province.

The same set of rules bearing on the khoje with its implied village responsibility was extended throughout the Panjab by the Board of Administration. <sup>35</sup> General permission was given for the appointment of a 'khoji' or a professional tracker in the capacity of a burkundaz to each thana, while the parties could employ their own khoji if they so wished. At first the trackers were brought into use for the hunting down of robbers and cattle lifters, but as they proved an unqualified success, the scope of their operation was gradually extended to the tracking of other criminals such as murderers, and highway robbers. The re-organization of the khoje under sympathetic, though regular and stricter supervision, resulted in a clean sweep of the abuses to which the system had been liable. It gained both in efficiency of service and honesty of purpose. The khoji encouraged by a regular reward of his services maintained his traditional reputation of pursuing the

35. Bd. of Adm. Judicial Circular Order No. 184, dated June 22, 1849.

the track or other clues over long distances across deserts, waterways and jungles.

General Disarmament.

Besides the organization of police, another measure equally efficacious for the diminution of crime and the general pacification of a country like the Panjab was the disarming of the population, which was carried out following the victory of Gujrat quietly but resolutely. The instrument from which the Board of Administration derived its immediate authority contemplated general disarmament, which was to act as a great preventive police measure. Dalhousie had expressed confidence that it would be attended with the happiest effect.<sup>36</sup> The Board were quick in perceiving the significance of the measure that would at once render the great martial people of the Sikh religion incapable of rebellion. They took counsel and submitted the proposed proclamation bearing on general disarmament to the Central Government.<sup>37</sup> The Board outlined the scheme, which involved prohibiting the manufacture, sale or possession without licence of arms or munitions of war between the Indus and the Beas with the exception of Hazara. The Governor-General sanctioned the issue of the proclamation subject to amendments being

36. The Govt. of Ind. to the Bd. of Adm. No. 418, dated March 29, 1849. op. cit. para 62.

37. Ind. Sec. Cons. 1849. May 26. Nos. 65/67. The Bd. of Adm. to the Govt. of Ind. letter No. 13, dated Apr. 30, 1849.

being made, 1. for devising proper machinery for the granting of licences, and 2. the time limit for the surrender of arms being prolonged. The general disarmament in the Panjab was finally proclaimed by the Board of Administration in their Judicial Circular Order No. 212, dated July the 2nd, 1849, copies of which were translated into the vernaculars and were posted at the magistrate's court at the suddur station, out-stations and in every revenue and police post of the Province. The kardars and tahsildars were especially enjoined to convene the headmen under their jurisdiction and explain fully the disarmament orders. Great care was taken to prescribe simple and yet effective forms of licenses, which were to confer the special privilege of bearing arms or manufacturing munitions. The penalty for the infringement of any article of the proclamation was extraordinarily severe; a fine not exceeding Company's Rs 1,000 for the first offence and in ~~a~~ case of default simple imprisonment for a period not exceeding six months; this penalty being doubled on a second conviction. The provisions of the proclamation were to take effect as from October the 1st 1849, and were not to apply to Hazara and the Trans-Indus districts. The Government of India sanctioned the licence fees proposed

proposed by the Board of Administration at the rate of Rs 2 for the possession of arms and Rs 16 for manufacturing and selling gun powder or weapons of war. The licence fees were circulated together with official correspondence bearing on the subject by the Board of Administration's Judicial Circular Order No. 212, dated August the 2nd 1849.

The pacification of the country as a result of disarmament in the Panjab was so obvious and complete that the Chief Commissioner proposed to the Government of India in 1855 to interdict the carrying, as distinct from the possession of arms, in the Trans-Indus districts and in Hazara, where the population had by no means yet been reconciled to peaceful pursuits. The Governor-general in Council readily acceded to John Lawrence's proposal and sanctioned the measure of disarmament for the frontier population provisionally. A proclamation was accordingly issued enforcing the above prohibition except for persons specially licensed to bear arms and certain other exempted classes. This experiment was at once a success and on the representations made by the Chief Commissioner a year later the Government sanctioned the continuance of the disarmament.

The effect of the disarming movement was, indeed, quickly visible

38. Ind. Sec. Cons. 1849. Aug. 25. No. 52. The Govt. of Ind. to the Bd. of Adm. letter No. 1279, dated July 25, 1849.
39. Ditto 1855, Apr. 5. No. 138. The Govt. of Ind. to the Chf. Comm. letter dated March 17, 1855.
40. Ditto 1856. June. 20. No. 309. Ditto Ditto letter June 20, 56.

visible in the diminution of outrages which had been too common in the days of the Khalsa rule. The reports on general administration of the various Divisions submitted by the Commissioners for the information of the Government, concurred in the sedative effect on the population which the disarming measures produced under the firm authority of the Board of Administration. The pacification of the people was, indeed, a reality, which seemed to put any successful insurrection in the Panjab beyond the bounds of possibility. An excerpt from the report of Mr Clarke, the deputy commissioner of Gujranwala, bears out this point. He wrote: "The entire absence of regular stand up village fights resulting in a long list of killed and wounded is remarkable. I attribute this immunity, as well as much of discreet and orderly conduct of the body of the people to the wise measure of disarming the population. This law has done in five years what has not been done in fifty years in other Provinces, namely, it has tamed and civilised the mass of the high agricultural classes. No where has the sword been so thoroughly converted into ploughshare as in this part of the Panjab." It is interesting to observe that almost a contrary measure of not disarming the population of Oudh on its annexation

41. Ind. Pol. & For. Cons. 1852. Dec. 29. Nos. 144 ff.

42. Ind. Pol. & For. Cons. 1854. Dec. 15. No. 321. Quoted in Montgomery's report on the adm. of crim. jus. & police management, dated June 24, 1854.

annexation in 1856, contributed in no small degree to the general unrest of that particular country and enabled the talukdars backed by their retainers to play so active a part in the great Mutiny of 1857.

To return to general observations on the first phase of the Panjab police, interrupted by a reference to other events making for peace and order, it must not be thought that any model or pattern was closely followed by the Board of Administration in the police arrangements for the country. Though, indeed, there were certain aspects of the Panjab police force which were common both to the Regulation Provinces and to militarily governed Sind, yet to a large extent police arrangements in the Panjab were improvised to meet a situation peculiar to the frontier province, which would also fit in with the tradition and general practice of the village communities. There is tendency to ignore the special background of an individual tract of country and to insist on the borrowed elements in its institutions. That there should be borrowed elements is inevitable when a country falls piece-meal under the control of a political sovereignty, and the institutions tend towards homogeneity and standardization. The Panjab in particular drew  
copiously

copiously on the past experience of Anglo-Indian administration. Thus its land revenue system was based on the similar N.W.P. system, but it had its marked distinctions. The mistake which administrators are apt to make is to force the application of a set of ideas operating in a given locality on another part of the subcontinent of India, where the prevailing circumstances would render them altogether unsuitable or even mischievous. This kind of mistake was illustrated a generation before the annexation of the Panjab in <sup>the</sup> wholesale application of the Bengal zemindari system to the ryotwari tenures of Madras, but which fortunately did not take effect. Similarly, the military caste of the Sind Government which Sir Charles Napier championed, was clearly not required for the re-settlement of the Panjab. The Panjabis were neither barbarous nor lacking in the settled and peaceful habits of life as Sir Charles found the Sindis. Rather, the agricultural society in the Panjab had organized itself in fairly compact village communities and led a regular life. To have their affairs summarily determined in a court-martial fashion would have been an insult to the native genius of the people of the Panjab.

And speaking of the borrowed nature of the Panjab  
institutions

institutions, the organization of the Panjab Police Battalions might be construed as a concession to the views, which Sir Charles Napier generally held on the government of Indian, and which he aired rather irresponsibly and provocatively in this instance in a memorandum on the defects of the Panjab Government dated November 1849.<sup>43</sup> The fact is that similar military police existed in the North West Provinces for the performance of special and often difficult duties,<sup>44</sup> and its introduction into the Panjab was imperatively dictated by the peculiar circumstances of the times. It will be easily recalled that the Province had just been rescued from the anarchic ruin into which the decay of the Sikh régime had led it. The return to normal conditions and the preservation of life and property demanded that some kind of mobile, disciplined, armed and effective force should be organized to assist and co-operate with the civil authorities in the interior of the Manjah, across the desert wastes and jungles and in the securing of the marshes on the frontier. The same line of reasoning could, however, be used to meet the argument for keeping police and magisterial services apart, as had been attempted in Sind under Sir Charles Napier. In the Panjab both the services were

- Apr. 26. No. 114. Memo. dated Nov. 27. 1849.*
43. Ind. Sec. Cons. 1850. Vol. 105. No. 144.  
44. ref. Bd. of Adm. letter to the G.G. in C. dated Aug. 3, 1849. op. cit.



were unified; the deputy commissioner was the magistrate as well as the head of police in the district. It is true, that the separation of these two services was later effected after the Mutiny, but the Board of Administration had stoutly put forward the plea in a rejoinder to Sir Charles Napier's attacks on them, for the union of all administrative authority in a district officer at least in the initial development of the country.<sup>45</sup> The task of evolving a systematic government and establishing a rule of law amidst foreign people, long inured to mutual hatred and fighting, was a stupendous task to be accomplished by the concentration of power rather than by their dispersion. The union of police and magisterial functions meant the rapid process of conviction of a criminal and the speedy execution of punishment.

Again, the Panjab rural constabulary was as much in keeping with the village system, as were the revenue and fiscal institutions of the people. It was the declared policy of the Government to maintain the coparcenary bodies in all their integrity. The village chowkidar had occupied a distinct place in the community and the joint interests of its members were at stake for the keeping of peace in the country side.

To

*April 26.*

45. Ind. Sec. Cons. 1850. Vol. 166. No. 122. Memo. on the Civil and Military Adm. of the Panjab by the Bd. of Adm. March 1st, 1850.

To sever the village constable from the main body and place him direct under the orders of a separate police organization would have been the negation of the spirit of maintaining existing institutions, which so largely animated the policy of the Board from the outset. The co-operation of the inhabitants of villages was fully maintained in police measures by vesting the land-holders with police responsibility as in the older Provinces. In order that the popular interest in these measures might not flag, every attempt was made to remove obstacles to the popular appreciation of British justice. The Board of Administration later envisaged a scheme of rendering justice more accessible through the instrumentality of local kardars or tahsildars as they were now called, and of empowering the superior courts to proceed in certain sessions trials on the record of the case prepared by the magistrate, and to dispense with the attendance of parties and witnesses which would otherwise involve great inconvenience and delay.

It is not intended by these observations to excuse the many defects, which the Panjab police exhibited in its organization at quite an early date, or to present this particular branch of the Panjab administration as an unqualified success. Indeed,

46. vide infra  
47. vide infra

hh. 343-46 2nd hh. 386-89.  
hh 343-44.

Indeed, the criticism of the service was largely the same as that to which the Indian police of the period in general lay open, and still does in modern times, at any rate, in its rank and file. The civil branch of police lacked suitable recruits. The meagre pay of a constable could attract only a low class men. The upper and middle classes abstained from service in the police except in some higher positions. The general morale of the service was not exemplary. Very often torture and third degree methods were resorted to for extracting confessions from the wretched culprit. The conduct of the rank and file was generally insolent, overhearing and bullying. An instance of this came to the Board of Administration's notice where a thanadar kicking a respectable old man led to a riot. The Government was constrained to issue orders that the subordinate police officers should be kept properly subdued and in check, and that the district officers should enjoin kind and courteous treatment of the public at the hands of the local police.

But it was the difficulty of suppressing organized crimes such as dacoity, which afflicted the people so grievously and which demanded great courage, resource and sang-froid, to combat

48. Bd.of Adm.Judicial Circular No.36,dated July 9,1851.

combat these the Panjab police proved eminently successful. It is necessary to quote only two excerpts from the official documents written at two different periods in the history of the Panjab administration. They epitomise the work of the police and emphasize its stabilising influence in the stirring days of British occupation of the frontier province. The first views affairs at close range and speaks of the immediate result after the launching of the service : "With a police force of 14,000 men internal peace has been kept from the borders of Sind to the foot of Himalayas, from the banks of the Sattlej to the banks of the Indus, and this when a disbanded army of 50,000 men had mingled with the ranks of society when countless adherents and servants of the old government were wandering unemployed about the country, when the most influential sections of the population were still animated with a feeling of nationality, of revenge against the conquerors, of dislike to a change of institutions. So thoroughly have turbulence and sedition been laid asleep that no single emeute or riot has anywhere broken out. No where has resistance been offered even to the meanest servant of the Government. All violent crime has been repressed, all gangs of murderers

murderers and robbers have been broken up, and the ring-leaders brought to justice. In no part of India is now more perfect peace than in the territories lately annexed.<sup>49</sup>

The other quotation refers to the matured and well-seasoned police of the time when the great storm of the Mutiny had vainly tried to batter the ship of State. "During the most critical portions of the period under report ( 1856-58) the military police rendered such important service as Indian soldiers . . . . When in May 1857 a gigantic revolt sprang up at our threshold, when rapine and disorder were rampant in the districts beyond our eastern border, when it was evident that there would be disturbances more or less at the principal stations of the Panjāb, one of the first and most anxious question was how would the Panjāb police ( civil ) behave? Would they exhibit that cowardice and apathy for which Indian police had been too often notorious? Would they permit emissaries of treason to pass to and fro unchallenged?

"In the Thaneysur district ( which is ) inhabited by several predatory tribes and adjoining the Delhi Territory, then partially in revolt, at a time when disturbance was rising in town and country, when village was fighting village the headmen

49. P.X.R.1849/51. para|90.

headmen commanding the rural forces on either side, the regular police stood firm throughout and brought many prominent offenders to justice.

"If the position of the Cis-Satlaj States relative to Delhi be considered, the fidelity of the regular police during the crisis will appear remarkable.<sup>50</sup> Was a tribute so handsomely and generously accorded to a service during its life existence of less than a decade ever better deserved ?

50. P.A.R. 1856/58. paras 18-20.

B. CRIMINAL LAW  
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The orders of the Supreme Government, which constituted the Local Government and defined the system of administration to be set up in the Panjab, observed under the heading of 'Penal Code' that "with respect to the introduction of our system of Police [which must be taken to include criminal law] the Governor-General has no wish that our voluminous laws should be introduced into this new country. The several abstracts of our Regulations may be considered to contain sufficient for the guidance of our Magistrates, to whom, necessarily a larger discretion must be left than they have in our older Provinces." <sup>51</sup>

The abstracts of Regulations, which had appeared before 1849, were very numerous; and as none of them was specifically mentioned, and a larger discretionary power was vested in the Magistrates in applying them, the order could not be construed as introducing any definite law on the subject. The true interpretation to be placed on it would be that the Magistrates were to be guided by the principles and spirit of the Regulations, so far as they applied to the circumstances prevailing in the Panjab. The principles of the Regulations were discussed generally in the ordinarily received text books of the time, the

51. The Govt. of Ind. to the Bd. of Adm. dated March 29, 1849 op.cit. para 13.

the best known in the Panjab being Skipwith's Magistrate's  
52  
guide and Beaufort's Digest. These works were consulted very  
freely on any point of law, in preference to the actual Regu-  
lations.

The freedom given to the Executive officers to follow the  
scope and spirit of Regulations in criminal matters was, however  
subject to the limitation of the general principle laid down  
simultaneously by the Government of India that popular insti-  
tutions and general practices of the governed were to be upheld  
so far as they <sup>were</sup> consistent with the distribution of justice to  
53  
all classes.

The review of criminal law may here conveniently be inter-  
rupted, in order to consider the development of the courts in the  
country. They were organized in an ascending hierarchy. There  
was the Board of Administration at the apex; subordinate to  
it were the Commissioners' courts at the headquarter of the Di-  
visions. The district courts were presided over by the deputy  
commissioners, and their assistants possessing varying degrees  
of powers came next.

The Board of Administration necessarily formed the chief  
appellate court in the country. Appeals from the Commissioner's  
court below lay to it. In certain respects, the Commissioner  
could

52. Ind. Pol. & For. Cons. 1858. April 15 No. 146. The Chf. Comm.  
to the Govt. of Ind. letter dated Jan. 2, 1854.  
53. Supra p. 72



could not give judgment without first consulting the Board, At first, the mode of exercising the grave duty of carrying out capital punishment and transportation for life by the Appellate Board was strictly prescribed, that is, if either of these sentence passed by the Commissioner was dissented from, it was essential that all the three members of the Board should concur before the actual execution took place. This was clearly a limitation on the powers of the chief executive and judicial authority in the country, and was likely to hamper swift action, where men of such diverse character and ideas as constituted the Lahore Board, were made responsible for it. To obviate this difficulty and to render the powers vested in the local government really effective; the Board of Administration lost no time in representing to the Governor General in Council that any sentence in criminal trials whether in accordance with or in dissent from the opinion of the Commissioner should be placed within the competence of the concurrent voice of two of their members, to which the Government of India gave its consent in a letter No. 1753, dated Sept. 20, 1849.

The next instalment of great appellate powers in criminal matters vested in the Board was of somewhat extraordinary nature. It is necessary to remember that the stock on which administration

54. Ind. Pol. & For. Cons. 1849. Oct. 6, No. 19. The Bd. of Adm. to the Government of Ind. letter dated Sept. 7, 1849.

administration was being grafted, and the instruments employed for the purpose were by no means satisfactory or perfect. The Panjab had itself passed through a very chaotic period, the country was still undeveloped, and the people were little used to the restraints of law. Again the staff of administrators was unacquainted with the Regulations and were necessarily inexperienced. These peculiar circumstances called for the exercise of decisive powers by the chief local authority responsible for the safe government of a vast province. The Board therefore recommended two things.

First, that the appellate courts in the Panjab should be authorised in criminal cases to enhance the sentences passed by an inferior court to the maximum fixed by law.

Second, that the Board itself should be empowered to punish with the extreme penalty of the law crimes of violence accompanied by aggravated circumstances, although not attended with homicide.<sup>55</sup>

The Government complied with the Board's recommendations in enlarging the powers of the appellate courts in view of the lawlessness of the country and remarked that the Governor General "conceded to them the powers applied for with perfect reliance on their discretion that they should be moderately and

55. Ind. Pol. & For. Cons. 1849. Oct. 20. No. 108. The Bd. of Administration to the Government of Ind. letter dated, Sept. 18, 1849

and judicially exercised." <sup>56</sup> These orders took effect in the Panjab by the Judicial Circular Order of the Board No. 634, dated October 19, 1849.

However repugnant the principle underlying this extraordinarily enhanced jurisdiction of the appellate courts might appear in the eyes of English law, which is unwilling to disturb any decision of a judge and jury except for a gross mistake in law, or fact, it was not wholly misplaced in a country like the Ranjit's Panjab, little used to appreciate legal phraseology or judicial precision. There the increased powers of superior courts were calculated to preserve the object of punishment, which might otherwise have been lost by the inexperience or ignorance of a young officer learning his duties.

On the abolition of the Board of Administration in Feb. 4, 1853, the Chief Commissioner took over all the authority, which formerly belonged to the triumvirate. The Judicial Commissioner became the chief appellate authority but he exercised his appellate powers in subordination to the Chief Commissioner. This involved the re-definition of appellate jurisdiction on the points just commented on. The Chief Commissioner recommended to the Central Government that the Judicial Commissioner should be empowered to inflict capital punishment

56. Loc. Cit. The Government of Ind. to the Bd. of Adm. October 11, 1849.

punishment with the concurrence of the Chief Commissioner,  
even though the Commissioner below had not specifically awarded  
57  
it. The Governor General in Council replied that the Judicial  
Commissioner had the requisite power in conjunction with the  
Chief Commissioner to enhance the punishment dealt out by a  
Commissioner in a case over which he had no jurisdiction, and  
which he referred to the superior authority, but " where a  
Commissioner passes a sentence which he is competent to pass,  
the Judicial Commissioner ought not to have the power even with  
your [ the Chief Commissioner's ] consent to enhance it. Such  
58  
a power is not possessed by the Sudder court."



The

57. Ind. Pol. & For. Cons. 1855, Nov. 30. No. 230 The Chief  
Comm. to the Government of India, letter dated 5, 1858
58. Loc.cit. The Government of Ind. to the Chf. Comm. dated  
Nov. 28. 1855.

The Commissioner exercised original criminal jurisdiction of a Sessions Judge in a Division, and the appellate jurisdiction over the District courts. The deputy commissioner exercised magisterial powers in a district. He was associated in the task with Assistant Commissioners and the Extra Assistants, who held powers short of the full jurisdiction of a district Magistrate, which varied according to the grade they occupied. One of the great points of judicial administration with which the Board must be credited, was their solicitude to render justice prompt, cheap, less irksome and generally popular with the people of the country which they had been called to govern. The members of the Board, with their wide administrative experience in British India, knew that Western judicial institutions were necessarily exotic in the country, and were difficult enough to win popular appreciation, because they were technical and complicated. From the outset of the tenure of their office, the Board worked wholeheartedly to organize as simple and inexpensive a judicial system as would be consistent with securing substantial justice to the people and general administrative efficiency. After long deliberation with the experienced officers employed in the Panjab, the Lahore Government submitted certain proposals to the Governor General, which would render justice

justice expeditious, cheap and less troublesome to the country dwellers by dispensing them from attending the distant courts in person, and finally would lighten the burden which devolved on the responsible office of a Commissioner.

The proposals were two:

One, to invest Commissioners with power to pass sentence upon the record of the trial of the deputy commissioner's court in certain classes of committed cases.

Two, to invest tahsildars, Kotwals, or any other revenue and police officers below the rank of an Extra Assistant with the whole or part of the powers belonging to the office of a Joint-Magistrate, Deputy Collector and subordinate judicial officer under clause I, section I of the rules for the administration of civil justice in the Panjab.<sup>59</sup>

The Governor General in Council sanctioned these measures in the belief that they would promote substantial justice in the newly annexed Province.<sup>60</sup> The rules which regulated the modification of the judicial system were as follows. Incidentally, it may be noted that they were substantially the same as had been previously laid down for the Sauger and Nerbudha Territories.

1.

59. Ind. Pol. & For. Cons. 1851, Feb. 21. No. 220. The Bd. of Adm. to the Govt. of Ind. letter dated Jan.22.1851

60. Loc.cit. The Govt. of Ind. to the Bd. of Adm. dated Feb.12, 1851 .

1. Commitments within the final cognizance of the Commissioner, on which a sentence not exceeding 7 years imprisonment and 2 years more in lieu of stripes ( but flogging before 1834 ) could have been awarded, to be tried and sentence passed upon the proceedings of the deputy commissioner.
2. In cases within the competence of the Commissioner where 7 years imprisonment or 9 years as above might be awarded, a regular trial to be held by the commissioner whenever a plea of not guilty was entered.
3. In cases within the competence of Commissioner to punish in which the prisoners might voluntarily confess their guilt before the deputy commissioner, the trial should be held by the Commissioner on the record of the lower court and sentence passed without summoning the parties.
4. Whenever the Commissioner, on the perusal of proceedings of the deputy commissioner might deem the prisoner entitled to his release, he should set the prisoner free without requiring him to appear in person in the court.
5. The Commissioner was to have special jurisdiction over cases of rape in which he considered sentence of 14 years might be passed.

These extraordinary powers may sound startling, but they were applied with the greatest advantage. The Commissioners in the Panjab proved to be the means of dispensing speedy and substantial justice to the people for grave offences, who had hitherto been accustomed to demand atonement for them in a rough and ready fashion.

The principles underlying the other great proposal of the Board of Administration of rendering justice easy of  
access

access were:

1. The new jurisdiction which could be given to all officers below the rank of Extra Assistants, was dependant on the opinions of the Commissioners as to the fitness and qualifications of the individual concerned, and

2. The deputy commissioners were given power to determine how the extended jurisdiction might be exercised subject to the control of the Divisional Commissioners and the Board. Appeals on law and fact from the subordinate courts were to lie before the deputy commissioner, who could revise their proceedings even without an appeal being lodged if he so decided.

The agency finally chosen for conducting the small cause courts was the tahsildar. The Board of Administration sent out orders authorising the Commissioners to invest the tahsildars with judicial powers in civil, criminal and revenue matters according to their qualifications<sup>61</sup>, which incidentally formed the essential feature of Non-Regulation administration. The police functions of tahsildars have already been considered earlier in this chapter. Rules which were to guide these subordinate officers in their criminal administration were sanctioned by the Government of India in 1852, and obtained currency<sup>62</sup> in

61. Bd. of Adm. Jud.Crl. No. 58, dated Nov.19,1851

62. Ind.Pol.& For. Cons. 1852, dated June 18, No. 142. The Government of Ind. to the Bd. of Adm.<sup>undated</sup> 1852.



in the Province by the Board of Administration's Judicial Circular No. 45, dated May 11, 1852.

The important thing to notice about these rules was that the tahsildar was not ipso-facto a Joint Magistrate. He was to hold criminal jurisdiction according to his fitness with the express sanction of the Commissioner of the Division. As the capabilities and merits of subordinate Indian officers were untried, and their judicial qualifications, executive skill and experience were necessarily deficient, it was advisably laid down that the powers conferred for the administration of criminal law should vary with the standing of the individual officer. Precise rules of procedure were drawn up for their observance in trying either misdemeanours and petty crimes, or conducting preliminary investigations under directions of district officer before the criminal could be committed for trial.

The net effect of the delegation of criminal powers to tahsildars was to render justice easy of access, expeditious, and cheap. It meant the devolution of magisterial duties from the much harrassed district officers, who were engrossed with the general administration of the country, upon their subordinate officers. This device did not prove to be only of administrative

administrative convenience; it was calculated also to invest the local government functionary with the dignity and responsibility of his office. It also provided an opening for the sound training of the Panjabis in the task of assisting in the dispensation of justice.

Besides the regular tahsil courts, the Settlement Officers were also entrusted with power to try criminals.<sup>63</sup> The legal provisions under which they were to exercise criminal jurisdiction were sec.19 of Regulation IX, 1807, and sec.2 & 3 of Regulation 11, 1834.<sup>64</sup> A variety of cases that immediately concerned the settlement operations came under the purview of settlement Officers. Their specific authority extended to crimes that arose in their camps, or in which their subordinates were implicated, e.g. landholders and village accountants for bribery, extortion, perjury, falsification of accounts and records, and forgery. The effectiveness of the measure proved an unqualified success, where the great merit and the intimate experience of Panjab affairs of officers like Davies, Greathed, Wynyard, and Davidson were brought into play. The extraordinary powers of Settlement officers appeared so indispensable to the purity of land settlement operations, that the Governor General in Council on the representation of the Chief Commissioner

63. Ind. Pol. & For. Cons. 1850, Sept. 6 Nos. 59-62. Encls. The Govt. of Ind. to the Bd. sanctioning the Bd's recommendation, letter, dated Aug.26, 1850

64 Loc.cit. Encl. Mr. Edmonstone, the Supdt. & Comm. Cis-Sutlej Div. to the Bd. of Adm. letter, dated July, 17, 1850.

Commissioner in 1856, sanctioned ex-officio criminal powers  
65  
for Settlement Officers in the Panjab from hence forward.

To revert to the development of criminal law in the Panjab. It has been remarked above that it was largely inspired by the spirit of Regulations prevalent in the Bengal Presidency, the letter of which not infrequently was modified to suit the local circumstances. In the late Lahore Kingdom itself, a sort of criminal code had been worked out in conjunction with the Sikh notaries, which was put in circulation by the Regency Govern-  
66  
ment. There is no evidence to show, except perhaps a casual remark in the Panjab Administration Report for the year 1921 -  
67  
22, whether this Code was relegated to the background or adopted in a substantial degree in the criminal law subsequent to annexation. The principles, which underlay criminal law in the Panjab under The British were expressed as follows in the official document:" ... The idiosyncracies of the people have been studied; crimes not denoting great depravity and not subversive of society, which are regarded by the public as venial, have been treated with unusual lenity; crimes in themselves destructive of morality, and socially dangerous ( like adultery )  
which

65. Ind. Pol<sup>l</sup> Cons. 1856, Aug. 8, No. 242. The Govt. of Ind. to the Chf. Comm. Aug. 8, 1856.

66. Supra p. 32

67. P. 25 "In criminal law the code adopted during the period of Residency was maintained"

which are regarded by the public with peculiar abhorrence, and which lead to crimes of deeper complexion have been treated with unusual severity; and crimes perilous to order and to the common weal, which are nevertheless regarded with a spurious sympathy ( dacoity for example ) have been punished with as much vigour, as if they had been generally viewed with their due degree of detestation." <sup>68</sup>

It is necessary to notice here, briefly, the nature of crime which afflicted the country. Generations of official tyranny and the desperate rivalry of different religious sects in northern India had encouraged a great many organized crimes, the foremost amongst which was gang robbery, or dacoity. It was essentially a Sikh crime. The early history of the Khasak illustrated in a remarkable way the phenomenon of history, how a peaceful religious sect might become militant organized after the fashion of the Jesuits of Ignatius Loyola, and under the stress of political convulsions and violent religious bitterness might even rise to a position of political dominance in a country. The Sikhs in their earlier history were at best successful bandits; and by the daring displayed by the aristocracy of

of robbers, the Sikhs became emancipated from Mohamadan bondage and oppression. The early habits of a people die hard, and even after the Khalsa assumed a distinct political form, and organized itself under that astute Maharaja Renjit Singh, the Sikhs continued to indulge in the past time of dacoity, which had been the instrument of their tremendous rise from obscurity to be the ruling community. National habits or foibles are not capable of being readily changed or mended, so that the Board of Administration viewed from Lahore the gangs of robbers foraging everywhere unmolested and undenounced, except by their immediate victims. Crime had recently received a fillip on the disbandment of the Sikh soldiery, which were — let loose on the society without any prospect of active employment. The inauguration of a peaceful era must always appear dull, if not galling to a martial people, whose dominance is overthrown, and the preponderance of whose number in the military ranks must diminish on principle of political expediency as was the case with the Sikhs, at any rate, in the earlier stages of British occupation of the country. The restless elements of the Sikh population took to dacoity for excitement, while the disaffected nursed a grievance for revenge. The British however stood ready  
ready

ready to a man to maintain tranquility in the country. Obviously, the one condition of peace was that society should be protected from the attacks of organized criminals, and the Board of Administration's measures were directed to extirpating violent crimes, which were more in keeping with the Middle Ages than the XIXth Century. The district officers were empowered to deal with cases of dacoity even beyond the time limit, the Treaty of Bhaorowal, December 16, 1846, which was prescribed<sup>69</sup> ordinarily for the cognisance of British courts in respect of crimes. Stringent punishment was inflicted on those who were convicted of the crime. The patrolling of roads by mounted police was carefully devised, and Mr. Saunders, the deputy commissioner of Amritsar was particularly successful in keeping the Manjah country under strict surveillance. The road police stations were located at intervals of between 2 and 3 miles on the great high ways, and consisted alternately of both sowars and burkundazes, and burkundazes only. The large chowkis were built to hold 1 jamadar, 4 sowars, and 4 burkundazes; the small ones could accomodate only 4 burkundazes.

The combined measures of detective vigilance and police severity in awarding offenders signal and summary punishment led to

69. Bd. of Adm. Judicial Circular No. 131, dated, June 6, 1849

to the rapid diminution of crime. The success of the Board's policy was so complete that the second official report on the administration of the Panjab was able to record that " the extinction of dacoity in the central districts of the Panjab may be pronounced complete... Crime occurs only in the Peshawar valley, on the banks of the Indus, or in Derajat. From the jumma to the Indus there is no such thing as a gang." <sup>70</sup>

Another violent form of crime which prevailed in the Panjab was thuggi, which gained notriety for the skill and effectiveness with which it was performed in Hindustan. This crime had already been brought to light in territories lying on both sides of the Sattlej, but in the Panjab proper it was at first unsuspected. The close patrolling of the roads drove the thugs to practise their nefarious art underground. But doubts as to the non-existence of thuggi were soon dispelled, when a sporadic outbreak of it made the authorities investigate the situation properly. A thuggi department was soon set on foot under Mr. Brereton, who was to take instructions from Capt. Sleeman, the General Superintendent of the suppression of Thuggi in India. Mr. Brereton worked with great patience and tact at the work. Bargaining with the convicted approvers that their lives should be spared upon full disclosure of the practices of thuggi, but that

that a single false statement would forfeit them, he soon wormed  
71  
out the secrets of the crime. Brereton submitted a report dated  
November the 25th, 1852 to the Board of Administration, in which  
he described the origin, progress, extent and character of thug-  
gi in the Panjab, and the measures proposed to suppress it.

The past history of the crime need not detain us. What  
was of greater importance was the fact that the crime of thuggi  
was perpetrated chiefly by the Muzzubi Sikhs, the lowest caste  
of the followers of Namuk, the sweeper class, and the sāinsis or  
the gipsy tribes of the Panjab. Mr. Brereton came to the con-  
72  
clusion, which was corroborated a year later by Major Graham,  
who succeeded him in the charge of the thuggi department in  
November 1852, that the commission of thuggi in the Panjab bore  
very little resemblance to thuggi in Hindustan. There was no  
secret society or fraternity; no secret language; no religious  
observances and superstitions, nor were any of the usual ceremo-  
nies or rituals observed. " Only small independent parties of  
villains start upon an expedition in quest of plunder unscrupu-  
lous by what means they attain it, and nothing loath to shed  
blood but giving strangulation as the shortest method and least "  
susceptible of recovery; they adopt the 'romal', but use it in  
73  
such a way as a regular bred thug would be ashamed of."

71. Ind. A.M. & For Cons. 1853. Jan 14. No. 259. H. Brereton to the  
Bd. of Adm. Nov. 25, 1852. Report on Thuggee.

72... 1854, Dec. 15, No. 321. Appendix to Montgomery's Rept. on  
Crime, justice & police management for 1853; Major Graham  
to Capt. Sleeman, letter, March 24, 1854.

73. Loc.cit. Major Graham to Capt. Sleeman.



The measures for the extirpation of this crime followed along lines which were first indicated by Brereton. First, all Sikhs of the muzzubi caste, sāinsi, and other characters suspected of following this murderous custom were placed under strict official surveillance. They had to be registered in the local thana; headmen of the village were made responsible for reporting their movements to the police; and the landlords were encouraged to employ them on the land, and thus check their migratory propensities. Second, a reformatory school after the pattern of the central colony at Jubbulpur was established at <sup>74</sup>Lahore, where these classes of the population were taught habits of industry, and other useful arts. Thirdly, they were employed in greater numbers as navvies in public works of all kinds, like canals, roads and cantonment buildings, which were progressing at a gigantic pace. And finally, they were allowed to be recruited in the civil corps of sappers and miners and were destined to render yeoman's service during 1857-58, in the cause of authority and established order.

The effectiveness of these measures aimed at the suppression of thuggi, as well as the reformation of the thugs is reflected in the comparison of the number of murders spread over

74. Ind. Pol. & For. Cons. 1857, Feb. 20, No. 220. Enclosures to a letter from the Chf. Comm. to the Government of Ind. Jan 3, 1857, contains interesting informations on the working of School of Industry for thug approvers and their families at Lahore.

a period of years with which the study of official documents supply us. The commission of thuggi invariably involved murder; the following statistics are therefore self explanatory. Murders and attempts at murder in 1853 stood at the high figure of 370, in 1854 at 249, in 1855 at 221, and in 1856 at 197, <sup>75</sup> so that three years after the measures were put in operation the crime was reduced by one-half. The satisfactory results thus achieved were highly creditable both to the thuggi department and the police of the Panjab.

Destruction of girls at birth is an indication that the people who practise it have been rendered morbid by the false notions of social superiority and perverted sense of religion which the dominant section of a community might entertain and impose on the rest. The Rajput clans had for ages practised the crime, or rather for them a social necessity from avarice as much as from arrogance. But the motives which actuated the perpetration of this crime among the Bedis, who formed the aristocracy in the Sikh church, were two-fold, pride of birth and poverty of purse, that is, the social custom among them enjoined that a daughter should marry into a higher caste than her own, a practice of hypergamy based on exaggerated pretensions of birth, or the proud parents were too poor to stage a magnificent marriage

75. Ind. Pol. & For. Cons. 1857, May 22, No. 126. Encls. The Chf. Comm. to R. Montgomery, Judicial Comm. letter, dated April 17, 1857.

marriage, which the custom of the caste made obligatory.

The prevalence of female infanticide among the members of Rajput and Sikh tribes and families had previously attracted attention in the Cis-Satlaj States at a very early date, and considerable success had attended the measures taken to suppress the crime. The cession of the Jalandhur Doab in early 1846 brought to light the tenacity with which infanticide was practised in the entrenched position of the Khalsa. John Lawrence reported the state of affairs to the Governor General in Council and asked leave to apply stringent measures to put a stop to it, which the Government sanctioned. <sup>76</sup> Severe punishment was awarded whenever a case of infanticide was reported. But it was often very difficult to detect it, because it was practised in the zenana. John Lawrence strove to influence local public opinion in favour of its suppression, but try as he might, his reasoning failed to carry convictions with the Sikh high priest, Bedi Bikram Singh.

With the establishment of control by the British over the country west of the Jumna, a systematic enquiry was undertaken through the instrumentality of district officers " as to the prevalence

76. Ind. Sec. Cons. 1846. Dec. 26, No. 984. The Sec. to the G.G. to Major H. Lawrence Agt. to the G.G. on the N.W.F. letter No. 303, dated Aug. 8, 1846.

prevalence of the practice, which was found to extend to more places, and to more tribes than had previously been supposed, especially to many sections of the Rajput tribes, who, it was hoped, might prove comparatively free from the opprobrium."

An examination throughout the interior of the country showed that the crime had spread far and wide, embracing the Hill Rajputs in the Cis-and Trans Satlej States and right across the central Panjab the priestly Bedis of Jalandhur, of Dehra Namuk and of Rawalpindi; the educated and mercantile Khatrias of the middle Doab from the Satlej to the Indus; the kingly Suddooye Pathans; the Multani<sup>1</sup> Mohamadans, and the cattle-drivers of the Satlej valley and the central wastes of the Panjab. In fact, the whole Province was infected by this horrid social practice.

In reporting the results of one of these enquiries conducted  
77  
by Herbert Edwards in the Jalandhur district to the Government of India, the Chief Commissioner feelingly suggested that a re-orientation of popular ideas and persuasions was required to rid society of the crime of infanticide; that the leaders with their pretensions of social and religious superiority should be induced to reduce considerably the exorbitant expenditure on marriage. John Lawrence scouted the idea of employing espionage and any  
undue

77. Ind. Pol. & For. Cons. 1853, Sept. 9. No. 185, Encls. H. Edwards to D. McLeod, Comm. Trans-Sat. dated June 30/52. ~~The report was subsequently published in No. VI. in Selections from Public Correspondence.~~

undue police interference, and however necessary the agency of secret detection might be, such means were calculated to provoke the people, and might even invite extortion and oppression from the petty government officials." If we can once get influential Indians to set their faces against female infanticide; to consider it a crime and a disgrace, our eventual success may be deemed certain."<sup>78</sup>

The literature on the subject of female infanticide forwarded by the Chief Commissioner with this correspondence, included a very suggestive Minute written by Robert Montgomery, the Judicial Commissioner, in which he proposed

Firstly," that a proclamation should be issued through out the Panjab, denouncing the crime of infanticide, and declaring the determination of Government to punish as murderers all who continued the practice.

Secondly," that the copies of the proclamation should be distributed most largely amongst the classes who practise it, and that the heads of the tribes should be called on to suppress it.

Thirdly" that the heads of villages [lambardars] in which infanticide is known to prevail, should be called on to give information of the crime under the penalty of being deposed from

78. Loc. cit. The Chf. Comm. to the Government of Ind. letter dated, July 8, 1853.

from the village management and deprived of the income arising therefrom.

Fourthly" that an annual census of the inhabitants, male and female, of villages and tribes known to practise infanticide should be made, distinguishing the male from female children." <sup>79</sup>

These suggestions were indeed constructive, for they emphasized a sympathetic approach to the problem. John Lawrence gave his concurrence to the proposed measures, but with one important qualification that " the headmen of village should only be punished on flagrant neglect of duty, for their's will be an irksome and invidious duty."

The Governor General in Council substantially adopted the course of action suggested by the local government for the suppression of an unnatural crime, and remarked that their official abhorrance of the crime should be broadcasted, and that the perpetration of infanticide should be visited by the severest punishment of the law as well as the forfeiture of jagirs and pensions, which had been so liberally heaped on the Bedis, and finally they generously concluded that the Government would confer " rewards or honours or even titles upon a few of those who may have been most forward in abandoning the inhumane practice,

79. Loc. cit. The Minute by the Judicial Comm. of the Panjab dated June 16, 1853.

practice, which their fathers pursued.<sup>80</sup>"

A darbar was accordingly convened at Amritsar for the discussion of the subject with Indian notables. The occasion chosen was the Diwali, the most popular of Hindu festivals. The meeting was very representative. To it came the "nobility, chivalry and hierarchy of the old Sikh regime, and the wealth, rank and influence of the new." There was a strange galaxy of the Nawabs, the Sikh priests, the capitalists and the pundits. Official influence and dignity was added by the presence of chief officers of the Panjab, and their subordinates. Notable among the latter was Mr. Raikes, the Commissioner of Lahore, who had been the instrumental in prevailing upon the Chohan Rajputs of Myanpuri in the North Western Provinces to give up the ghastly crime of female infanticide. It was nothing unusual that a sense bordering on humiliation of a flagrant offence committed against humanity produced by the joint deliberations should arouse great moral fervour among this vast concourse of people. A great many proposals with the object of encouraging intermarriage among the subdivisions of the same creed, and of reducing marriage expenses were agreed to en masse. A general resolution was adopted in open darbar expressing abhorrence of the crime and

80. Loc. cit. The Govt. of Ind. to the Chf. Comm. letter No. 3894, Sept. 7, 1853.

and their common determination to suppress it by all means in their power.

This led to a crusade against infanticide and was followed by supplementary meetings held in the principal towns of the Panjab. The Maharaja Gulab Singh sponsored the cause by remitting the cesses he was in the habit of levying on marriages in his kingdom. The efforts of the Board of Administration proved fruitful. The true note of its significance as a great moral and social uplift of the people of the Panjab, was struck by the Marquis of Balhousie in one of his famous Minutes. He wrote: "I do not think that I over-rate the importance of these incidents when I describe the result of the meeting at Amritsar, as the commencement of a new social era among the people of the country beyond the Jumna. The benevolence, perseverance, the judgment and tact by which the harmonious result has been educes from out of such various and discordant materials are honourable in the highest degree to the gentlemen whose names are enrolled in the record before me."<sup>81</sup>

The praise of the Panjab officials was as well deserved as the interpretation of this notable crusade was correct.

For

81. Ind.Pol.Cons.1854.April 28,No.243. Minute by the Most Noble the G.G. dated January 20,1854.



For a social revolution indeed it was. Female infanticide belonged to the same type of grave social abuse from which Hindu society suffered as the Sati of a generation ago in British India. The Hindus had been so long isolated as to lose their sense of human values. Crimes of this nature flourished under the influence of misguided religious enthusiasm, and it needed the impact of Western humanitarian thought to help restore the right perspective in a Hindu world. The British set a higher value on human life and dignity. With the conscience of the people of the Panjab thus aroused and directed under vigorous European rule to mitigating chronic wrongs, the crime was rapidly suppressed. But more than that, the British earned the just thanks of posterity in India for their humanising mission.

Among the abuses prevalent under the Khalsa rule may be counted slavery. Slavery in the Panjab was domestic and not predial. Like the Chinese custom 'M<sup>u</sup>-T<sup>s</sup>ai' of old, and which prevails to some extent in Singapore even <sup>a</sup> to-day, children of both sexes, especially females, were openly for service supplied/in households. The practice was often abused, when human property assumed the shape of an article of public traffic

a. and in Hong Kong - The Times London. March 15<sup>th</sup> 1937.

traffic. As very severe punishment was prescribed for an offence of this nature, the tendency was for slavery to decline.

Of all the crimes associated with the Sikh régime, cattle lifting was the <sup>"</sup>queerest. It was generally recognised to be the social weakness of Sikh character to lift and to pilfer, and not a few among them considered it an honourable profession. Their reliance on deeds of valour in lifting cattle was amply repaid when it was looked upon as a mark of distinction and was rewarded by the present of a bride from amongst the heads of the tribes.<sup>82</sup> The Board of Administration laid emphasis from the beginning on providing positive correctives to the morale of the people, to be achieved by a gradual process of civilisation. There were irrigational schemes which would make cultivation in the desert waste possible, and the laying out of roads, which would facilitate better watch over and expeditious pursuit of offenders. Until these material improvements were effected, cattle stealing stood at a formidable figure, and even grew despite the increased vigilance of the police.

Such were the glaring crimes of the Panjab on the eve of  
British

82. Ind. Pol. & For. Cons. 1852. Dec 29. No. 144. Encls. R. Montgomery, Comm. of Lahore Div. to the Board of Adm, letter July 16, 1851.

British accession. There were others perhaps equally numerous which are inseparable from the weakness of human character. They require no <sup>special</sup> mention here. The punishment of various crimes was, of course, provided for in the general law; and where contingencies demanded, other penalties were prescribed by special orders of Government. But with regard to the general law of ~~the~~ crime, it may be re-iterated that very little formal legislation took place. Law remained to all intents and purposes what passed for custom and usage under the Sikhs. The Panjab penal code was, therefore, a mixture of now well-defined usage and executive orders, "which in simplicity, in logic and suitability, far surpassed the queer compound of Quranic injunctions and English rules, which passed for criminal law in the Regulation Provinces." <sup>83</sup>

In a review of criminal justice in the country, it may perhaps be well to remember, that the political revolution in the Panjab, at any rate in the initial stages, encouraged the prevalence of crime. This was in a measure inevitable, because it gave the more turbulent spirits of the Khalea an opportunity to fish in troubled waters as of yore. Although Robert Montgomery, the Commissioner and Superintendent of Lahore

Lahore spoke of the Sikh leaders settling down quietly under their fallen fortunes - "Near Lahore and Amritsar may<sup>84</sup> be seen those who were non-commissioned officers in the Sikh army dragging wood and supplies in hand-carts to market." - yet the truth is that there was an abundant harvest of crime, both organised and ordinary, during the first year or two of British rule. We have it on the authority of Donald McLeod, the Commissioner of the Trans-Satlaj Division, in whose jurisdiction the Manjah lay that there was a new surge and recrudes<sup>85</sup> cence of crime throughout the Panjab on its annexation, a statement which Montgomery himself later admitted. The one obvious consequence of the success of British arms in the plains of the Panjab was that the Sikh army was disbanded, and through lack of active employment, the men were perforce thrown back on the inhospitable soil of the "bars", with which the country abounded. It was natural enough that under the circumstances, the Sikhs should resort to brigandage for adventure as well as for economic gain. Great efforts were subsequently made to absorb them in the vast scheme of reconstruction that was taken in hand very soon - - the building of cantonments, laying out of trunk roads, putting up

84. Ind. Pol. & For. Cons. 1851. Jan. 17. No. 10. Encls. R. Montgomery's report on the Lahore Div. dated July 10. 1850.

85. Ind. Pol. & For. Cons. 1850. Jan. 4. No. 50. Encls. D. McLeod. to the Bd. of Adm. letter dated Sept. 15, 1849.

up government buildings to house various departments at the capital as well as in the interior, and the cutting of irrigational canals. This all provided a useful diversion, where the man-power of old Sikh kingdom could be better employed, and not be merely a nuisance and menace to society. But the criminal courts had a just share in the resulting diminution of crime. Barely four years of British administration had elapsed, when organised crime yielded before the organised repression of penal law. If, however, violence persisted in some form or shape, it was only upon the frontier, where the mountains pressed upon the rivers, and where the murder instinct was too strong, and mutual quarrels chronic. Were we to set up criteria for the efficacy of judicial institutions in the matter of dealing with crime, it must surely consist in an increasing proportion of convictions to acquittals before the Magistrates; the proportion of convictions to the committals to the Sessions; the time within which cases are disposed of; and the period within which witnesses are discharged. Judged by these tests, the criminal courts in the Panjab were worked fairly satisfactorily and displayed a thorough grasp of their criminal

criminal work. The study of comparative statistics furnished by the various administrative reports on the Panjab show that there was a growing tendency for the diminution of crime pari passu with the expedition of trial. The record of crime towards the close of the period of this treatise shows that the proportion of crime fell from 1 to 278 of the inhabitants in 1854, to 308 in 1855, and to 302 in 1856. Violent and heinous crimes rapidly diminished; thuggi, infanticide and gang robbery were almost entirely suppressed; and the value of stolen property recovered by the police averaged one-third. This state of crime was substantially maintained during the crucial year of 1857 in the unaffected parts of the Panjab, though the local officers had been empowered to try and punish summarily, even with death, offences affecting public safety.

If the law of the country was severe and relentless in punishing crimes, the Government took great care that its functionaries invested with large powers, as indeed they were, should exercise <sup>them</sup> judiciously, and that no innocent person should be unnecessarily victimised. This was a contingency that the Government had always to guard against, but

- 86. P.A.R. 1854/56 para 12.
- 87. P.A.R. 1856/58 para 12.
- 88. Loc.cit.

but often failed, especially when the Panjab commission contained so many inexperienced young men. Whenever any serious mis-application of powers or dereliction of duty occurred, the Government was not found wanting in administering strong reproof and even punishment to the offenders. Two cases may be noticed here.

The first relates to the high-handedness of the young Hodson in a murder or attempt to murder trial. Lieut. Hodson had relieved Major Lumsden who had proceeded on leave, as the Commander of the Guides, and ex-officio the Assistant Commissioner of the Yusufzye country. A murderous attempt was made on the life of Lieut. Codley of the Guides. A charge was trumpeted up against one Kadir Khan, a powerful chief of the Yusufzye. There was no evidence implicating the chief, but Lieut. Hodson nevertheless subjected him to great inconvenience and indignity, and kept him confined in prison for sometime. For this act of grave injustice, Lieut. Hodson was deprived not only of the civil charge of the Yusufzye territory, but also of the command of the Guides, and he was ordered not to hold any civil and judicial office in future. Hodson was a soldier of great merit and was favourite

favourite with the Government, but it was characteristic of the Panjab Administration that he should be sacrificed in the cause of justice to the people and the honour of the service.

Another instance where an officer of ability and resource who had been applauded for his exertions in the suppression of thuggi was disgraced and degraded for a gross dereliction of duty, was that of Mr Brereton, when he was Deputy Commissioner of Ludhiana. He had commissioned certain people not holding any regular office without written orders or directions or any formal responsibility to prefer charges, to procure evidence, to seize property and to detain persons; in short, to set up a separate criminal court.<sup>89</sup> This was more than the Government could tolerate in compromising its policy of strict observance of the rule of law, and Mr Brereton justly underwent the ignominy of reduction to the grade of first assistant.

Nor was the Board of Administration itself spared from being reproved by the Superior Government in cases of miscarriage of justice. In 1850 the Board passed sentence of death on two boys aged 13 and 14 years. The sentence was in opposition to the opinion of the Commissioner of Jhelum Division

89. The circumstances of Brereton's dismissal are carefully summarised in the Govt. of Ind. letter to the Court of Directors dated Dec. 22, 1855. Ind. Pol. Letters Received 1855. Vol. 28. p. 696.



Division, who recommended life imprisonment for the criminals. The Government took a serious view of this excessive punishment, and held that the execution of children was not only inexpedient but wholly opposed to the judicial morality of all civilised nations. The Governor-General in Council expressly ordered that in future no death penalty should be executed on youths of tender age, and that in all cases of doubt, it was the duty of the local government to refer the matter to superior authority.<sup>90</sup>

There was, however, one curious phenomenon, which emerged from the operation of the British criminal courts, that while heinous crime was greatly reduced (some of the worst kinds became in fact extinct) petty felonies, cattle-stealing, larceny of all kinds and fraudulent crimes such as perjury, embezzlement, and forgery flourished if they did not, indeed, increase. The explanation of this is not far to seek. These offenses were barely looked upon as crimes, and were never really punished as such under the Sikh rule. Some of them were treated as mere venial offenses not worth bothering about by the State, while others like

90. Ind. Pol. & For. Cons. 1850. March 22, No. 56. Minute by the Most Noble the G.G. dated March 20. 1850.

like the uttering of spurious coins were connived at and encouraged by government officials.<sup>91</sup> It was a case of a difference in the point of view of two radically opposed conceptions of government and the implied duties of the people living under it. The English law treated cattle theft as larceny and even aggravated larceny; the Sikh custom and habit would permit it as a joke.

Another cause underlying the abundance of petty crimes under the British rule, lay in the difficulty with which the accused was prosecuted to conviction. The distance of the court, the delay in justice, the inexperience of officers, the indolence and indifference of the people, which characterises any rural society, the technicality of the English system of Procedure, the extent of proof demanded for prosecution in a trial, all these adverse factors, though perhaps an inevitable incident of the introduction of alien institutions, were yet calculated to militate against the efficacy of criminal administration. The attitude of the people was also answerable in part for it. They were supremely inattentive to the commission of perjury, and the crime passed unobserved; but in the case of a more sensational crime

91. See supra p 287.

crime occurring, their energies were electrified, and their passions aroused to fever heat, which easily brought about the intervention of police, and a speedier dispensation of justice. Difficulties of this sort could only be obviated by educating the masses and inculcating a new sense of rights in person and property, which are more easily bred in the people than imposed from outside. But even then the inevitable delay in the operation of English justice would remain, because it seems to recognise a principle, admirable and sound in itself, that it is better to let two criminals go than to punish an innocent person.

In the final analysis of punishments for crime, it becomes clear that the rigour of law resulted in large number of criminals being imprisoned in the earlier years of British rule. Their number was often prodigious; the aggregate rose from 8,000 to 9,000 and upwards to 10,000 in 1853., and maintained at the cost of Rs 41 per head per annum; an average amount which was Rs 6 in excess of the cost in the Provinces generally.<sup>92</sup> This was due mainly to the Panjabi guard being more expensive. The Board of Administration realised early the disadvantage to which the mere shutting

shutting up the prisoners was open. Firstly, to maintain an extensive jail establishment would entail heavy financial burdens, which the finances of the Panjab in the process of being re-organised could not brook; and secondly, the congregating of prisoners under one roof was itself very unsatisfactory and it was feared that the contaminating influence once spread would be productive of still greater evil. Consequently, efforts were made to substitute other forms of punishment for mere incarceration, which would primarily be deterrent in its object. The chief credit in the working out of other modes of punishment must belong to Robert Montgomery, to whose zeal many a reference has already been made in these pages, and who quite early as Commissioner of Lahore drew the attention of the Board of Administration to the policy of imposing fines as a mode of punishing crimes of felony and misdemeanour. The payment of fines for wrongs done was recognised under the Sikh dynasty, and he held that a modification of this form of satisfaction with well-defined scales might be applied with good effect both from the point of view of the moral well-being of the community as well as the finances of the State.

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State. This was approved by the Government and fines were levied in addition to corporal punishment. The Board of Administration specifically ordered that cattle stealing and all cases of burglary under the value of Rs 50 should be punished by flogging.  
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Punishment became steadily more and more mild. The mitigation was indeed desirable, for as has been remarked above, the crime in the Panjab arose from the inveterate habits of the people. It did not require the deterrent method of striking terror into the criminal classes. Rather reformatory schemes organised through gaol discipline were the right approach to coping with crime. But before this can be taken into account, it may be remarked that the Panjab officials were becoming more and more alive to the need of a proper code being put in force in the country. It is true that able officers of the calibre of John Lawrence, who had governed the Jalandhur Doab in 1847, and R.N.Cust, the Deputy Commissioner of Hoshiarpur, had spoken of the benefits likely to result from the introduction of the code of law, commonly called the 'Macaulay Code'. There was hardly a 'faujdari court' in the country, nor was there  
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93. Ind.Pol.& For.Cons.1851.Dec.29.No.44.Encla.R.Montgomery to the Bd.of Adm.letter dated July 16,1851.  
94. Bd.of Adm.Judicial Circular No.38,dated July 30,1851.  
95. Ind.Sec.Cons.1847.Dec.31.No.2272.J.Lawrence to the G.G. letter dated May 26,1847.  
96. Ind.Pol.Cons.1850.Jan.4.No.50.Encls.R.Cust to McLeod Comm.of Trans-Sat.letter dated Feb.23,1849.

there any definition of crime and punishment under the old régime. They held that the Regulations might conveniently be adopted, which would furnish the requisite guide to the local officers. But these representations were relegated to the background, because the penal code was about to become law, though it had not yet been enacted. Now again in 1854, the Judicial Commissioner made vigorous efforts to remedy the more glaring defects, as they became visible from the working of criminal administration as a consequence of the absence of a definite law. In a special Minute, Robert Montgomery proposed a few rules which were intended to rectify the defects and discrepancies in punishments. The rules were as follows:

1. That the Magistrates should be empowered to punish theft by fine.
2. Manslaughter, affray, assault, perjury should be made punishable by fine and imprisonment.
3. Miscellaneous offences punishable under the general regulations by imprisonment and fine, should be declared punishable by fine alone.
4. Fines should be imposed in cases of petty thefts at discretion.
5. Cattle-lifting should be punished by fines and stripes.
6. Fines might be realised by distraint or imprisonment.
7. Separate confinement should be observed in prison.
8. One month of solitary confinement should equal four months of ordinary punishment.
9. Remission of sentence may be made for good behaviour.
10. Good conduct should include acquiring a trade and learning to read and write.
11. Register of good behaviour should be kept.

John

97. Ind. Pol. & For. Cons. 1854. Sept. 1st. No. 227. Encls. Minute by R. Montgomery, the Jud. Comm. of the Panjab. March 9, 1854.

John Lawrence in submitting these proposals for consideration of the Government of India modified them as follows, that with reference to No.5, which laid down corporal punishment and fine in cases of stealing cattle valued at Rs 100 or under, imprisonment with hard labour might also be awarded; and that rule 8 should be changed to the extent that prisoners convicted of heinous crime should be excepted from the operation of this rule and that one month of solitary imprisonment should count for two of ordinary imprisonment. The Marquis of Dalhousie approved of these rules and instructed that they should be put into effect forthwith;<sup>a</sup> but their introduction had to be postponed owing to the penal code being in the hands of a Select Committee of the Legislative Council and on the eve of being passed into law. Further complications and the general unrest in the country began to interfere with the deliberations of the Government, and it was not until after the Mutiny, in the year 1859 that drastic changes in the criminal law of the Panjab were introduced.

Prison Discipline.

It was in the matter of gaols, their erection and the establishment

- a. Loc.cit. Cons.No.228.Minute on the Crime in the Panjab by the Most Noble the G.G. dated July 29,1854.

establishment of discipline among the prisoners that the British found an altogether clear field to give a concrete shape to their ideas of treating convicts. There was nothing for them to learn from; nothing as in the revenue and police management, which could be modified or sustained by European superintendence and skill. The Sikh method of dealing with prisoners had been a rough and ready one. They found it easier to mutilate robbers, put felons at once to death, or to release them on payment of a large fine, or even to enrol them in army. The Board of Administration in answer to the query from the Court of Directors "as to the manner in which culprits have hitherto been imprisoned or otherwise punished in the Panjab" replied that imprisonment, except in dungeons or at the bottom of dry wells for political offences, was not an Indian punishment, and that the common punishment was mutilation of criminals. The debtors were usually chained to the gateways of cities. When the Board took over the government at Lahore, they found that there were not more than 400 men in confinement at any time during Ranjit Singh's  
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reign.

The development of prison policy in the Panjāb was  
necessarily

98. Home Miscell. No. 761. pp 873-4. The Bd. of Adm. to the G.G. in Council, letter dated Dec. 4, 1852.



necessarily cautious and slow at first. The cessation of hostilities and the establishment of a stable power where there had been shifting sand before, resulted in an enormous number of criminals being shut up, which rather overtaxed the meagre resources of district officers. Accommodation for prisoners was necessarily restricted. The Board of Administration nevertheless succeeded in its early measure of classifying prisoners and segregating females from the males and the offenders against civil law from the criminals.<sup>99</sup>

As gaol discipline depended upon the existence of good jails, a comprehensive scheme for their construction was at once formulated. They were of three classes. The first and second were central and the third, district. It was deemed expedient to construct first a big central jail at Lahore. Its estimated cost was some Rs 220,258. part of which was defrayed by the sale of convict labour in the shape of goods manufactured in jails. The Lahore Central jail was designed to house 2,000 prisoners, usually serving long sentences. The Court of Directors in sanctioning the cost drew the attention of the Panjab Government to their previous despatch in India Judicial Department, dated Nov.17

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99. Bd.of Adm.Judicial Circular No.8,dated Feb.25,1850.

(11) 1341, in which they had raised objection to the setting up of very large jails from the point of view of the health and discipline of prisoners. They suggested that some specific person should be appointed whose function should be to review and report on the proposed site for the building of jails as well as their estimated cost.<sup>100</sup>

Accordingly, Dr Hathaway whose indefatigable exertions as a Civil Surgeon at Lahore had already won the approbation of the Supreme Government, was appointed to the post of Inspector of prisons in the beginning of 1853. Dr Hathaway possessed remarkable intelligence which he applied in the creation, maintenance, and reform of — jail system. His duties were "to evolve a system of uniform accounts, statistics and indoor labour; to fix upon healthy sites for jails and hospitals; and to devise means for the elevation of the moral character of prisoners." He naturally did not have the final voice on all matters concerning jails; in fact he had no independent authority at all. His main concern with respect to the mufussil jails was to inspect, report and to suggest. It was left to the discretion of Commissioners of the various Divisions to give effect to his

100. Ind. Jud. Desp. 1851. No. 4. The Court of Directors to the Hon'ble the G.G. in C. dated March 4, 1851.

his suggestions.

Dr Hathaway's energies soon bore fruit. In a report on the jails of the Panjab, he was able to record that the basis of all jail reform had been provided for; that every district had its jail.<sup>101</sup> Operations in all aspects of jail discipline were attended with steady progress. Improvements were designed to reconcile such incompatibilities as increased economy with better health and proper sanitation. Good clothing and sufficiency of food were ensured. Although the number imprisoned in the year 1853 was registered at the high figure of 10,242,<sup>102</sup> yet the rate of mortality declined considerably from 9.72 in 1852 to 4.95 in the following year. The practice of employing convict labour out of doors under the Public Works Department was discontinued, and a healthy system of indoor employment was substituted, so that each gaol became an industrial school. A sum of Rs 155,752 was realised from the sale of convict manufactures which included carpets, tent cloth, country paper, carpentry, camel and elephant gear.<sup>103</sup> It may be noted that almost all the jails were erected by prisoners themselves. Dr Hathaway ever looking for fresh avenues of activity, instituted rudimentary

101. Ind. Pol. & For. Cons. 1854. Nov. 17. No. 288. Encls. Charles Hathaway, Insp. of Pris. to The Jud. Comm. May 31, 1854.  
102. See supra p 372.  
103. The estimated value, direct and indirect, was 163,238/ in 1854 and 161,541 in 1855. P.A. XV 1854/56 para 33.

rudimentary education in the Lahore central jail, a step which gave an impetus to similar action by all district officers in their respective jails. Mitigation of sentences passed by the courts was permitted by remitting a portion of the term of imprisonment in cases of good behaviour by the convict. The other expedient of solitary confinement was by no means universally employed in the jails.<sup>104</sup>

The Darogha's manual by Lieut-Col. Clarke, the Deputy Commissioner of Gujranwalla, and the jail manual by Dr Hathaway were published, and they supplied a real want felt throughout the Province. They standardized the hitherto diverse practices in various jails. It is significant to note that the prisoners had learnt discipline and good conduct in so short a time that when cholera broke out at the central jail in 1856, Lieut. Keyes took the prisoners under canvas, and they all behaved admirably. And again during the Mutiny when the district officers were thrown back on their slender resources after the military police had been withdrawn from service in the Panjab, not a tumult or riot broke out in the Panjab jails. The seed of discipline and obedience had struck root and gave promise of rapid growth.

104. Ind. Pol. & For. Cons. 1858. Dec. 31. No. 1683. Encls. The Chf Comm. to E. Thornton, Jud. Comm. of the Panjab. letter dated Sept. 13, 1858.

C- Civil Justice.  
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The introduction of law and procedure in civil cases first took place in the Satlej provinces. On their acquisition after the First Sikh War,<sup>1</sup> the Government laid down specific rules, which were to guide the courts in deciding all civil cases.<sup>2</sup> The same set of rules was directed to be applied to the Simla Hills by the Governor-General's letter No.1577, dated July the 15th 1848 addressed to the Chief Commissioner of the Cis and Trans Satlej States. And finally, they were extended to the territories comprising the Panjab proper annexed on March the 31st, 1849 for the administration of civil justice. The Government of India letter which set up the Provincial administrative machinery at Lahore observed that "they [ the Satlej rules ] are calculated to insure substantial justice without the observance of unnecessary forms and technicalities which fetter our regular courts of law."<sup>3</sup> These rules were subsequently printed under authority of the Governor-General of India under the title of 'Rules for the administration of civil justice in the Panjab

1. Supra p 120.
2. Ind. ~~Set.~~ Cons. 1847. Dec. 31. No. 749. The Und. Sec. to the G.G. to Lt. Col. H. Lawrence, Resident and Agent at LHR. Oct. 25, 47.
3. Govt. of Ind. to the Bd. of Adm. March 29. 1849 op. cit. para 10.

Panjab and Cis-Satlaj Province.', and were distributed among the officials by the Board's Judicial Circular No.216, dated July the 3rd, 1849 in supersession of any previous rules, which were apparently those of the late Regency Government. The new rules related principally to civil procedure. They need not be reproduced here at any great length. Section 12 of these rules was however significant; it laid down that in all those cases which were not covered specifically by them, the civil courts should 'endeavour to conform, as nearly as the circumstances of the case will permit, to the provisions of the Regulations in force in the districts subordinate to the Lieut.Governor of the North West Provinces.' This was the only explicit reference to the introduction into the Panjab of any Regulations relating to civil law and procedure. The rules for the administration of civil justice remained substantially the same during the four years they were in operation except for minor changes as the result of experience of local conditions. The Government of India in its letter No.311, dated May the 25th<sup>1850</sup>, for example, conferred on the appellate courts discretionary powers to require or dispense with security for cost of an appeal.<sup>4</sup> They could further determine the venue of court

4. Quoted in the Bd.of Adm.Judicial Circular No.27, Jan.30, 1850

court in cases of suit for money or personal property.

The courts of original jurisdiction under the rules were of three grades. First, there was the Deputy Commissioner's court, which dealt with suits for property, movable or immovable of value exceeding one thousand rupees. Second and third in order were the courts of Assistant Commissioners and Extra Assistants, which were competent to try suits for smaller amounts, but their jurisdiction was determined by the Deputy Commissioners. The first two of the courts were presided over by European Covenanted or Commissioned officers; the third by both Europeans and such Indians as the adalatis, who had previously served the Darbar. The scheme of vesting kaddars or local subordinate Indian officials with power under these rules was also envisaged. The divisional court at which the Commissioner sat, possessed the appellate jurisdiction of a superior judge. His decision was ordinarily final; but the Board of Administration on cause <sup>6</sup> being shown by a dissatisfied party, or in the event of any such cause or other irregularities appearing in the periodical returns, could call for the record of a particular case and pass orders thereon as it deemed fit.

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5. Bd. of Adm. Judicial Circular No. 38, dated April 28, 1852.
6. Govt. of Ind. to the Bd. of Adm. Letter No. 418. March 29, 1849 op. cit. para 11.

A significant feature of the judicial courts in the Panjab was their incompetence to deal with cases of real property and the tangled skein of rights in the soil which made up the agricultural tenures of the country. These were the matters which could best be treated in the settlement department -- not an unimportant device in itself; a lesson learnt after a considerable experience of the revenue and judicial administration in the N.W.P. The Board at Lahore from the very beginning interdicted the courts from taking notice of land causes. They fell<sup>almost</sup>/exclusively under the jurisdiction of the settlement officers, who were very active in measuring and defining the agrarian holdings of the people. The scope of their operations has been dealt with at length elsewhere in this treatise,<sup>7</sup> and it needs no repetition. The merit of entrusting land causes to officers who were familiar with their economic background and the customs pertaining to them, lay in the union of fiscal and judicial powers, at anyrate in specific cases, in the one and same set of officials. Their judgment was more mature, and their decisions endowed with greater experience and knowledge of local custom as compared with the inexperience of the courts and their lack of appreciation of local practice and

7. Supra pp 160-66.



and its fiscal aspect; a difficulty which is by no means uncommon in a new country. A similar development of this plan of uniting revenue and judicial functions took place by investing the tahsildar with powers of a subordinate judge. Unlike the settlement officer, his jurisdiction was not limited to cases concerning landed rights. He exercised general jurisdiction, and a more complete synthesis of powers was achieved in his person, albeit these were concerned with petty cases. Primarily a revenue officer charged with the duty of collecting and managing income derived from land, he possessed local knowledge and fiscal experience in the light of which he gave decisions which, in fact, were normally consonant with popular sympathies and village tradition. "In the opinion of Indian<sup>8</sup> an official document asserted, "the first and best qualification of a Judge is not legal or logical acumen, but a knowledge of the position, and the insight into the character of the persons who come before him." This quality of a Judge proved to be the main asset of a tahsildar. His fiscal duties tended to add to his breadth of vision, and the appreciation of a local point of view; admirable material for the equipment of a subordinate Judge. Moreover, he was the centre of rural life,

8. P.A.R. 1851/53 para 239.

life, and being easy of access, local public opinion could be effectually brought to bear on the disputes pending before him. His contact with the inhabitants was = intimate. The = considerations which weighed so heavily in favour of a tahsildar for his appointment of a subordinate judge became more justifiable, when the conduct of his fiscal duties carried him into the interior of the country, from whence he could easily handle small cases to the relief of deputy commissioner and to the comfort and convenience of the people who were spared from undertaking long journeys to the district courts.

Official correspondence between the Board of Administration and the Supreme Government bearing on this subject has already been referred to earlier in connection with criminal authority of tahsildars.<sup>9</sup> The sanction of the Government there covered also the granting of judicial powers to tahsildars and kardars in dealing with petty civil causes. The Board of Administration drew up very elaborate rules in reference to latter jurisdiction, which were circulated with their Judicial Circular Order No.20 dated February the 28th, 1852. Great care and thought lay behind the formulation of these rules, because the Board, characteristically enough, were anxious to ensure the

9. Supra p 343.

the reasonable success of the scheme. They, therefore, laid down the precise procedure and the maximum authority of subordinate courts. Only a few of the salient features of the power and scope of these courts can be noticed here. Tahsildars exercised the powers of a subordinate judge under a sanad from the Commissioner of a Division after a solemn affirmation in accordance with the spirit of Act XXI of 1837. He was competent to try all civil suits which arose within the tahsil, up to the value of Rs 300. Even within these fixed limits, tahsildars did not exercise uniform powers. The Commissioner had authority to restrict it further still in cases where the qualifications of the incumbent, or his incompetence in some other form did not warrant it. In the Multan Division, for example, the tahsildars could try civil suits only up to the value of Rs <sup>10</sup>100.

Appeals from the decisions of tahsildars, the Board of Administration emphasized, should invariably be heard by deputy commissioners, whose supervision over the proceedings of the subordinate officials was thereby ensured. The deputy commissioner was further authorised on perusal of cases decided by tahsildars, even though no appeal had been preferred, "to amend

10. Ind. Pol. & For. Cons. 1852. Dec. 29. No. 144. Encls. M. Edgeworth Comm. of Multan to the Bd. of Adm. April 10. 1851.

amend or revise the decision; or remand the case for retrial on further investigation, as may appear to him expedient."

Previous experience of the British tended to confirm, that Indians employed to work, at any rate under a novel administration, required sympathetic though active supervision of superior officers. The tahsildars were, therefore, most carefully hedged round with the utmost official vigilance, and not a single act of theirs but might be observed or criticised.

As for the procedure to be followed in the tahsildari court, the fundamental point was the avoidance of technicalities and quibbles, and the judging of all issues on their own merits. Special stress was laid on the propriety of confronting the litigants in the court and the settling of their disputes amicably, or alternately to rely on the arbitration of village nobles. If either of these expedients failed, they were bound by the award of the presiding officer of the court. Public mukhtars or vakils were not permitted in tahsil courts, except in cases of respectable ladies and men of rank. The Board were wedded to the idea of preserving Indian institutions and a ready acknowledgement of their usefulness in dispensing justice was made. Arbitration through the instrumentality of panchayat  
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for compromising private differences among the villagers was generally encouraged. But in all cases of disputes regarding caste, family matters in inheritance, betrothal or accounts, the Panjab Board explicitly stated, that they should be decided with the aid of village elders, for "the system of panchayat is one to which the people are accustomed. It is consonant to their feelings, and it is one which the Board wish to encourage. A court of this kind in the presence of the village public, if properly superintended and obliged to decide on the spot, will usually give a more popular and satisfactory award than an officer however able, who investigates the matter at a distance."

The tahsildars formed the small-cause courts in the country and dispensed justice in much the same way as the English county courts. In the year 1855, they numbered some <sup>11</sup> 104. The frontier districts formed the only exception in which they had not yet been established. The output of the subordinate courts was simply prodigious. In great many cases tahsildars disposed of half of all judicial work, and a few of them even three-fourth or more as for example the tahsildars in Rawal-<sup>12</sup> pindi, Gugaira, Ferozepur and Amballa. The average duration of  
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11. P.A.R. 1854/56 para 7.

12. Ind. Pol. & For. Cons. 1855. Jan. 26. No. 200. Encls. The Chf. Comm. to the Jud. Comm. Panjab. Comments on the adm. of civil justice in a letter dated Dec. 14. 1854.

of cases ranged from 10 days in the Kengra district and 11 days in Gujrat to 15 days in the central districts of the Panjab. This amazing growth of the popularity of these courts did not indeed find the higher authorities unresponsive in appreciation of their work, but caused some searching of heart at the prospect of the tahsildars being submerged under the pressure of judicial work. It must be remembered that the tahsildars had other functions equally important to perform, and any injudicious unbalancing of them might prove detrimental to the fiscal department. The Board consequently issued instructions to the district officers to the effect that tahsildars should not unnecessarily be overburdened with judicial work. The report on the judicial administration of the Panjab for the year 1856 recorded that 40.62 % of the whole business had been performed in the small-cause courts, which was 10 % less than in the preceding year, which the Chief Commissioner commented on as follows: "This reduction is very satisfactory and it may be said that on the whole the division of judicial labour has reached its fair proportion."<sup>13</sup>

The administration of the Panjab was unconventional in many ways. An instance illustrative of this occurred at the suggestion

13. Ind. Pol. & For. Cons. 1858. March 5. No. 200. Encls. The Chf. Comm. to the Jdd. Comm. letter dated Dec. 17, 1857.

suggestion of the Marquis of Dalhousie that the Sub-Assistant Surgeons employed in the Panjab, who were nearly all Indian, might conveniently be vested with the status and functions of uncovenanted deputy collectors and exercise the judicial powers of a tahsildar. This suggestion was intended to apply to those subordinate medical officers who were stationed in remote corners of the Province, where their professional duties were not heavy.<sup>14</sup> The Board of Administration circulated the scheme to the Commissioners and called for the qualifications of the subordinate members of the medical service.<sup>15</sup> Shortly afterwards, the Board defined comprehensive rules prescribing a standard of examination to be passed by the Sub-Assistant Surgeons prior to the grant of specific judicial powers.<sup>16</sup> The study of documents yields little information as to the extent of the employment of subordinate doctors as judges, or if employed at all, the quality of their work. But the scheme was a good example of the unorthodox way of uniting in the same functionary more than one set of duties for the purpose of facilitating<sup>Administration</sup> in a country where there was a dearth of competent and willing helpers.

Judicial machinery with courts of varied jurisdiction such as

14. The G.G. to the Bd. of Adm. letter dated July 22, 1851, quoted in the Bd. of Adm. Jud. Circular No. Aug. 2, 1851.
15. The Bd. of Adm. Jud. Circular No. 40. Aug. 2, 1851.
16. Bd. of Adm. Judicial Circular No. 24 dated March 13, 1852.

as was established in the Panjab required effective and efficient supervision by responsible officers. Each court in the ascending order was placed in strict subordination for the purpose of revision and appeal to the one above it, giving the upper court power of annulling the orders passed in the court below, even though no regular appeal was presented. These discretionary powers were used where the inferior court seemed to have given erroneous judgments or exceeded its authority. Such was the relation of a deputy commissioner to a tahsildari court. The deputy commissioner was enjoined by the Board of Administration to send for the files of cases decided by tahsildars for — purposes of scrutiny, irrespective of their being challenged in the higher court or not. A similar scrutiny of the decisions of young European officers was devised; they were required to submit to the Commissioner of the Division a statement of all cases dealt with together with the grounds of their decisions. After the reorganization of the Provincial Government in February 1853, the Judicial Commissioner received a monthly abstract of judicial decisions given by the Commissioners of various Divisions, and he/submit<sup>in turn</sup>ted it to the Chief Commissioner with observation for his perusal. <sup>17</sup> Supervision

17. Ind. Pol. & For. Cons. 1855. Jan. 26. No. 199. Encls. The Jud. Comm. to the Chf. Comm. Panjab. Rep. on civil justice during 1853 in a letter dated Aug. 21. 1854.



Supervision of this nature was imperative in a Province at any rate on its first establishment, when a great many of civil and military officers, who were called upon to man the Panjab services, had imperfect knowledge and no special judicial training to hear and decide finally civil suits. Many an officer had to learn; and in the process of learning numerous blunders were made and many points essential to accurate and valuable decisions were overlooked; clearly it would have been grossly unfair to give undue weight to their awards by making them unappealable. Consequently, ample provisions for appeal were made. The officers who sat in the superior courts were expected to be men of experience, though not necessarily possessing technical legal knowledge. To them alone could the authority of passing final orders be entrusted. This very wide appellate jurisdiction and the extreme freedom with which appeals were admitted were the peculiar characteristics of early administration of justice in the Panjab. The net effect was that "by this plan the controlling authorities are enabled to correct and point out the errors of law, equity and procedure. It also enables the superior authorities to judge of the capabilities of the officers and will gradually help to train up a valuable body

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body of public servants."

Another special feature of the provincial judicial institutions was the scrupulous avoidance of the prolix procedure of the Regulations, which had retarded the popular appreciation of British courts in India. The Board of Administration stood pre-eminently in its advocacy of rendering substantial justice, plainly dealt out to a simple people, and its policy had the hearty support of the Central Government and the Court of Directors. The aim set out was "to avoid all technicality, circumlocution and obscurity; to simplify and abridge every rule, procedure and process."<sup>19</sup>

One of the means calculated to secure these ends was the discouragement of professional pleaders from practicing in the courts. In drawing the attention of the Supreme Government to the orders of Mr Erskine, the late Chief Commissioner of the Cis and Trans Satlej States, contained in letter No.160 dated May the 18th,1848 to Mr Inglis appointing a limited number of vakils, the Board of Administration stated that the orders would imply almost a monopoly of the privileged few, and recommended that Section IV of the Rules for Civil Procedure should be modified so as to admit personal pleadings of

18. Loc.cit.

19. P.A.R. 1849/51 para 221.

of the litigants, and that the vakils should be permitted to plead only in cases in which sex or rank precluded personal appearance.<sup>20</sup> The Governor-General in Council concurred with the views of the Board, but observed that under the new printed rules, although pleaders were allowed to practise under licence, yet the suitors should be encouraged to plead without their<sup>21</sup> aid.

As regards permission to vakils to hold briefs, it was admittedly true that cases might gain in technical correctness, but they were liable to lose in simplicity and popularity, which was hardly consistent with the declared policy of the Government. The vakils were Hindustanis; mostly low, cunning, petty-fogging attorneys; generally men who had been dismissed from government service, which they <sup>were</sup> not worthy to fill. They thrived on complicating cases, and therefore were the main<sup>22</sup> factor in the unpopularity of British civil courts.

General instructions for encouraging personal pleadings to the exclusion of vakils were issued by the Board of Administration in its Judicial Circular Order No.37 dated July the 10th, 1851. The expedient of arbitrament by panchayat was freely made use<sup>of</sup> and judicial officers were particularly en-joined

20. Ind. Pol. & For. Cons. 1849. July 7. No. 105. The Bd. of Adm. to the Govt. of Ind. letter dated June 11, 1849.
21. Loc. cit. The Govt. of Ind. to the Bd. of Adm. June 23, 1849.
22. Ind. Pol. & For. Cons. 1852. Apr. 16. No. 1118. Encls. R. Montgomery Comm. of Lahore to the Dist. Officers of the Division, Circular letter No. 118, dated July 10, 1851

enjoined to persuade the disputants to resort to it. Panchayat was a part of the village system. The functioning of these rude tribunals was admirably suited to the Indian genius. They were specifically appointed under judicial officers as means of enquiry in intricate problems of credit, local usage and social practice. But in order that this historic institution should be useful under a system that called for precision and proper regulation, it needed to be supervised. Rules regulating the selection of arbitrators, the conduct of enquiry and the mode of recording the award were laid down, strict conformation to which was unequivocally demanded. A resumé of these rules may be given here. The presiding officer at the court was to define the issue of the suit; arbitrators were to be nominated by the parties themselves and not by the vakils; either party could challenge any of the arbitrators. If the panchayat thought fit to call for evidence on any point for the elucidation of the case, it was forthwith recorded; the members of the panchayat were to give their award in writing which was to be read out in open court in the presence of the parties. But in order that their award should be effective, it required confirmation by the judge sitting in  
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the court. The underlying idea of this set of rules was to make the arm of civil justice simple, popular and yet effective. The decisions of the panchayat, which proved acceptable to the litigants, appeared under the general heading of 'razinamah' in the judicial records.

A judicial system such as has been broadly sketched above was necessarily tentative. It was quite clear that the system was open to modifications in the light of experience gained in the land revenue branch of the administration. Before long it was discovered that the rules which had been promulgated in 1849 for the administration of civil justice were inadequate. They were practically rules of procedure and contained little or no exposition of law. The Panjab was emphatically a land abounding in local contrasts. In the ryot community there was a great variety of castes and creeds, and a corresponding diversity of tribal laws and customs. The urban community, the emigrants from Hindustan, the wealthy and educated classes, all generally followed the injunctions of the Hindu or Mohamadan religions. The Sikhs were to all intents and purposes part of the Hindu community in matters of civil and secular rights. Again, in different parts

parts of the Panjab and among the agricultural tribes generally local customs were more or less at variance with the ordinary laws of Indian society, and presented every shade of diversity. The lack of a compendium of Hindu and Mohammadan law and of tribal custom and local usage was the defect of the judicial system as it had been introduced. It was essential in the interests of justice, that the judges in their various grades should not only know something of European jurisprudence, Anglo-Indian regulations and Oriental law, but that they should also have an insight into the common usage of trade, the mode of holding arable land, the tenets of sects and the manners of Hill and Frontier tribes. The ignorance of a great many of the Panjab officers on these essential matters and the lack of appreciation of local points of view, the Board of Administration had sought to counteract by the expedient of having wide appellate jurisdiction over the courts. Far from limiting the number of appeals and restraining complaints on the part of aggrieved party, the Board had done everything to facilitate the search for redress. But the liberty of appeal was not a sufficient safeguard by itself; it could act only as a palliative. The money and time involved

involved in contesting judgments in appellate courts were often prohibitive deterrents for the poor peasantry as a class; in any case they lacked the knowledge to enable them to appreciate the significance of appeals or to conduct them properly.

Nor was the civil procedure embodied in the early rules of 1849 found to be so simple and devoid of all technicalities as to be of practical use to the untutored and unsophisticated people of the Panjab. In organizing the small-cause courts of the tahsildars, the Board of Administration had tried, in a measure, to simplify procedure and in some cases to make it summary, but it admitted of further simplification.

The requirements for improving the Panjab judicial administration were found to centre on the need of a digest of Indian law and Panjab custom in the form of a manual for the guidance of judges. Accordingly, John Lawrence as the head of the Panjab Government on his own authority set Richard Temple, an able Civilian, to prepare a rough draft of such a work under the heading of 'A Compendious Abstract of Principles in the various branches of Civil Law'. Temple worked under  
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the directions of Robert Montgomery, who was the Judicial Commissioner in the revised Panjab administration in 1853. After the draft had been prepared, the Judicial Commissioner consulted with the most experienced officers working under him, with the heads of the mercantile community at Lahore and Amritsar, and with other Indian notables. As the result of mature deliberation, he had the document re-written and forwarded to the Chief Commissioner for any action the Government might wish to take. John Lawrence in laying this before the Governor-General in Council for their approval, remarked on the prodigious growth of judicial work transacted by the Panjab courts, and stated that in the Lahore Division alone the total number of civil suits decided during the year 1852 reached the extravagant figure of 14,682 involving disputed property to the sum of £ 165,000.; and that a judicial manual was an urgent desideratum. The absolute need of providing a work of ready reference for judges so overwhelmed with business found in him an advocate of exceptional force. The Chief Commissioner therefore solicited authority to adopt the proposed manual in the Panjab, observing that "those [portions] of procedure [should] be considered complete



complete in themselves, so far as the wants of the Panjab are concerned; those of civil law will give general principles sufficient for the decisions of the larger masses of cases which come before our courts and will indicate to those officers [in cases requiring ] decisions of deeper knowledge, the source to which they may safely refer for information." <sup>24</sup>

The Central Government took the matter up with interest, and while they were engaged in deliberating on it, a despatch from London announced the setting up of a Commission to prepare an all-India code of civil procedure. <sup>25</sup> The Court of Directors observed with reference to the former rules for the administration of civil justice in the Panjab that they should have been considered first in the Legislative Department of the Government of India before effect was given to them. <sup>26</sup>

This announcement was conclusive and terminated prematurely the deliberations of the Government on this important measure. The Marquis of Dalhousie, however, drew up a Minute, in which he analysed the situation at length. <sup>27</sup> He remarked on the inevitable long delay to a measure which had to

24. Ind. Pol. & For. Cons. 1853. Nov. 18. No. 196. The Chf. Comm. to the Govt. of Ind. letter & encls. dated July 25, 1853.
25. Ind. Jud. Desp. The Crt. of Dra. to the G.G. in C. Apr. 13, 1853. para 22.
26. The 1849 rules.
27. Ind. Pol. & For. Cons. 1853. Nov. 18. No. 184. Minute by the Most Noble the G.G. dated Nov. 11, 1853.

to pass through the formalities of the Legislative Council. He suggested the choice of two alternatives to the local government; either to bide their time till the new Commission brought out a sufficiently simple code for civil procedure which might suit the particular circumstances of the Panjab, or to proceed at once to draw up for enactment by the Legislative Council a code of civil and criminal procedure similar to that which had been prepared for the Tenasserim and Arrackan Provinces, the strong points of which were its simplicity and comprehensiveness. In reply to the Chief Commissioner the Supreme Government wrote that it could not sanction the compendium in the form in which it was suggested it should be circulated, but that the Government nevertheless thought fit to sanction its issue not as a code of law, but as a legal commentary for the assistance of persons engaged in professional duties. They were very practical and helpful suggestions and John Lawrence in return made a fresh recommendation that the procedure rules alone should be "formed into a legislative enactment, and published as the law of civil procedure for the Panjab", and requested authority "to publish, as a legal commentary, not of course having the force of law, but in the form

28. Loc.cit. Cons. No.190. The Govt.of Ind.to the Chf.Comm. letter dated Nov.18,1853.

form of a manual . . . the rest of the work, which contains an epitomé of the most important principles and rules of law . . ."<sup>29</sup>

The Governor-General in Council considered these proposals in the Home Department, where legislation for the country was ordinarily dealt with. A Resolution was recorded, which contemplated the procedure portion being referred to the Commission as an aid in their deliberations, and as to the rule of law for which the Chief Commissioner desired permission, it<sup>30</sup> should be given to the officers on his own ( Chief Commissioner's ) authority in the same mode as Circular Orders by the Sadr Dewani Courts."

The Chief Commissioner entrusted the duty of circulating the manual to the Judicial Commissioner, who issued it with the Judicial Circular Order No.37 dated May the 16th, 1854 for "the guidance and information of all officers in the Judicial Department, the law sections with/commen<sup>the</sup>ts thereon". At the same time, the Judicial Commissioner took "the opportunity of circulating the rules of procedure, which, he observed, "in the absence of any sanctioned form," embodied "the system . . . approved by"<sup>31</sup> him. The fundamental thing about<sup>the</sup>m was that their

29. Ind. Pol. & For. Cons. 1854. Feb. 10. No. 284. The Chf. Comm. to the Govt. Of Ind. letter dated Jan. 18, 1854.

30. Home Department Resolution dated March the 3rd, 1854.

31. This work was published as "Abstract Principles of Law circulated for the guidance of officers employed in the adm. of civil justice in the Panjab, to which is appended a proposed form of procedure": R. Montgomery, Lahore 1854.

their validity equalled that of the Circulars of the Sadr Court in the Provinces.

The work thus circulated was known as the civil code of the Panjab to contemporary India, though it never received any further official or express sanction than was implicit in the Resolution of March the 3rd, 1854 in the Home Department. From 1854 onward, the earlier rules of 1849 were rarely referred to; to all intents and purposes they became dormant.

This code, as its title imports, contained a statement, first, of the principles of law to be adopted by the judges; and second, of the rules of procedure to be followed.. Its exposition of the essentials of Hindu and Mohammedan law was clear and concise. The code might indeed be described as possessing a hybrid character. In matters of inheritance, adoption, property of females and other dispositons, the domestic nature of the law was maintained; but in other spheres which found no recognition in religious laws, such as contract, sale, mortgage, agency, bailment, insolvency and libel, it borrowed copiously from the fundamental principles of the civil Regulations in force in the Bengal Presidency, or from the theory of European jurisprudence. The manual dealt with

with the circumstances in which law might bend before the established lex loci, and it prescribed the method of ascertaining local custom. In commercial transactions, for instance, partnership and bills of exchange, the manual set forth the usage of trade among the mercantile community. In addition, it embodied rules of betrothal, marriage and divorce which were the result of five years' experience of governing the territories, and which were calculated to promote domestic happiness and the moral well-being of the people.

The Panjab code of brief laws and simple procedure must not be interpreted as initiating a new epoch in the history of the Panjab judiciary. It was <sup>rather</sup> a continuation of the loose, elastic legal system, which was characteristic of the early administration of the Province. It was left to the officers charged with the local administration, laying upon these foundations of the judicial system, to improve, amend and elaborate them, as practical experience might suggest. The code received no legislative form; the orders, instructions and circulars which it embodied were to a certain extent essentially of a legislative character, but they were scarcely put in the form of <sup>an</sup> enactment. Hence the code, while avoiding stereotyping

stereotyping unduly the judicial process of determining disputes, at the same time did not lose its effectiveness. In rural tracts the code answered the purpose admirably, as it admitted the exercise of initiative, shrewd common sense and adaptability on the part of district officers on the spot. Any harsh aspect of the rules was thereby toned down. The rules of procedure retained much of their simplicity and directness, the essential points of which were popular conciliation or arbitration and the sympathetic interest displayed by the judges. The fiscal experience of the country and the appreciation of tribal custom by the British officers contributed in no small degree to popularizing the judicial system established in the Panjab as will presently be seen. The code, however, failed to cover all the legal complexities, which arose from business transactions in the expanding commercial cities, and was consequently subject to continual adjustment to the needs of the day.

The resultant effects of the British Government in setting up stable and popular judicial institutions were so appositely dealt with in the Panjab Administration Report by the Chief Commissioner that it is convenient to reproduce them

them , even at the risk of some repetition: ". . . We are indeed, without elaborate laws, but we have brief Rules explaining in an accessible form the main provisions of the several systems of [Indian] law on such matters as inheritance, marriage, adoption, testamentary or other disposition of property; and setting forth the chief principles to be observed in other branches of law, such as contract, sale, mortgage, debt, commercial usages. We have the most open and liberal provisions for the admission of evidence. We have complete arrangements for reference to arbitration and for the ascertainment of local customs. We have Procedure without any pretention to technical exactitude; but a Procedure which provides for the litigants and their respective witnesses being confronted in open courts for a decision being arrived at immediately after this brief fore<sup>n</sup>sic controversy and for judgment being delivered to the parties then and there. We have a method of executing decrees which, while it allows no door to be opened for evasion or delay on the part of defendant, and thus renders a decree really valuable to (the) plaintiff as being capable of ready enforcement, and gives him his right free from lien, encumbrance, or doubt, yet on the

the other hand, prevents the defendant from being hastily dealt with or from being placed at the mercy of his creditor. We have small-cause courts scattered all over the country and several regular courts at every central station so that everywhere justice is near. Our civil system may appear rough<sup>and ready</sup>. . . In the Panjab it attains the broad and plain objects aimed at,<sup>32</sup> and without doubt gives satisfaction to the people."

Indeed the satisfaction of the people was reflected in the enormous number of suits, which the courts of every denomination in the Panjab came to handle. Judicial statistics were prepared which illuminated their working. In 1854 59,848 suits were tried involving disputed property at the very high figure of Rs 43,36,203, and in 1855 the number of suits rose to 61,829 with a corresponding increase in property<sup>33</sup> to Rs 45,05,797.

The number of decisions given by the courts was remarkable for the duration of a suit fell from 28 days in 1854 to 23 days in 1855 and to under 20 days in 1856. The cost of litigation averaged 5% on the value of suits in 1854 and 4 13/16 % in 1855. This was explained in part by the absence of a Panjabi Bar, which was discouraged in the nascent judicial<sup>34</sup> organization of the country. Proof of entire absence of technicalities

32. P.A.R. 1854/56 para 5.

33. Loc.cit para 8.

34. Supra pp 395-6.



technicalities was afforded by the low figure of 5.19 % of cases which were nonsuited during 1854 on that account, and of 5.42 % in the succeeding year. The points which were generally favourable in the judicial administration in the Panjab were thus the paucity of suits thrown out on default or on technical grounds; the small proportion of costs; the large number of orders confirmed on appeal.

Notwithstanding the satisfactory aspects of the judicial operations, the British legal system in the Panjab, as elsewhere in India and varying with the peculiar circumstances of each Province was open to criticism. The Board of Administration were anxious to caution patience as early as 1851, when they observed: "On the whole, the Board can hardly consider that civil justice has advanced as satisfactorily as the other branches of administration. Indeed, they are not sure that it will ever be successful. There is no part of the British system so difficult to popularise"

The difficulty lay, indeed, in the theory of legal precision and prompt execution of justice, which the British courts sought to practice. In all legal institutions, which are regulated by multifarious rules, and which therefore necessitate

- 35. P.A.R. 1854/56 para 9.
- 36. P.A.R. 1851/53 para 241.
- 37. P.A.R. 1849/51 para 228.

necessitate an approach through elaborate procedure, however simple and non-technical each step may be in itself, to set them in motion, the system as such tends to become stereotyped and not infrequently invidious distinctions are imperceptibly drawn between different classes of the community. Civil justice of the British pattern, in which the exactitude of law was preferred, however unfair it might be in its application, to the common sense way of interpreting facts, was peculiarly liable to such a development.

This was clearly borne out by the nature of litigation in the country, and the mode of determining it judicially. The most fruitful cause of litigation arose from bonded debts of small amounts. <sup>38</sup> Rural indebtedness is a universal phenomenon among peasant proprietors. It is essential therefore that the social and economic nexus between the peasant debtors and village money-lender should be <sup>of</sup> the soundest possible character. The official reports of the day bear testimony to the existence of an institution of money-lenders in the village economy, which is corroborated by an old Panjabi proverb, which says "without the Guru (Lord) no <sup>39</sup> salvation; without the money-lender no reputation."

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38. P.A.R. 1854/56 para 8.

39. Lahore Settlement Report, 1873. ~~para~~ 225.

Under the Moguls and the Sikhs, relations between the two sections of the village community, the buniya and the ryot, were regulated either by deliberate acts of the local executive officer, or adjusted themselves under the stress <sup>of</sup> the economic burden imposed by the abnormally heavy land taxation. In practice as the peasant was allowed to retain just enough to sustain him and his agricultural operations so the money-lender was allowed to make just enough profit to induce him to finance the peasant. For where the money-lender would not come forward, the State itself stepped into the breach and accomodated the agriculturist rather than allow him to succumb completely. <sup>40</sup> Under the indigenous revenue system, as we <sup>41</sup> have seen above, the agriculturist had to pay away nearly all his spare produce, and very little was left on which to borrow. The money-lender, even when he did function, was perforce content with what the State allowed him and that was as little <sup>42</sup> as possible.

The stringency of agricultural capital, as a result of the want of security and credit, was accentuated by the restricted possibilities of land alienation. The rights in <sup>land</sup> were

40. Douie: Land Administration Manual paras 610-12

41. Supra p. 12 and p. 128.

42. Calvert, H: The Wealth & Welfare of the Panjab p.121.  
Trevaskis, H: The Land of Five Rivers. p 310.

were at best limited and largely undermined. Any alienation of these rights was strongly deprecated by custom and public opinion, which however sometimes yielded to the pressure of Government land revenue demand. Outsiders were permitted to share <sup>44</sup> the obligations of which had become unbearable. Moreover, land was for the most part more plentiful than <sup>45</sup> cultivators, and the demand was consequently for the latter. It was the British who by limiting the State's demand on account of land revenue, really created proprietary rights in the <sup>46</sup> British sense subject to a government tax on rent. And with the introduction of a fixed cash assessment, the extension of means of transport, the opening of new markets and the general tendency for the prices to rise after 1849, at any rate for a brief spell, the cultivator was left with residuary interests to sell which in turn created individual property in land and <sup>47</sup> its corollary, credit.

The advent of British institutions, civil courts and civil procedure, contract and law of limitation, whereby a bond or a debt secured on a mortgage, or conditional sale of land could only be construed in strict conformity with its terms, revolutionized the legal notions of the people. Economic and legal conditions

43. Supra p.167 & p 169.  
44. Supra p.190. & p. 170  
45. Memo. Restrictions on Power to alienate interests in land have 6.  
46. Supra p.192.  
47. Darling M.L. The Panjab Peasant in prosperity & Debt p236.

conditions were set, which were to hold the viril peasantry of the Panjab fast in the meshes of an accumulation of debt which resulted in wholesale alienation of its agricultural holdings in less than a generation.

Another prolific cause of litigation in the Panjab was the social customs of the inhabitants of the sub-Himalayan regions of Simla and Kangra, principally in connection with betrothals and the marriage traffic in women.<sup>48</sup> Elaborate provisions were made to combat the mercenary and demoralised spirit of the people.<sup>49</sup>

A great many of the civil suits were related to questions of inheritance, mortgages and other commercial transactions. Litigation regarding land was exclusively dealt with, at any rate while the settlements were on, in the revenue courts.<sup>50</sup>

The consideration of the mode of settling these disputes involves a repetition of what has already been said in describing the general features of civil justice in the country. An agency of great merit was undoubtedly arbitration and private compromise working through the indigenous panchayat.<sup>51</sup> Very frequent resort to it was made; in fact, reconciliation of the disputants was officially encouraged. This is illustrated by

48. P.A.R. 1854/56 para 8.

49. The rules pertaining to this branch of civil justice are considered concisely in Barkley's Non-Regulation Law of the Panjab, 1871. pp 179-89.

50. Supra pp 160-66.

51. Supra pp 396-97.

by the large number of cases decided accordingly, their number having risen from 17,004 in 1852 to 20,689 in 1853.<sup>52</sup> But it was discovered that this mode of determining litigation was by no means an unqualified success. It is true that suits were often compromised through the equitable mediation of arbitrators. But in many cases, compromise was dictated by the trend, ~~of~~ the proceedings at the court were taking, and thus forestalled the impending award of justice. Again in many cases a compromise was arrived at because for some reason the parties feared that a more satisfactory decision could not be had from the court, or because one party might succeed in deceiving the other. Apprehensions about the faulty ~~working~~ working of the system found expression in the Chief Commissioner's comment on civil justice, when he wrote: "In fact the 'razinama' system [ as settlement by arbitration was termed ] has proved <sup>to be</sup> susceptible of abuse. When therefore the Chief Commissioner observes so large a proportion of these adjustments, he is inclined to apprehend that perhaps the system as carried to some excess, that it may be an unduly short road to justice and that parties occasionally find themselves obliged to effect by compromise that which they might better have received

52. Ind. Pol. & For. Cons. 1855. Jan. 26. No. 200. Encls. The Chf. Comm. to R. Montgomery, the Jud. Comm. letter Dec. 14, 1854.

received by a judgment of the court."<sup>53</sup>

A remarkable feature of the operation of judicial courts in the Panjab, which soon came to light, was the paucity of cases decided in favour of defendants.<sup>54</sup> This showed a tendency to apply English legal institutions relentlessly, which seldom denied plaintiffs their claims or retarded execution of a decree once it was judicially granted. But it worked unexpectedly in reference to bond debts, simple loans and book accounts, of which we have already spoken, and which formed the staple of litigation in the country. The English legal system certainly placed the plaintiff money-lenders in an enviable position. Their claims were unscrupulous, cunning and over-exacting, and were preferred against ignorant peasants. The contest was generally between the improvident agriculturist and the usurious village banker. The issue in a dispute was the authenticity or otherwise of an account-book, and it was the plaintiff alone who kept accounts. Where a genuine claim had existed, it was easy for him to show the continuity of the dealings by ignoring payments and thus substantiate his claim in the British court. As a rule, the agriculturist was worsted and there was no doubt that the banker

53. Loc.cit .

54. P.A.R. 1851/53 para 276. and  
The Chf.Comm. to the Jud.Comm.Dec.14,1854. op.cit.

banker had advantages over other classes. Not unnaturally, therefore, he was regarded with suspicion and hatred. This was illustrated in the Gugaira émeute during the Sepoy Mutiny, where almost the first thing the insurgents did was to seek for the money-lenders and destroy their account-books.<sup>55</sup>

When the Government officials in the Panjab became aware of the tendency of the judicial system, they had initiated, to favour the money-lenders, they lost no opportunity of calling the attention of the Government to this grave situation.

M.P. Edgeworth, the Commissioner of the Multan Division, wrote in 1851: "I have recommended the judicial officers whenever practicable to induce the parties to agree to instalments, but at the same time, I should recommend that the rule prevailing in summary suits for rent, should be extended to all cases of book debts between cultivators and their money-lender, viz, that implements of husbandry, plough or well, bullocks and seed grain should not be liable to attachment or sale. The village money-lender has such unchecked powers of enhancing his claim against the illiterate debtor that I think that the law should protect the weaker party at least."<sup>56</sup>

Again, Edward Thornton, the Commissioner of the Jhelum Division

55. P.A.R. 1856/58 para 8.

56. Ind. Pol. & For. Cons. 1852. Dec. 29. No. 144. Encls. The Comm. of Multan Div. to the Bd. of Adm. dated Apr. 10. 1851.



Division wrote: "I fear that there is some reason to believe that there have been cases in which an artful money-lender had made the court a means of extorting an unjust demand from an ignorant villager, both in the manner - alluded to by Mr Carnac [ Deputy Commissioner of Rawalpindi ] and also by preventing the notice on the defendant [ peasant ] from being served, and I have no doubt that in many cases in which the claim has thus been made good, the natural force of truth would have enabled the villager to disprove the statement of his antagonist if he had been brought face to face with him."<sup>57</sup>

These remarks are illuminating in so far as they throw light on certain grave defects which developed quite early in the judiciary of the Panjab. The measures taken to combat these tendencies were two-fold: Firstly, to impress upon the judges the necessity of confronting the litigants in the court and to institute a more exhaustive enquiry into the nature and merits of claims. The great need of some such remedies was reflected in the exhortation of John Lawrence as Chief Commissioner of the Panjab, when he reviewed the administration of civil justice in the country for the year 1856.

He

57. Loc.cit. The Comm.of Jhelum Div.to the Bd.of Adm.Sept.25, 1851.

He wrote: "The Chief Commissioner would urge upon all officers the great necessity that still exists for deeper scrutiny and more searching enquiry into the nature and merits of cases. The Chief Commissioner believes the prevailing opinion among the people to be that our courts are not what they might or ought to be and think they do not sufficiently ascertain the local merits of the cases. He himself is of opinion that there is much room for improvement and he would gladly see investigations made more searchingly; at present they are generally too superficial."<sup>58</sup>

The second measure was of a more positive nature and contemplated modifications in the law of Limitation. According to section 1 clause 6 of the 'Rules of Administration of Civil Justice in the Panjab 1849', which was affirmed under clause 6 section 1 Part 11 of the 'Panjab Civil Code', the period of limitation for suits on bond debts had been fixed at twelve years. It was later considered that in order to limit the scope and range of litigation of this nature, this period might further be reduced with advantage. The Chief Commissioner sent an important dossier bearing on the question to the Supreme Government, proposing to limit the period in actions

58. Ind. Pol. & Fer. Cons. 1858. March 5, No. 200. Encls. Sec. to the Chf. Comm. to R. Montgomery, the Jud. Comm. Dec. 17, 1857.

actions. for debts on bond, or accounts not being partnership accounts, to six years as had been done in the Saugar Territories under the rules recently published by the Lieutenant-Governor.

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The Government of India sanctioned the proposal, which was manifestly in the interest of justice. Incidentally, it marked the first change of importance in the general law of the country since 1854. This change in the law of limitation to six years was brought into operation from the 1st of May, 1857 under orders contained in the Government of India's letters No. 469, dated January the 30th, 1857 and No. 954, dated February the 27th, 1857. A further change in the law of limitation was contemplated in the legal measures, which were devised after the Mutiny, the consideration of which is beyond the scope of this work. The net effect of the restricted time limit for bringing in disputes connected with agricultural debt was that a great deal of fraud and perjury on the part of money-lenders was put a stop to and unnecessary suffering to the peasantry prevented. The validity of a debt contract now could more easily be verified and the ryot was spared embarrassments arising out of his own improvidence and

59. Ind. Pol. & For. Cons., 1856, Oct. 17, No. 411. The Chf. Comm. to the Govt. of Ind. letter dated Sept. 20, 1856.
60. Loc. cit. The Govt. of Ind. to the Chf. Comm Oct. 17, 1856.
61. P.A.R. 1856/58 para 8.

and illiteracy.

A subject closely associated with the administration of justice was the determination of a court language for the whole country. It was obvious that the language selected should be one which — would be best suited to the people and also calculated to promote the efficient conduct of public business. From this point of view the choice of the court language was very material to the success of the new administration.

The Panjab could boast of providing a meeting place of dialects derived from the Persian on the one hand and Sanskrit on the other. To the westward of the Province, the former and to the eastward the latter prevailed. These dialects were subject to the local influences of different Doabs and varied in infinite degrees. Beyond the river Jhelum, the dialects even differed in different parts of the same Doab.

Under the Sikh rule, as in most of the Indian States who had received the Muslim heritage, Persian was the language of the Court and diplomacy. Gurmukhi undoubtedly had come into vogue, but it was largely looked upon as the sacred language

language of the Sikhs and was usually employed as a writing script. It lacked a rich vocabulary and could hardly boast of a literature of any pretensions. It was obvious that the prominence it had gained at the Sikh Court was only temporary and that it would soon disappear with the fall of the Sikh political domination.

The Board of Administration discountenanced the chimera of one uniform court language everywhere, and were in favour of paying judicious attention to the local wants and requirements of the people. Persian was at best a foreign language to the inhabitants of at least half the Panjab, and it would have been extremely difficult to adopt a vehicle of this nature for the popularization of the English legal system. The Board of Administration accordingly instituted an enquiry into the geographical limits within which Persian and Urdu were sufficiently known to the people. The result of this enquiry was embodied in the several reports of the Commissioners of the Divisions, which the Board of Administration submitted to the Government of India with their recommendations for final orders.

The enquiry disclosed that the common vernacular of the  
Bari

62. Ind. Pol. & For. Cons. 1849. Sept. 15. No. 76. The Bd. of Adm. to the Govt. of Ind. dated Aug. 17, 1849.

Bari and Rechna Doabs though usually denominated Panjabi was in fact a species of Urdu. It varied from the polished dialect chiefly in its adverbs and pronouns and, of course, in its pronunciation and in the use of many local terms. It was often difficult to state exactly what language was most familiar to the people, and sometimes what was familiar to the people was not easily used by the government officials. In frontier districts by the Indus, the Afghan Pushtoo was spoken and in Leia the medium of speech was corrupt Baluchi. The Commissioner of Multan Division -- Mr Edgeworth -- reported that even the common artisan spoke Persian and employed it in his profession; while in the two adjoining districts of Pakpattan and Jhang in the Bari and Rechna Doabs respectively, Urdu was either spoken or understood. <sup>question of</sup> The/determining the language for the conduct of judicial business, therefore, presented very complex features. At length, the Board of Administration, in concert with the local authorities recommended the following division of languages, which was accepted by the Government of India. Persian was recognised as the official language in Peshawar, Hazara, in the Trans-Indus Derajat, in Leia and in the Khangar and Multan districts.

districts.. In the rest of the Panjab, Urdu was declared  
63  
to be the official language.

There was, however, an important proviso to this. The Board of Administration suggested that in criminal cases the confession of a prisoner should be taken down in his own words of whatever dialect, but they were to be translated  
64  
into Urdu or Persian, if the dialect was little known.

The Panjab thus came to have Persian on its frontier border and Urdu throughout the rest of the country. From the point of view of administrative convenience, the arrangements which promoted Urdu to be the court language were highly satisfactory, for the proceedings of the court were held in a widely known language among the people and facilitated the expeditious despatch of business. But the substitution of Urdu for Persian in the larger part of the Panjab was an impediment to indigenous education, and led to the disuse of Persian as the spoken and written language  
65  
of gentlemen.

Final observations on the state of administration of civil justice during the first decade of British rule in the Panjab must naturally be of a recapitulatory character. The  
administration

63. Loc.cit.

64. Loc.cit. The G.G. in C. sanctioned these proposals in a letter to the Bd. of Adm. dated Sept. 6. 1849.

65. Vide infra p<sup>n</sup> 467-68.

administration report dealing with the last two years covered by this thesis -- the two eventful years which witnessed the stability of institutions established in the Panjab despite the outbreak of a violent military revolt that appeared all the more formidable because of its unexpectedness and the consequent unpreparedness to meet it -- could look back over the whole span of British activity and survey its strength and weakness. In particular, the judicial institutions were seen to be open to a number of glaring defects, which were, however, in a large measure inevitable owing to their newness and the unfamiliar soil into which they had been transplanted. The fact that they had, nevertheless, taken root and had come to be looked upon as the essential means of dispensing justice to the people of the Panjab was amply borne out by the resort made to the courts during the years 1857 and 1858, notwithstanding the anxieties that beset the rulers and people alike. The efforts of the British Government in establishing a regular judiciary in the country had been tentative and experimental, but they were directed at obtaining one solid result, that is, the efficiency and popularity of justice in the new Province. It was consistent with  
with



with this aim that at the close of the period the Govern-  
ment contemplated limiting the power of appeal, which had  
been excessive and tended to clog the action of the courts.<sup>66</sup>  
Of the need of continual vigilance to improve civil justice,  
an official report stated: "Several improvements in  
procedure and practice have been introduced at the instance  
of Mr George Campbell, who brought his English experience  
to bear on the subject. There is yet much to be done to  
render Panjab justice really cheap for all classes of suitors.  
On the whole aggregate of suits, the system is cheap; but  
the amount of costs falls heavily on small causes, while on  
larger suits it is hardly felt at all . . . . As regards  
the general result, it would be too much to say as yet that  
the system is really popular and complete. Efforts are  
being made to discover and remedy its defects."<sup>67</sup>

66. P.A.R. 1956/58. para 9.

67. P.A.R. 1856/58 paras 9-10.

V. Material and Moral Progress

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It is a mere truism that an enlightened State should concern itself with improving the intellectual and general well-being of the community. In the Panjab its activities were canalised in providing educational institutions, the building of roads, and the carrying out of large agricultural, reclamation and irrigational schemes, measures which make national life so much richer and more comfortable. The Panjab being, as it was the last of the major acquisitions of the British dominion on the main land of India, provides against the background of the indigenous out-look which was of necessity somewhat narrow and limited, an interesting study of British ventures towards the enlightenment of the people assisted by a hundred years of Anglo-Indian experience elsewhere in the country. There was much innate attainment among the people both in the domain of education and in that of artificial irrigation of the arid wastes of the Panjab, but it had declined in vigour and needed the re-vitalising energy of the British to enable it to function again properly. In both the nation building problems of furthering education and practical science, the basic factor was the study of the requirements of a peasant population aspiring to

to material prosperity in the one case and to mental development and social progress in the other. The broad features of policy which took shape under the fostering care of the British may well be considered in the concluding chapter of this work.

### A. Education

Before the Panjab had been two years annexed Robert Montgomery, the Commissioner of the Lahore Division, whose reports were somehow always supplied in greater detail and less time than those of any other officer, instituted an enquiry into the state of education in the Manjah country on his own initiative. He submitted the result of his enquiries in an important letter to the Board of Administration, who in turn following usual practice communicated it to the Supreme Government. The report was illuminating not only in its description of the educational institutions of the country, but in its acknowledgment of some pleasant surprises of the district officers at the extent to which some sort of education was available. This report read together with the subsequent reports of the other Commissioners and supplemented by the settlement reports which invariably dealt with all sorts of local information, afford us the basis upon which the general system of education among

1. Ind. Pol. & For. Cons. 1851. Jan. 31. No. 21. Encls.
1. The Bd. of Adm. to The Govt. of Ind. Nov. 20. 1850.
2. R. Montgomery to The Bd. of Adm. Nov. 8. 1850.
3. C. Saunders to the Comm. LitR. Aug 23. 1850.

among the Panjabis may be reconstructed.

Generally speaking, there were three sorts of schools which imparted religious instruction to the three major communities of India, namely, the Mohammedans, the Hindus and the Sikhs. The Mohammedan schools were divided into two classes, the madrisa in which Quran was taught; and the maktab which provided instruction in Persian for all classes of the population. The Hindu schools were also of two kinds, the patshala in which Sanskrit and allied subjects were taught; and the mahajani schools for commercial training for the more energetic sections of the community. Lastly came the Gurmukhi schools for the Sikh population where the juvenile Khalsa learnt the Grunth.<sup>2</sup> The predominant character of the education seems to have been religious ranging from the catholicity of the Hinduism to the vigour of orthodox<sup>3</sup> of Islam.

In the Lahore Division the number of schools was 1385, which were attended by 11,500 scholars, thus giving in average of one school to a little over 8 boys.<sup>3</sup> In the Hoshiarpur district, there was one school to every 19.92 males (adult and non-adult) against the ratio of 1 to every 20.69 of the male population in the Jalandhur district.<sup>4</sup> In the Ferozepur district there

2. P.A.R. 1849-50-51 para 375  
Leitner G.W.His.of the Indegenous Education in the Panj<sup>2</sup>b.
3. Montgomery. Op.Cit. pp 10-13
4. Melvill, Settle. Rep.Hoshiarpur Dist.para 53.

there were 84 schools which taught some 741 boys, in the Amritsar district the number of schools was 259 which were attended by 3,742 boys. Statistics collected by Prinsep in the Sialkot district disclosed that there were 149 schools, which imparted a very rudimentary knowledge to some 1,922 boys.

The indigenous education in the Panjab was by no means national in the sense known to contemporary Europe. It partook of the character of being public, because it had its roots in the stable element of the population, the peasantry, but the teaching was essentially closely related to the various religious and philosophies " written in a classical phraseology unintelligible both to teacher and student ", and therefore least calculated to develop the intellectual faculties of either. The instruction was managed by the priests. The *closed courts* of temples, the cloisters of monasteries, and the sacred shrines all had their classes of students. Every mosque and every temple was therefore a potential school. Private education indeed existed for the sons of the rich in the courtyards of their father's mansions and for young traders in the verandahs of the ancestral village houses. Education, on the whole, satisfied the static conditions of life in which the masses seemed to

5. Brandrath. Settle. Rep. Ferozepur Dist. 1855, para 119
6. Davies & Blyth, Settle. Rep. Amritsar dist. 1856, para 24
7. Prinsep E: Revised Settle. Rep. Sialkote Dist. para 95.  
 Statistics on education in the Panjab (P.A.R. 1849/51 *para* 373)  
 Lahore Div. 1,783 .98 one school to every inhabitant  
 Multan .. 1,616 .66 .. .. .. ..
8. P.A.R. 1849-50 para 375

live.

The remuneration of the teachers in these rather primitive schools was precisely of the same kind as that of indigenous schools elsewhere in India. The teacher received monthly wages averaging from Rs 1/8 in the moffusil to Rs 7/8 in Lahore City, In many cases he was fed daily, or received so many maunds of grain a year at harvest time, or presents at the great festivals or 'dhurmath', a kind of rent-free land devoted to educational or charitable purposes.<sup>10</sup> In the latter case it was incumbent on the beneficiary to give public instruction gratis, and he even supported pupils at his own expense.<sup>11</sup> Occasionally the whole community subscribed for the support of the school, each member contributing so much grain per plough which was considered to represent his wealth.<sup>12.</sup>

Notwithstanding the primitive character of the education, it was more diffused among the people of the Panjab than in the Agra Presidency.<sup>13</sup> The Board of Administration pleasantly remarked: " In parts of Hindustan it is disconcerting to observe how much education is circumscribed within certain castes, such as Brahmins, Bunias, who are exclusively devoted to learning commerce or penmanship; while the great land holding and agricultural

9. Montgomery op.cit.

10. Brandreth E.L.Sett.Rep.Ferozepur op.cit.para 119

11. Montgomery op.cit.

12. P.A.R. 1849-51 para 377

13. Montgomery op.cit.

"agricultural communities are wholly ignorant. A similar disposition exists also in many parts of the Panjab. But in other parts, education such as it may be, is imparted chiefly to the agricultural population."<sup>14</sup> It was not unusual to find artisans who could read Persian. Some other remarkable facts were disclosed to Montgomery by his enquiries. In the cities of Lahore and Kassur, he actually came upon some girls schools which indicated an interest in female education in the Panjab - a thing then unknown in the rest of India save for the experiments recently led by Bethune in Calcutta. In Lahore there were no less than 16 of these schools though with an average of only about 6 girls each. The pupils were all children of Mohammedans and the teachers were females who taught only the holy Qoran. Robert Montgomery relates his experience of a visit to one of these institutions, when the teachers retired coyly behind the purda, but appeared pleased at the pupils being noticed. "A small present which I gave to each added not a little to the popularity of my visit."<sup>15</sup>

The pre-British Panjab thus showed signs of interest in education and it was against this background that the Board of Administration submitted the first report on education embodying a proposition of establishing an institution for the advanced

14. P.A.R. 1849-51 para 378

15. Montgomery op.cit.

16. Ind.Pol.& For. Cons. 1851.Jan.31.No.21. The Bd.of Adm. to the G.G. dated Nov.20, 1850.

advanced section of the community, to wit, the commercial classes of the great city of Amritsar. This proposal emanated from Mr. Saunders, the deputy commissioner of Amritsar <sup>17</sup> and had the support of Robert Montgomery. The Board of Administration readily recognised the obligations which lay on the British to provide means of enlightenment for the people of the Panjab, and that a desire for education among the Panjabis "should be fostered and encouraged appears to the Board (and they have no doubt will appear to the Government) to be most advisable."

Of the choice of Amritsar for the establishment of a school or college, the Board confidently wrote that it could not be bettered. Amritsar was the centre of the Sikh religion, and was deeply revered by the Hindus. It was also the chief seat of manufacture in the Panjab, the leading metropolis and the great repository of Sikh learning. They added; "It is important too, to remark, that the returns show the Manjah—the heart of the Sikh country—to be the least educated part of the upper districts of the Bari and Rechna Doabs. Every well-directed effort made to elevate and enlighten the youth of what may be termed the capital of this tract of country cannot but have a political value in diffusing peaceful and industrious

17. Loc.cit. Encls. The Dy.Comm.Amritsar to the Comm.Lahore Div.Aug. 3, 1850.



industrious habits among the village communities of the Sikh  
faith from the Nurpur Hills to Lahore.<sup>18</sup>"

The nature of the instruction which Saunders and Montgomery had recommended, was based on an attempt to cater for the demand of the inhabitants to learn English. The instruction was not<sup>to</sup> be free except in the most indigent cases; monthly fees were to vary from one anna to a rupee or more according to the means of parents. Keeness to learn English was displayed by the principal Sardars and wealthy families who had employed "Calcutta Babus" to teach their children. A pioneering missionary, the Rev. Dr. Foyman, the Nestor of school masters in the Panjab, had opened a school at Lahore with a large attendance of youths of 18 and 20 years of age, who were learning English though not without the inducement of receiving a pit-<sup>19</sup>tance from the Mission. The Board of Administration, however, failed to fall in with the views of the local officers on the question of providing instruction in English at so early a period. Their objections may be given in their own well-reasoned language: "The experience of twenty years fully shows, in the opinion of the Board, that the education of the people must be pursued through the medium of their own language, and that

18. Op.cit. The Bd.of Adm. to the G.G. Nov.20,1850.

19. Montgomery Op.cit.

that India has neither funds nor machinery to offer English instruction to the masses away from the several seats of Government. While such a system of public instruction, if it could be forced at the expense of the State would produce a race of students for whom the state of society and the structure of a Government of foreigners could have no demand and for whom therefore ( with the exception of a very small proportion ) nothing could be in store but bitter disappointment. [How truly pertinent this observation seems today after three generations of British education in the Panjab and elsewhere!] With these views the Board cannot but consider that whatever effort is made in the Panjab to convey a knowledge of the language of England to the people, should be made at the seat of Government and that our exertions elsewhere should be limited to the communication of the sciences and literatures of the European world through the medium of vernacular.<sup>20</sup>"

Finally, the Board of Administration solicited the grant of Rs 5,000/ per annum for the maintenance of a school at Amritsar the allocation and distribution of the fund being left to the authority of Deputy Commissioner and Commissioner under the direction of the Provincial Government, and that a further sum  
of

of Rs 3,000/ should be given from the "muzal fund"<sup>21</sup> for a building to house the school.

This bold experiment of an educational institution, when the energies of the local government were so completely engrossed by the great and laborious task in organizing a system of government in all its details, drew a minute of great appreciation from the Marquis of Dalhousie.<sup>22</sup> He forthwith expressed his entire concurrence with the view, which the Board of Administration had taken of the great importance of education and gave ready sanction to the allocation of the necessary funds asked for. But the Governor General did not quite appreciate the force of the Board's argument of the inexpediency of teaching the English language anywhere but at the Capital. He recorded:" It seems to me that if so strong a desire exists as the deputy commissioner [Mr. Saunders of Amritsar] represents for acquiring a knowledge of English among the very large population at Amritsar, there is no reason whatever, why English should not be taught there simultaneously with instruction in the language of this country."<sup>23</sup> - - a view which was also taken by the Secret Committee in London, but from<sup>a</sup> somewhat different angle . . . "We entirely concur with Lord Dalhousie in thinking that not only in Lahore

21. means escheat property/lapsing to Govt.on default of heirs.

22. Ind. Pol. & For. Cons. 1851. Jan. 31. No. 26 Minute by the Most Noble the G.G. dated Dec. 26, 1850

23. Loc.cit.

Lahore but in every populous city, more particularly Amritsar, encouragement should be given to the study of the English language, the general diffusion of which, we should consider as the very best proof of the perpetuity of our rule and at the same time, as one of the best means of maintaining it." <sup>24</sup>

The Governor General discouraged the idea that the proposed institution at Amritsar should be of a general and leading character such as might be indicated by the title of 'college', which he thought was premature, but he authorised the formation of the first experimental school in the Panjab. He approved of Montgomery's suggestion that the institution should be placed under the management of a headmaster and not a committee so as to secure continuous and efficient supervision, which was so essential to the success of the experiment, but the Governor General ordered that a European headmaster should be dispensed with for the present, and an Indian should be appointed instead, so as to enable the Board to launch the experimental school forth with. Finally the Governor General called for more general information on education throughout the Panjab with a view to the future possibility of a general system of education in the Panjab

The

24. Ind. Sec. Despatch Vol 20 <sup>dated</sup> March 24 1851.

The establishment for the experimental school at Amritsar was determined by a Resolution of the Government of India in the Foreign Department dated the 4th of January, 1851, and was as follows:

An Indian Headmaster	at Rs	150/	p.m.	
An Assistant	..	60/	..	
A Persian & Urdu teacher	..	80/	..	
.. Hindu	..	30/	..	
Librarian and Duftree	..	15/	..	
Establishment etc.	..	15/	..	25
in aggregate		<u>Rs [350/]</u>		

While the Amritsar school was being experimented with, an additional impulse had been given to education in the Hill States under the Superintendent, Mr. Edwards, who was stationed at Simla. He had started a number of schools for providing instruction in Hindi. These schools were supported by "nazur funds", which consisted of the usual customary offerings made to the Agent of the Government by the Chiefs subordinate to him on occasional visits. The nazurs were credited to Government but had formed the perquisites of the officials attached to the Agency. Edwards had formed these sums, to quote his own words: "individually of trifling amount, into a fund for the purposes of education which being exclusively for the instruction of their subjects appeared to me the best mode of making a return to the chiefs

chiefs for the money thus expended by them and which it did not appear to me that the State would be anxious to appropriate." <sup>26</sup>

Edwards had applied in 1848 to the Chief Commissioner Cis-Satlej States for formal permission to appropriate a sum of Rs 3,000/ from the 'nazur fund' for education in the Hills, which was granted, but his request to allot the nazurs generally to the support of schools was turned down. When the 3,000/ had been spent he applied again to the Board of Administration for a further grant from the same fund. The Board thought it objectionable to use the 'nazur fund' for such a purpose, but called for a proper report specifying the annual sum required for the maintenance of these schools so that the Government could approve it. Accordingly a report was sent up to the Government of India and a grant of Rs 125/ p.m. was sanctioned <sup>27</sup> as being reasonable and moderate.

This grant was applied to the maintenance of a Central school in Simla and the four schools established in the government districts of Jubul, Kothai, Barowly and Bhaghit. The schools which existed in the Protected States were to be supported in future by the Chiefs themselves, who as Edwards <sup>28</sup> wrote

26. Ind. Pol. & For. Cons. 1852, Apl. 16. No. 110 Encls. quoted in the Bd. of Adm's letter to the G.G. March 31, 1852.
27. Loc.cit. the G.G. to the Bd. of Adm. April 16, 1852.
28. Loc.cit. Encls. Extract from Mr. Edwards, Dy. Comm. Simla to the Comm. & Supdt. Cis-Satlej States, March 12, 1861.

wrote were fully alive to their value, and were ready to support them.

National education, meaning thereby vernacular education thoroughly diffused among the masses scarcely existed elsewhere in India, though about the time the Panjab became a British Province, Thomason, the famous veteran administrator of the North West Province was making strenuous efforts on its behalf. He aimed at basing education upon the revenue system of the Provinces under the Agra Government, which was confessedly the most complete and accurate in India. His object was to work out a scheme of national instruction founded upon the efforts of the people themselves. It will not be inappropriate to narrate briefly the N.W.P. educational experiment, which like its revenue system, was destined to exert so great an influence on educational operations in the Panjab, and, indeed, throughout India.

Thomason started out to promote indigenous education in the eight districts by means of a constant inspection of zilla (district) and pergana (tahsil) visitors under the able supervision of H.S.Reid who was appointed the Visitor-General. At the headquarters of each tahsil, a school was established for the

the purpose of teaching "reading, writing, the vernacular languages, both Urdu and Hindi, accounts and the mensuration of<sup>land</sup>" A school house was provided by the Government, and the teachers of the tahsil school received a small salary and were also entitled to the tuition fees paid by the pupils, of whom none were educated gratuitously except " on recommendation given by village school masters who may be on the visitor's list." The Government granted a certain sum annually to each district for the reward of deserving teachers and scholars. Special attention was directed to the preparation of elementary school books in the vernacular languages, which were sold through the agency of zillah and perganna visitors. The basis of this ambitious scheme of education was what was technically called the 'hulqabandi', that is, four or five villages grouped together for the purpose of encouraging education among the villagers. They had a village school in common paid for by local funds and generally assisted and supervised by the State through the zillah and perganna visitors.

The net result of this experiment in the indigenous education of the people within a limited area led to most satisfactory results. The number of schools and scholars had risen from 2,014 and 17,169 respectively in 1850 to 3,329 and 31,843 in 1851-52



29

1851-52 and 3,469 and 36,884 in 1852-3. The general character of the instruction had greatly improved, while a fillip to education was officially given by the orders of the Government requiring all government employees to be able to read and write. The patwaris and lambardars were expected to have some knowledge of arithmetic and the mensuration of land. The close nexus between the revenue system of the country and popular education was recognised, for the artificial and elaborate system of record and registration rendered the security of all titles to landed property dependant on the accuracy of written entries. The Government of the N.W.P. wrote, which incidentally was reiterated in the First Administration Report of the Panjab by the Lahore Government where conditions were not dissimilar; "It was evident that if ever this system [revenue] vitally affecting as it did the most cherished rights of the people, was to attain consistency and truthfulness, the people must be educated so as to be in a position to avail themselves of the opportunities it offered, for the protection of their privileges."<sup>30</sup>

The Marquis of Dalhousie in sanctioning the extention of the experimental Agra tahsil school throughout the N.W.P. commended

29. Ind. Pol. & For. Cons. 1853. Nov. 18, No. 191. Encls. The Government of the N.W.P. to the Govt. of India (Home Dept.) Aug. 4, 1853.
30. Loc. cit.

commended this system of vernacular education to the local governments of the Panjab and Bengal Presidency in a Minute, the cost of which, he opined, might be easily defrayed from the ample fund left to the Government by the death of the ex-Peshwa.<sup>31</sup>

This supplied the necessary incentive to the local officers to great exertions in gathering together complete statistics and formulating schemes of public education for the Panjab, and these activities produced a spate of literature on the subject.<sup>32</sup> The literature is important in so far as it dealt with the general policy and the possibility of its success in relation to the Panjab conditions. In matters of detail, it was abandoned or considerably modified by the subsequent plan, which was finally approved by the Supreme Government. Robert Montgomery in an able Minute on education dated March 7, 1853, advocated reproducing in the Panjab the identical N.W.P. educational experiment with the establishment of tahsildari schools and the organization of zillah and pergunna visitors operating, in the first

31. Loc. cit. Minute on the Vernacular Education in India by the Most Noble the G.G. dated Oct. 25, 1853.
32. This literature is conveniently put together and may be referred in the Board's Collections 1854-55 Vol. 2591, No. 156,590. The list of documents contains:
  1. The Sec. to the Chf. Comm. to the Govt. of Ind. May 1, 1854
  2. Minute by R. Montgomery, the Jud. Comm. March 7, 1854.
  3. D. McLeod Comm. Trans-Sat. Div. to the Jud. Comm. Dec. 17, 1853
  4. Minute on the Education in the Panjab by the Most Noble The G.G. dated June 6, 1854.
  5. Minute on Ditto by J. Grant, the Member of the G.G.'s Council. Oct. 12, 1854.

first instance, in three of the principal divisions of the Province. The training of village teachers was to be provided for by the four Normal schools at the chief centres. Of the favourable circumstances for launching an educational scheme, Montgomery recorded his deliberate opinion that "there are less prejudices and fewer elements of passive hinderance or active opposition here than elsewhere. The Sikh fanaticism and political fervour are dying out. The Hindus are less superstitious and less priest-ridden. The Mohammedans of the plains, though formidable in numbers, are less bigoted, less bound by traditional practices than their co-religionists in any part of India. The upper classes display intelligence and inquisitiveness in respect of Asiatic learning and the European sciences. The agricultural classes though uncouth are less apathetic and less illiterate in their tastes than might have been expected. The village accountants display a skill not surpassed and often unequalled in Hindustan. The working classes evince a considerable aptitude in mechanical art. On the whole then, the Panjab is ripe for the introduction of an educational scheme." - a situation in fact full of promise for the 'reception' of education

33. Loc. cit. Minute by Robert Montgomery dated March 7, 1854

education, to which John Lawrence added: "There can be no question that the people of the Panjab as far as the left bank of the Indus have a real desire for education, and that the people would willingly second the efforts of Government for the promotion of educational measures."<sup>34</sup>

The aims of an educational policy which the State should set before itself in reference to the Panjabis and Indians in general were eloquently put forward by Donald McLeod, the Commissioner of the Trans-Satlej Division. He wrote: "In its educational efforts it seems to me that our Government has two distinct objects to keep in view. The one to raise up suitable candidates for our public offices which has I fear much more exclusively than might have been desired, been the aim, or at all events the result of nearly all our efforts heretofore with the establishment of village schools was determined on except perhaps to some extent at the Presidency. The other to raise the intellectual condition generally of the population entrusted to us, which I regard as being beyond all comparison the more important."<sup>35</sup>

He recognised the futility of the policy hitherto pursued by the Government of India with regard to education, which preferred

34. Loc.cit. The Chf. Comm. to the Govt. of Ind. May 1, 1854.
35. Loc.cit. The Comm. & Supt. Trans-Sat. Div. to the Jud. Comm Dec. 17, 1853.

preferred to cater for the elect few rather than the great body of the people and thus tented to create a small body of highly equipped scholars detached from the masses. What indeed had been the effect, " but to raise a body of youth, having little in common with their humbler brethren and producing little or no effect." He postulated the condition of not only allying the educational enterprise closely with indigenous institution so that it would be in harmony with the spirit of the people, but also of liberal monetary assistance by the State being assured to schools of all denominations. Of the latter he wrote:".. This course ( making grants) has already been followed by Government in respect to Jainarain's College at Benarfa .... in another Presidency, the principle has been admitted that it is just and right for Government to accord encouragement to secular education wherever of an effective character, though combined with religious instruction. I would by no means advocate that Government should depart from its strictly secular character, but where really sound instruction in secular matter is imparted, I would encourage it and it is time, I think, that we should show that the Christian religion will not be discountenanced by us, though abstaining from all attempts as a Government to interfere with  
with

with the religious persuasion of any."<sup>36</sup>

This was clearly a delicate proposition, which would easily lend itself to some controversy. Of Dalhousie's sentiments on the question, there can be no doubt whatever. He recorded:"  
.. but I am of opinion that for these days we carry the principle of neutrality too far, that even in a political point of view we err <sup>[by]</sup> in ignoring so completely as we do the agency of Ministers of our own True Faith in extending education among the people, and that the time has now come when grants of money in aid of secular education, carried on in schools established and conducted by Christian missionaries might be made by the Government without any risk of giving rise to those evils which a recognition of such agency has hitherto been thought likely to create and with the certainty of producing an immense and an immediate effect in the extension of sound secular education throughout the masses of the population of India."<sup>37</sup> The opposition view was expressed by J. Grant, a Member of the Governor-General's Council, who reading this literature together with the famous Despatch of the Court of Directors of July 19th of 1854, No.49, which contemplated a grant in aid system for the general diffusion of education in India, took the view that the religious  
neutrality

36. Loc. cit.

37. Loc. cit. Minute on the Ed. of the Panjab. by the Governor General. June 6, 1854.

neutrality of the Government would be affected by the new scheme. He was mistaken in thinking that the Home Authorities were trying to impose a policy, which would not only be in conflict with the traditional attitude of the British Government, but would by alarming the people be fraught with incalculable harm.<sup>38</sup> The majority of official opinion was in favour of the new policy and the controversy was brought to a close by a Despatch from London, which read as follows:<sup>39</sup> "Although we have deliberately arrived at the conclusion that such grants are not inconsistent with religious neutrality, and have accordingly sanctioned their introduction, we fully appreciate the necessity which exists for the exercise of great caution in setting on foot a system which may possibly be open to misconstruction, and we fully confide in your discretion and care in framing the practical rules by which the grants will be distributed."<sup>39</sup>

The proposals relative to the extension of vernacular education submitted by the Chief Commissioner of the Panjab were entirely approved by the Government.<sup>40</sup> The Governor-General in Council desired that steps might be immediately taken to introduce throughout the Panjab the N.W.P. system which had succeeded so magnificently with its institution of Normal schools for the training

38. Loc.cit. Minute by J.Grant.Oct.12,1854

39. Despatch from the Court of Directors to the G.G. in C. Public Dept. dated April 18 (No.43) 1855.

40. Ind. Pol. & For. Cons. 1855. Feb. 16 No. 47. The Govt. of Ind. to the Chf. Comm. Jan. 26. 1855.

training of teachers. The official letter of the Government went on to say that the Governor-General in Council "regards the foundation of a college at Lahore similar to those at Agra and Delhi, as a necessary and substantial part of the scheme of education for the Panjab . . . and to request the early attention of the Chief Commissioner to this subject. His Lordship in Council is also favourable to the establishment of station or zillah schools for imparting both English and higher order of vernacular instruction, wherever the ground is not occupied by missionary or other effective private schools, whether assisted by grant in aid or not."<sup>41</sup>

Before these orders could be given effect to, the supervision of educational enterprises in the Panjab had changed hands. The Judicial Commissioner had been vested with the general supervision of education of the Panjab by clause 8 of the Government of India's Resolution dated Feb. 4th (No. 14) 1853.<sup>42</sup> Robert Montgomery now asked to be relieved of this department in the midst of his arduous duties of organizing the judiciary in the country, and requested the Government to appoint Donald McLeod, who became the Financial Commissioner on Edmonstone's promotion to the Secretariship of the Government of India to the Foreign and Political

41. Loc. cit.

42. Supra p. 105.



political Department, in charge of the education department of the Panjab. Mr. McLeod, according to him had "given much thought and attention to the subject and has large and comprehensive views regarding education and is himself well versed in the literature and sciences of the country." The Government of India accordingly sanctioned the change in the general supervision of education of the Panjab, and Mr. McLeod became incharge of operations connected with it.

The Government of India took a further step in organising a department of public instruction by appointing Lieutenant W. D. Arnold, brother of the famous poet, to be its Director at Rs 1,000 p.m. as from Jan. 1856, on the recommendation of the Chief Commissioner. A little later the Chief Commissioner represented to the Supreme Government that promotion for Lieutenant Arnold in the army being closed he should receive Rs 1,200 per mensm instead, which the Government sanctioned. He was to receive further travelling allowance at the rate of Rs 1/ per mile as in the case of the Inspector of Prisons.

As a lever for bringing into operation the active participation of the community it was indispensable to start with a comprehensive educational scheme. Donald McLeod outlined such

43. Ind. Pol. & For. Cons. 1854. Aug. 18, Nos. 213-15. The Govt. of Ind. to the Chf. Comm. dated Aug. 18, 1854.
44. Ind. Pol. & For. Cons. 1856. Feb. 15. No. 265. Sec. to the Govt. of Ind. to W.D. Arnold. Jan. 5. 1856.
45. Loc. cit. The Chf. Comm. to the Govt. of Ind. Jan. 28. 1856.

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a policy which it is necessary to consider in some detail. The broad base of education in that policy was to be provided by village schools, as had been done in the N.W.P. An educational cess of 1% on the net land revenue was introduced throughout the Panjab by the Chief Commissioner's letter No. 1084, dated 28th December, 1855 addressed to the Financial Commissioner and the cess was to be devoted exclusively to the support of primary schools. The Provincial Government further contemplated assigning the "kamiana tax" or the cess levied on the artisan and manufacturing classes to these schools to help to establish their finances on a more stable basis. McLeod recommended in his scheme that Government should supplement the income of village schools by a grant on a scale of Rs 500/ per annum per district in those districts in which village schools were established, and by a further grant of Rs 40/ p.a. to provide various prizes including scholarships at Rs 15/ or 18/, which would connect the village schools with perganna schools.

Next above were to be the perganna schools supported entirely from Government funds. One perganna school was to be established on an average in each perganna or tahsil, but in exceptionally thickly populated areas, more than one might be set up  
The

46. Ind. & Pol. & For. Cons. 1856. April 11. No. 236. Encls. The Financial Comm. to the Chf. Comm. J. n. 30, 1856 and enclosures.

The sites of these schools was to be governed by the local conditions. With a view to link in with the perganna schools with the next above in the spirit of para 63 of the Hon'ble the Court of Directors' Despatch, it was proposed to attach to each of these schools two scholarships of Rs 2 p.m. for the purpose of affording higher studies in the zillah schools.

The next grade of schools were to be called zillah or district schools after the fashion of the N.W.P. These schools were intended to be set up in the headquarter of each district in the Panjab, save where effective private institutions already existed, for it was considered inexpedient to encourage any rivalry between them.

It was proposed that the zillah schools might in turn be linked up with the Central College at Lahore by means of stipends. It was obvious that a larger sum must be allocated for the purpose than in the case of perganna schools. For one thing living at the capital town was more expensive; for another scholarships should be substantial enough to induce the holder to undertake several years of study away from home. The scale proposed by the Financial Commissioner started at Rs5/ and rose to 10/ p.m. in the third year of the collegiate course. This enabled

enabled the zillah school to have a fresh nomination to scholarship each year, and provide for three stipendiary scholars from each district reading at one time. The cost of these scholarships was to be charged to the zillah schools, and in return for this a district school had an effective liaison between the scholar and the old school by the reversion of any scholarship, should it terminate or be forfeited.

The Lahore Central College was the apex of this scheme of a series of institutions, and made provisions for higher studies. There were to be no bursaries or general scholarships at the college, but that it was to rely for additional scholars on public charity in the form of endowments. What might have been lost through the absence of stipends in the way of providing a stimulus, was to be made good by prizes and other distinctions. There were to be a Principal and two Professors - presumably European - on the staff of the college. The classes of studies indicated by McLeod were:

First," the general department of collegiate studies including the study of languages, Polite Literature, whether poetry or prose; History, Geography, Political Economics, Law, Metaphysics, Mental and Moral Philosophy, General Logic and  
even

even the polite arts such as painting, music. To this department will appertain the library of the institution.

Second," Mathematical and Inductive Sciences connected with Physics, including Astronomy and all the several branches of Dynamics as well as what appertains to Civil and Military Engineering.

And third," The Sciences relating to Analysis of Organic and Inorganic matter, Natural History in all its branches and the useful arts.<sup>47</sup>"

McLeod placed great emphasis on the study of natural and chemical analysis in a new country like the Panjab, whose resources remained still unexplored and untapped and he gave his opinion that the third class should appear as compulsory in the curriculum of the college.

In a separate memorandum on the Lahore Central College Arnold, the Director of Public Instruction, remarked on the ambitious course of studies which was open for pursuit — in the college and the necessity of keeping it exclusive. This was to be achieved not by making education needlessly expensive, but by restricting approach to it either " to those who were fortunate enough to be able to pay for the luxury of a refined education, or to those who by talent and industry had earned a right

47. Loc.cit.

right to be helped in a course wherein they have already helped themselves."

Entrance to the college was made contingent on the payment of comparatively high fees and the passing of a strict entrance examination. As the college was to be the part of the whole educational organization, and not a solitary institution, it was deemed expedient to control admission to it by a stricter age limit than was the case elsewhere in India. In the N.W.P. particularly colleges were of very mixed character, which drew a very significant remark from the Governor-General who described them as "a compound between a college and a Dame school". It appeared that people of all ages had been allowed to join these institutions. Arnold recommended that the age limit should be 15 years, but McLeod was in favour of reducing it still further to 14, for he believed "youths in this country are more precocious than in Europe."

Schools of a somewhat different description from those described above were the Normal schools. They formed the essential part of the whole educational scheme, and were calculated to ensure its proper functioning and general success. The function of the Normal school was to train the teachers who

who were destined to preside over primary schools. In any system of education the teacher occupies a very responsible position. His task is not only to instruct children to read and to write, but he wields a great influence in moulding the youth for better or for worse. And it was of the utmost necessity that he should be thoroughly trained and should be capable of winning popular sympathy particularly in the infancy of the system. It was proposed to establish four Normal schools at Amballa, Lahore, Multan and Rawalpindi. To each Normal school was to be assigned a maximum number of 50 stipendiary students, 30 of whom were to draw Rs 3/ p.m. and 20, Rs 5/ p.m.

It was considered by the Financial Commissioner that Urdu and Persian were destined to replace all other languages in due course and would generally become the medium of instruction in the Land of the Five Rivers. The general curriculum at the schools was to include besides the study of the vernaculars, arithmetic and writing.

It was equally incumbent on the Provincial Government to outline distinctly the form of machinery for the superintendence of educational organization. It was closely parallel to that which obtained in the N.W.P. As we have remarked, the  
Director

Director of Public Instruction was the head of education. The appointment of two Inspectors one for the Northern Divisions and the other for the south-eastern Divisions was projected. The scheme was to embrace the whole of the Panjab, Visitors and Assistant Visitors were to be appointed to carry out the same functions which devolved on the parganna and zillah Visitors of the N.W.P.

Consideration of female education was for the time being deferred; and so was the setting up of periodical publication, which had been approved by para 7 of the Despatch of the Court of Directors, dated April the 18th (No. 43) 1855. It was manifestly desirable that such moot points should receive mature consideration after the system had got going for some time. Considerable efforts were being made in the Panjab by local officers to organize geological and economic museums in the districts and one Central Museum was established by the Panjab Government on account of its educational value.

Lastly, a measure for assisting private schools was contemplated in the spirit of the memorable Despatch from the Home Authorities. The measure was to assume the form of 'grants in aid'. The principle underlying it was the withdrawal of a government

48. Ind. Public Despatch. Dated July 19 (No. 49) 1854.



government school where a non-government school was being prosperously conducted, and for the Government to assist such a school by financial contributions and books, or in other constructive ways. Rules governing these grants were embodied in the proposed notification 'respecting grants in aid for educational purposes in the Panjab.'<sup>49</sup> These rules displayed the liberal attitude of the Panjab Government in a matter which concerned the moral, intellectual, and political uplift of the people. The essential principles were that the education officers were simply to inspect and examine the schools, and to make a special report on them once a year. No further interference was to be permitted. The scheme of studies rested with the Managers of such schools, who were to be required to keep the institution in a state of efficiency in return for the aid rendered by the Government. No grant was to exceed the amount assigned from private sources, and they were preferably to be confined to those schools, Normal schools excepted, who charged fees from the students. The local Government retained discretion in the matter of giving grants.

It was obvious that a scheme of popular education of this nature would require considerable funds, and McLeod believed that it would far exceed the amount of two lakhs of rupees, which

49. The Financial Comm. to the Chf. Comm. letter Jan 30. 1856, op.cit. Appendix II.

rupees, which had been generally allocated to other provincial Governments for a similar enterprise. The estimated cost, when the whole organization had been given effect to in the Panjab, was expected to cost three lakhs and an additional sum of Rs 15,000/ for grants in aid, calculated at the rate of 5% on the entire educational expenditure. Although the general system of education proposed for the Panjab corresponded pretty closely to what had been attempted elsewhere in India, yet it differed in this, as the Financial Commissioner was careful to point out: " That I have endeavoured to introduce as many graduations of salary as possible into all classes of schools, and all grades of officers, being strongly impressed with the belief, that the stimulus to = exertion thus obtained, is of the greatest possible importance."<sup>50</sup>

The Chief Commissioner forwarded this comprehensive plan for education in the Panjab to the Government of India, and while endorsing it generally, solicited sanction on a number of points with a view to giving effect to it.<sup>51</sup> That Government readily gave the Chief Commissioner the requisite authority to start on educational operations subject to the modifications in some details.<sup>52</sup> The final arrangements were as follows:

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50. The Financial Comm. to the Chf. Comm. Jan 30 1856 op cit.
51. Ind. Pol. & For. Cons. 1856 Apl. 11. No 236. The Chf. Comm. to the Govt. of Ind. March 7, 1856.
52. Ind. Pol. & For. Cons. 1856. May 30. No. ~~277~~. The Govt. of Ind. to the Chf. Comm. dated. *May 28, 1856.*

The total sum for disbursement on all items of educational enterprise, save the grants in aid, was two lakhs, which was provisionally granted for one year. The grants in aid were to be made by the Provincial Government up to Rs 15,000/. The principal items of expenditure on education generally were the salary of the Director at 1,200/ p.m. two Inspectors at Rs 500/ each, with a prospective increase to 800/, ten Visitors at Rs 100/ to 150/, sixty Assistant Visitors at Rs 30/ to 80/ each, one hundred perganna schools, twenty-seven district schools, four Normal schools, and one Central College with a staff of Principal and two Professors at Rs 300/ to 500/. The general rules regarding service pensions were declared applicable to all the educational establishment in the Panjab. All appointments carrying a salary under Rs 100/ p.m. were vested in the Director of Public Instruction, subject to the sanction of the Financial Commissioner. All other major appointments were required to be submitted for the sanction of the Supreme Government. The Chief Commissioner was authorised to sanction the various establishments for each Division and each district within the general limits of two lakhs temporarily for one year beginning with the 1st of May, 1856, subject to one condition, namely,

namely, that schedules for future years within the prescribed period should be submitted for the orders of the Government, and that any expenditure incurred so far was to be passed by the Chief Commissioner in contingent bills. The Chief Commissioner was further empowered to sanction small sums of less than Rs 10,000/ -- the limit of his power in the Public Works Department -- for educational buildings, provided that amount came within the margin of the total grant of two lakhs of rupees.

The Government referred to the proposition of withdrawing government schools from places where good private schools existed, and commended the possibility of giving effect to it with special allusion to the Amritsar school. The correspondence submitted by the Chief Commissioner a little later disclosed that government schools had already been withdrawn from Jalandhur and Kangra where it appeared advisable to do so, but that the Director of Public Instruction strongly urged their continuation at Amritsar and Rawalpindi. As there was as yet no Missionary school in Rawalpindi, and the importance of the Amritsar school to the community was beyond doubt, the Government

53. Ind. Pol. & For. Cons. 1856. Aug. 29, No. 302. ref. letter from the Chf. Comm. to the Govt. of Ind. July 30. 1856

Government agreed to their continuation. At the other principal towns of Lahore, Peshawar, Ludhiana and Amballa, Missionary schools flourished and had gained the confidence and sympathy of the people, no attempt was made to found government institutions.<sup>54</sup>

The final point in the scheme of education deserving attention, was the apparent inconsistency between the terms employed for Visitors in the Panjab and those that prevailed in the N.W.P. The discerning eye of the Governor-General in Council easily detected it and referred back to the Financial Commissioner the question whether the same terms of perganna and zillah visitors could not be employed in the Panjab for the sake of uniformity without sacrificing any substantial advantages. The reasons which led McLeod to prefer the general designation of Visitors and Assistant Visitors were that the alternative terms of zillah and perganna visitors would not accord with the limits, within which they were to perform their duties and because on the grounds of economy, it had been proposed to have ten visitors for the twenty-seven districts (zillahs) and sixty assistant visitors for one hundred tahsils (pergannas)

54. Loc. cit.

( pergamas). These officers consequently had circles to control which exceeded the fiscal divisions of the Panjab. The Government, therefore, consented to retain their proposed designation.

It is not possible to determine the extent to which this educational enterprise was put in operation within the year covered by the treatise or to say with what success it worked. The intervention of the Mutiny naturally enough, distracted the Government and their subordinate officers from supervising the scheme. But it may be remarked that the plan of public education was conceived in the spirit which pervaded the famous despatch ( commonly known as the Wood's despatch) and it recognised not only the failure of the ' percolation theory' of education, which had for long been in favour with the Government of India, but it initiated a new policy. Incidentally, the years 1852-55 were an extremely active period and witnessed the production of literature as well as the taking of action on this important subject of educating the peoples of India. There was Thomason experimenting with his extremely ingenious plan

55. Ind. Pol. & For. Cons. 1856. Oct. 31. No. 255. *The Indian to the Spent of the C. F. L.*  
56. This despatch has already been referred to on p 447 and p 457

plan of working through the communal efforts of the rural population. There was the Chief Commissioner at Lahore trying to work out a similar scheme of great promise in relation to local circumstances, and assisted by his able subordinates. There was again the Home Government formulating a historic policy which took a visible form in the shape of large money grants by the Government in the cause of education, and which outlined the structure of the system and defined the curriculum which had its roots in the firm base of society and was in sympathy with the aspiration of the people in general. It has often been supposed that the source from which this new policy emanated was either the body of Directors of the East Indian Company or one benevolent individual, Sir Charles Wood, the President of the Board of Control in London. It must, however, be remembered that the despatch was based on the knowledge gained through persistent efforts made in the N.W.P. and the Panjab in the domain of education in close accord with the realities of rural life. And in fairness to the Marquis of Dalhousie's administration in India, it may also be said that his contributions in the culmination of an educational policy were as distinguished as those of any other individual. While the Provincial

Provincial Governments were actively engaged in experimenting on the spot; while the Directors in Leadenhall Street and the President in Cannon Row were theorising on the possibility of a change in the policy of education in India, the Governor-General's mind was no less active in the Council Chamber planning and shaping a constructive scheme of education for the whole of India. The fact is that the Government of India had already written to the Home Government an important official letter in 1853 adumbrating a new policy of education with regard to India which was substantially adopted in the Directors' <sup>56</sup> despatch of 1854. On the receipt of the Despatch dealing with education, the Governor-General could scarcely restrain his surprise at not even an acknowledgement of his previous letter and, indeed, anguish that the world might be led to believe that the Government had been sitting idle and had nothing whatever to do with the formulation of a scheme on such an important subject. He, therefore, lost no time in sending a protest to the Directors <sup>57</sup> in London, who in reply commended the activities of the Government of India.

The new policy in which all authorities concurred stood for  
educating

56. Ind. Bengal Letters. The G.G. in C. to the Court of Directors, No. 79. Nov. 4, 1853.
57. Ind. Bengal Letters. The G.G. in C. to the Hon'ble the Court of Directors. Home Dept. Oct. 27, (No.91) 1854.



educating the people from below, and thereby providing a widely enlightened basis of society. Its organization was analogous to what had been attempted in the N.W.P. and the Panjab. But whether the scheme could work without further changes was largely a matter of speculation and time alone could tell. What is more interesting to notice is the rapidity with which some of the results of educational organization began to materialise in the Panjab. The experimental school at Amritsar registered after a year's existence, an attendance almost double that with which it started.<sup>58</sup> It was endowed by a Government grant of Rs 5,000/ a year and was supplemented by a yearly contribution of Rs 500/ from Maharaja Dalip Singh, the ex-ruler of the Panjab. In 1856 the number of students who received instruction in English had risen to <sup>59</sup> 500.

The weakness of the system of education in the Panjab, as elsewhere in India, was its inevitable divorce from the realities of the life of people, for whom it was designed to cater. This is largely the inescapable consequence of foreign domination, more particularly where the conquerors and the conquered differ vastly in civilisation. Education under the British, inspite of  
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58. P.A.R. 1849-50-51 para 380

59. P.A.R. 1854-55-56 para 71

of its protestation of being allied to indigenous institutions, was exotic. It was devoid of national inspiration or cultural thought, which alone can give mental and moral poise in life. The establishment of State aided schools and provision for the encouragement of the study of the vernacular and English languages inevitably involved the decay of indigenous learning. Persian already forsaken as the court language soon fell into desuetude. The old system of imparting knowledge was cut off from its source of finance by the policy of resumption of rent-free lands, which formed the essential feature of administration of land under the British, and nothing satisfactory was put in its place. The Board of Administration had dealt gently with the 'dhurmuths'<sup>60</sup> as the grants of land dedicated to educational purposes were called. But the moving spirit of the Panjab Administration, John Lawrence, had declared his aversion to their continuance as early as 1847, when he was a Commissioner of the Trans-Satlej States.<sup>61</sup> Oriental classical and elementary education was thus unwittingly degraded and deprived of its means of growth through which it had for centuries past flourished. From now on Urdu, and subsequently English, were welcomed as the

60. Supra. pp 222-23.

61. Ind. Pol. Cons. 1847. Dec. 31. No. 2272. John Lawrence the Comm. Trans-Sat. States to the G.G. of Ind. May 26, 1847.

the avenues and claim to employment under Government by the more enterprising sections of the community. The original educational scheme put forward by McLeod secured only a partial fulfilment. Recruitment of the subordinate and low paid services was well provided for from among the rapidly swelling bodies of young students. Education was not looked upon as a means to the mental and general development of the human mind, but purely as a commercial proposition calculated in Rs. as p. and leading to some inferior post under the district officer. To that extent the old phenomenon was being re-enacted, that where a dynasty of rulers falls, its successors encourage their own particular speech. In India the Sanskrit of the Hindus had yielded place to the Arabic and Persian of the conquering Mohammedans, which in turn were displaced by the Anglo-Saxon speech and the mixed vernaculars which prevailed in different parts of the country. There was in education no attempt made to effect a synthesis between oriental and western learning.

The newness of the educational scheme in the Panjab was further accentuated by the Hindustani element, which dominated the supervising machinery. The Panjabis were not yet sufficiently educated to warrant their appointment as visitors and

and assistant visitors. The supervisory service was of necessity manned by the Hindustanis. But as a class they were most unpopular among the Panjabis. John Lawrence laconically expressed the prejudice as follows:" The Panjabi generally looks on the Hindustani with suspicion; the Hindustani views the Panjabi too often with contempt." <sup>62</sup> Between the Hindustani visitors and the people there was little sympathy, and consequently the co-operation of the people in education was withheld.

Two more criticisms of the early educational system in the Panjab may be advanced; firstly, the rural part of education was unrelated with the general administration of the country. The district officers and their subordinates who were more intimately connected with the village population than any ody else, were excluded from the organization. Their knowledge and experience were denied to the education system, which might otherwise easily have been assisted to avoid those initial errors which are inseparable from inaugurating any system. It was manifest that measures to restore the necessary liaison would sooner or later have to be devised, under which the district officers would be vested with more than a modicum of responsibility in the educational sphere.

Secondly,

62. Board's Collections. 1854-55. Vol 2591. No. 156, 590. The Chf, Comm. to the Govt. of Ind. May 1, 1854.

Secondly, the 1% educational cess was raised almost exclusively from the agriculturalists, and was intended to benefit their sons reading in the primary village schools. Almost the reverse of this was achieved. The sons of the bunia and the trader forged ahead, and the children of the cultivators in general abstained. In short an anomaly arose whereby the peasantry was taxed to provide money and means for educating the sons of the mercantile community.

B. Development of Means of Communication.  
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It is hardly possible to exaggerate the influence which the development of means of communication effects on the life of a people. The Panjab of the middle of the nineteenth century was a land-locked Province with no ready means of contact with the outside world. Moreover, it was, as it is to-day, par excellence a country of villages, in which local life continued in its old grooves. The people rarely travelled far from their homes; journeys being hazardous owing to insecurity of life and property. Grain was seldom carted away; a great proportion went to the State granaries, and any surplus left over found no market, because its transmission across a wide stretch of country was prevented by lack of proper roads. Plenty in one part of the country and starvation in the other was, therefore, by no means a rare phenomenon.

British efforts to break down the isolation of village life in the Panjab dated back to the Regency period, when Robert Napier was appointed the Darbar's Engineer. <sup>1</sup> During 1847, various activities were taken in hand; 'kutcha roads' were made, the Hasli canal was cleared, the upper part of the Bari Doab and a portion of the Rechna Doab were surveyed and roads

1. 1847 A.D.

roads laid out. On the annexation of the Panjab, the Government contemplated taking vigorous action for developing resources of the country. Counting on the help of local functionaries in encouraging agriculture, trade and manufacture, and devising schemes of material prosperity by the opening of roads and digging of canals, the Marquis of Dalhousie observed in a historic letter constituting the Panjab Administration:

"By prosecuting these projects of improvements and directing the energies of the people to new sources of interest and excitement, we may gradually wean them from those schemes of agitation and violence which the inveteracy of habit and prestige of long and uninterrupted success under Maharaja Ranjit Singh have hitherto encouraged, and it may be our happiness to see our efforts crowned by the conversion of a martial and hostile population into industrious subjects cultivating the arts of peace and civilisation."

These noble sentiments of the Government were translated into action, when on the representation of the Board of Administration,<sup>3</sup> it adopted a comprehensive program of public reconstruction. The Governor-General in Council sanctioned an annual expenditure of five lakhs of rupees on works of public

2. The Govt. of Ind. to the Bd. of Adm. No. 418. March 29, 1849 op cit para 57.
3. Ind. Pol. & For. Cons. 1849. Aug. 4. No. 87. The Bd. of Adm. to the Govt. of Ind. May 30, 1849.

public improvement. Robert Napier was appointed Civil Engineer in the Panjab, and was vested with the superintendence of the canals, roads, and civil public works of every description.<sup>4</sup> In a minute dated the 17th December, 1849, Lord Dalhousie laid down a comprehensive scheme of reconstruction to which the Panjab Government was to address itself forthwith. The scheme consisted of the following items.

1. The improvement of the existing Hasli canal.
2. The extension of the system of canals through the Bari Doab.
3. The repair and formation of Inundation canals. ( These works formed no part of the Board's former plan; but they appeared to the Supreme Government to be well-calculated to produce great and immediate benefit and therefore deserved full consideration.)
4. The main roads throughout the Panjab and most especially that from Lahore to Peshawar.
5. District roads. 5.

By far the most important of these public works was the construction of roads dictated by considerations of strategy as well as <sup>by</sup> those <sup>the</sup> of social and material amelioration of the people.<sup>6</sup> The roads of the Panjab were of three classes.

1st.class trunk roads: They were in continuation of the main line road from Calcutta to the N.W.P. raised above all inundations, completely bridged and metalled and joined the frontier at Peshawar. The cost of construction was defrayed from

4. Loc.cit. Minute by the G.G.dated July 23,1849.
5. Home Miscell. No.760. pp 229 ff.
6. Ind.Pol.& For.Cons.1852.Dec.29.No.144.Encls.The Civil Engineer (R.Napier) to the Bd.of Adm.Aug.10.1852.



from the general revenues of the country.

2nd.class trunk roads, which connected the principal towns and military stations with each other, and with the N.W.P., Bhawalpur, and Sind. The cost of these roads was likewise defrayed from the general revenues of the country.

3rd.class district roads: They were for the internal communication of the country, and connected the principal civil towns of neighbouring districts with each other or with military stations. They opened out the interior of the country and linked up the subordinate police and revenue stations. Not only from the point of view of administration in the country districts, but also for economic and social advancement inherent in the means of communication, district roads exerted a profound influence on the lives and out-look of the people. The cost of these roads was met by a special cess, called the Road Fund of 1 % on the land revenue.

It may be explained that the total expenditure of five lakhs on public works sanctioned by the Government of India was made up of an income derived from a number of sources. In the first place, there was a special cess of Road Fund or contribution of 1% of the land revenue, levied on all malguzari  
or

or revenue paying lands, whether khalsa or jagir. Each district appropriated its own proceeds and expended them under the rules laid down for these funds on the construction of roads. The total yeild of Road Fund throughout the Province was one lakh of rupees.

The second item in the local funds besides the government grant towards the construction of public works, was the 'muzul' or local agency fund formed almost exclusively from the sale of government buildings, either erected or appropriated by the Government which had preceded the British; the sale of gardens, houses; or land to which from whatever cause, there had been no valid private claims established; the sale of property confiscated from the rebels and, to a limited extent, the annual income from houses, shops, gardens, the property of government which were rented out or otherwise turned to account

The third item was the ferry fund which consisted mainly of the surplus proceeds of the ferries.

Income from these three sources was managed entirely by the several local committies, which consisted mainly of European officers. In the Trans-Satlaj Division, Donald McLeod reported that the Indian Extra Assistants were associated

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associated only in name. As a special indulgence, the Government of India had allowed the proceeds of abkari and intoxicating drugs to be expended on public improvements in the Jalandhur Doab.<sup>8</sup>

A brief summary of the total milage of roads constructed during the five years ~~of~~ of the annexation of the Panjab, and commended by the Marquis of Dalhousie in 1854 was as follows:

3,600 miles of road were thrown open to traffic; 834 miles more were in progress; 2,736 miles in addition had already been surveyed and 827 miles traced. The contributions of the Government of India towards its cost were about half a million sterling.<sup>9</sup> Reliance placed on the civil officers in carrying out the program of public reconstruction was fully justified; for 1,500 miles of road and 76 bridges were executed through their instrumentality. On the specific building of the great military road running from east to north west of the Panjab, the Governor-General wrote: "The general plan of the work, the careful consideration of detail and the scientific application of means to the end sought, which characterise the whole of the great work which

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7. Ind. Pol. & For. Cons. 1854. Dec. 15. No. 321. Encls. to the Jud. Comm.'s rep. on adm. in the Panjab. Appendix S. Memo. on Roads etc. in the Trans-Sat. Div. by D. McLeod.
  8. Loc. cit.
  9. Ind. Pol. & For. Cons. 1854. Dec. 22. No. 302. Minute by the G.G. dated Oct. 17, 1854.

has been undertaken in constructing a line of road from Lahore to Peshawar reflect the highest credit upon Lieut. Taylor (another very able Engineer who was associated with Robert Napier) with whom has vested the general direction and superintendence of the work.<sup>10</sup>"

The gigantic works, military and civil, which were afoot in the Panjab and elsewhere in India required the reorganization of the department of public works as a whole. Lord Dalhousie with his characteristic thoroughness did away with the Military Board in 1854 in whom the general control over military works of all kinds lay under the direct supervision of the Supreme Government. In the Panjab, in particular, the Military Board exercised control over all military works of construction in the Province and over general public works in the Cis and Trans Sattlej States; while the control of defensive works on the Trans-Indus Frontier and of public works in the Panjab proper vested with a Civil Engineer immediately subordinate to the Panjab Administration. This dual authority was got rid of in 1854, and all engineering works, whether civil, military, or public were placed under one department, at the head of which Robert Napier was

10. Loc.cit.

was appointed as the Chief Engineer of the Panjab. But in all matters, financial and others, he was subordinate to the Chief Commissioner.<sup>11</sup>

The more practical result of road construction throughout the length and breadth of the Panjab were voiced by Robert Napier in the following words: "The production and use of wheeled carriage(s) has rapidly followed the roads. A number of carts may now be seen penetrating the "Bar" of the Gugaira district, where they had fallen into disuse for many years and the produce of those lately profitless wastes now finds its way to the markets of Lahore and Amritsar. To travel from Lahore to Multan before annexation was a matter of serious consideration and a fortnight's march, and it is now as easy trip of 30 hours in the express cart.

"Nearer the frontier, a carriage can now drive into the heart of Hazara, where not long ago, the people of the country alone could find their way by a difficult bride<sup>l</sup>-path.

"Beyond the Indus, our border enemies adopt our roads and it may truly be said that every step they take over a good road and in a well ordered country, is a slow but sure one towards making them more civilised and better neighbours."<sup>12</sup>

11. P.A.R. 1854/56 para
12. The Panjab Road Rep. 1853/54 by Lieut. Col. R. Napier, the Chf. Engineer to J. Lawrence, the Chf. Comm. Sept. 9, 1854, published with the P.A.R. 1854/56.

### C. Irrigational Enterprise.

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Of all requisites to the material prosperity of an agricultural community, perhaps the most important is a ready supply of water for carrying on agricultural operations. The Panjab by its geography was peculiarly vulnerable to drought and was consequently an easy prey to the resulting economic difficulties which were by no means a rare phenomenon in the history of the Province. The produce of the soil was dependent on a short rainy season, and the rains are erratic and subject to violent fluctuations in the plains of the Panjab. A sudden and unexpected failure of rain would bring famine of exceptional severity in its wake in a country of small peasant proprietors who had no reserve capital for tiding over difficult times; and this severity was accentuated by the absence of the means of transport.

The great irrigational schemes undertaken to combat the dearth of water supply in India are essentially the product of modern engineering. The real indigenous instrument was the well, which was at best an uneconomic and unsound proposition for the cultivation of extensive lands. In the  
Panjab

Panjab river water was often made use in the flood season by means of canals in the parched tracts of the South West. Attention has already been called to the Marquis of Dalhousie's solicitude with regard to the material improvement and the exploitation of resources of the Panjab, and the Board of Administration's proposals for the laying out of roads and improving irrigational facilities on two ground; economic, for greater agricultural output, thereby enhancing the purchasing power of the Panjabi peasant; political, to provide employment for the disbanded khalsa soldiery on the inhospitable soil of the Manjah, — thereby pacifying the country. The colonizing enterprise in the Panjab may be considered in two aspects; permanent canals and the inundation canals.

The classic work of permanent canals in the Panjab was the materialization of a humble beginning with the improvement of the Hasli canal, of which notice has already been taken, into the great Bari Doab canal . It was to be a perennial canal running from the river Ravi right down the central tract, known as the Manjah, from north to south. The work on the projected canal began in 1851 under the supervision of Lieut. Dyas of the Bengal Engineers. The  
main

main line of the canal with its branches was to extend over not less than 465 miles. Its stream at its source was 129 feet in breadth and 5½ feet in depth. Its course was intended to be navigable, and even during the dry season of the year, the canal was to be capable of rolling down a quantity of water some 3,000 cubic feet a second. It was at first estimated and subsequent addition enhanced the amount to over 60 lakhs; but it was finally supposed that it would cost about 100 lakhs.

The second class of canals, inundation canals, so called because they functioned only when the great rivers of the Punjab were in flood during summer and autumn. These artificial channels were found in the valley of the Satlej, the Ravi, the Chenab and the Indus containing narrow strips of alluvial tracts, known as 'khadir lands', and watered by these canals. In the Multan district, in particular, these canals were found in great number, fed by the periodical inundation of the rivers. The canals had been originally dug by the Pathan rulers and had more recently been repaired by Dewan Sawan Mal, the most energetic of Ranjit Singh's nazims. Some of the canals were the property of the state, others were owned by powerful zamindars or associated village communities.

- a. Ind. P. C. 185-2. Dec 14. No 90.  
1. R. N. N. to the Bd. of Admin. Oct 18. 1851.  
2. Minutes by the G. S. Oct 20. 1852.



communities. The canals were for the most part irregular channels without any provision for the escape of surplus water. Often the waters of the rivers receded leaving large sand banks which had to be cut in order to feed the canals. The main canal was often cut up into a number of smaller channels which diminished the waters of the main canal, the whole "presenting in a map the appearance of the fibre of a leaf." The principal canal in the Multan Division was the 'Kanwah canal'. The width of the canal at the mouth was some 90 feet, diminishing to 20 feet at the other end. The body of the water received at the head was 1,200 cubic feet per second, but only a small portion of it was used in a line of irrigation of 55 miles, the remainder escaped at weak points and flowed back to the Sattlej.

Reports submitted by Lieut. Hugh James, Assistant Commissioner of Multan in <sup>1</sup>1849, and Robert Napier, the Civil <sup>2</sup>Engineer of the Panjab, on the inundation canals in 1852, afford interesting information about the indigenous mode of managing them. Nearly all these canals required the annual clearance of silt and deposits, which was carried out by the cultivators themselves, organised under panchayats for the purpose.

1. Sel. Pub. Corres. of the Bd. of Adm. Vol. 1. From Lieut. H. James to the Comm. & Supt. Multan, dated Nov. 29, 1849.
2. Ind. Pol. & For. Cons. 1852, Dec. 29, No. 146. Encls. Rep. on the Inundation canals by Lieut. Col. R. Napier, Sept. 11, 1852.

purpose. The panchayat decided on the number of laboureres required in the season for clearing out the canals, or for any emergent work caused by accident to the canals, — The number required from each village was determined by its interest in the irrigation. The villages furnished the necessary quota of customary labourers, called 'cheers', or in a wealthy and commercial community, "who seldom have much influence over agricultural labourers"<sup>3</sup>, paid a fine in commutation of labour. When the labourers so provided were not sufficient, more men were often hired for the purpose and paid out of the fines.

The State did not charge any water tax on land so irrigated, except in the Khenwah canal, which was the biggest of its kind, and even there the tax did not exceed 8 as. per acre. The interests of the State on the other hand were ensured by increased cultivation and enhanced revenues accruing to it.

recommended,  
Robert Napier/after a very careful study of the working of these inundation canals in the past, that the indigenous mode of their management should not be disturbed. It is interesting to observe that Hugh James, who had an experience of  
of

3. R.Napier. loc.cit.

of civil employment in Sind under Sir Charles Napier, deprecated the practice which had prevailed in Sind with regard to similar inundation canals of taking over the management under a separate department by the Government. In concurring with Hugh James, Robert Napier reiterated that a similar policy in Multan would not only remove responsibility from the community at large, but would also discourage the men, whose interests were mostly concerned in taking the necessary steps. Napier held that the panchayat was most zealous in carrying out its functions in the management of these canals, and that what was required was to provide the communities with scientific engineering and masonry work for the extension of channels. He set out a comprehensive scheme for the future management of these canals, the salient points of which were as follows:

1. That an Executive Engineer under the designation of Superintendent of Inundation canals should be appointed.
2. That he should be vested with magisterial powers.
3. That he should direct personally with his assistants the clearance and improvements of canals in use, the restoration of ancient and the opening of new ones. The clearance of the canals should continue to be carried out by customary labour as of yore and fines in default should be levied at the current rate of hire. Improvements beyond the means of customary labour was  
to

to be paid for by advances from the State, to be recovered by a water rent not exceeding 8 as. an acre for surface irrigation and 4 as. for irrigation by machinery.

4. And lastly, he recommended that the district officers should assist the canal department in the regulation of labourers and in the matter of clearing out of canals.

In reporting these proposals to the Government of India, the Board of Administration concurred generally with Napier's scheme, which the Governor-General formally sanctioned with the proviso that income derived from water tax under the new arrangements should go into the general revenues and that the charges of the canal should be paid from them likewise.

Accordingly, Lieut. Anderson of the Madras Engineers, who had been the superintendent of the Multan canals since January 1850 was appointed to take charge of the inundation canals and organize a proper department. He was placed under the general supervision of the Civil Engineer, and in the changes in the Public Works Department in 1854, the canal branch was separated off and the Superintendent was made generally responsible to the Director of Canals in the Panjab.

4. Ind. Pol. & For. Cons. 1852. Dec. 29. No. 146. Encls. The Govt. of Ind. to the Bd. of Adm. letter dated Nov. 19, 1852.

VI. C O N C L U S I O N S.  
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The nature and purpose of this treatise have rendered it necessary to dwell long on the arid details of minute description in the early administration of the Panjab. Each aspect of administration has been dealt with at length and an attempt made to appraise its efficacy in its bearing on the general state of the country. But the work of the Panjab Government, whether operating at first through the Board of Administration, or later the Chief Commissioner, must be considered as a whole in order that its effects may be properly appreciated. Of the individual problems which have been treated<sup>here</sup>, those of land revenue administration, general finances, justice, police, education and public works, each had been attempted and solved elsewhere in India before; many measures which were considered by the Marquis of Dalhousie and his officials, to wit, sanitation, medical relief, the postal system were only to be matured at a later date. But the crowning merit of the Panjab Administration seems to lay in this that it attempted all those things simultaneously

simultaneously and accomplished most of them in an incredibly short time.

This was made possible principally by the zeal and sincerity of purpose displayed by the officers employed in the Panjab. The strategic position of the Province as affecting the security of the British dominions in India, the severity of the recent struggle by which the country had been acquired, and its disorganized internal state, called for the best in the Anglo- Indian services, civil and military. The head of the Provincial Government and the Commissioners of the Divisions set the example of great self-sacrifice to duty, of long and often tiresome enquiry into subjects of all kinds and of almost appalling magnitude, of the most intimate personal contact with the Panjabis of all creeds and ranks and of vigorous activity, physical and mental, in the solution of administrative problems of the day. This spirit of supreme exertion pervaded the rank and file of the paternal government and was the effective cause of winning the confidence of the people. To picture Sir Henry Lawrence on his peregrinations, reconnoitering the field which engaged the activities of so great a number of his assistants and  
reconciling

reconciling the fallen Sardars with his diplomacy; John Lawrence brilliant in his experience of administration and indefatigable in energy, working away at his desk from morning till dusk; Montgomery and Edmonstone with their capacity for the practical and constructive work and a wonderful knack for detecting cracks developing within institutions and ready to improvise quick remedies; McLeod with his intellectual brilliancy; and above all, the Marquis of Dalhousie with his supreme conception of Empire, his initiative in tapping the resources and his unique ability for formulating policy; to picture all this is to visualize the fundamentals of the British Administration, that took root in the Panjab within ten years of its annexation. Behind them and undistinguished by the lustre which glowed round these cālossi, were the lesser figures, civil and military, many of whom won for themselves and their respective services deserved fame. The cities of Lahore and Amritsar owed to Major McGregor and Charles Saunders respectively, their admirable conservancy, the order of their streets, the cleaning of roads and a sound beginning in municipal government. Fane practically paved the town of Batalia. The whole of the grass preserves, which had

had supplied fodder to Ranjit 's cavalry, and were to supply to the Indian army were discovered, classified and reported on by Prinsep. Captain Tremenhere wrote exhaustively on the improvement of agriculture, and Dr Jameson on the botanical productions in the cause of Natural Science. Dr Fleming carried on investigations into the geological characteristics of the Panjab and Major Langden sought for sites of sanatoria in the Kangra, Simla and Murri Hills. The circumstances prevailing in the Panjab compelled the British rulers to work out a scheme of economic engineering and irrigation to ensure comparative prosperity to the Land of Five Rivers. Robert Napier assisted by a staff of brilliant officers had a conspicuous success in canalising the great rivers, constructing drainage systems and building great trunk roads. In matter of military strategy and frontier warfare Nicholson, Cock, Lumsden and Chamberlain distinguished themselves. Hodson marvellously succeeded in attaching the Guides to himself by the ties of mutual honour, stark daring and strict discipline.

But neither these facts and the rapidity with which British régime was established, nor the reforming spirit and  
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the enthusiastic pride which animated the officers of the Panjab Commission complete the unique merit of the early Panjab administration under the British. The chance of a combination of favourable circumstances was indispensable to its success. There was nothing to demolish in the fundamental institutions of the Panjab, except to cut down the over-growth of generations of neglect and anarchy. In many departments, the British Government had only to watch jealously the things which it found existing, or carefully to construct an edifice out of a few of the scattered remnants. In others, everything was to be created afresh, and with what possibilities ! The past experience lay garnered in the older Provinces, and was available for guidance and encouragement. Thus many projects, which might have been otherwise debateable or untenable, became demonstrably practical as well as desirable. The Panjab Administration was unconventional and unorthodox in many respects, but displayed both courage and constancy. More than this, perhaps, the Panjab availed itself of the imperial resources, which Dalhousie commandeered for the purpose of reconstruction. No where else in India had a new provincial administration

administration such financial resources to draw on and no where else had an administrative machinery been drawn from such a variety of men; no where had the different strands of human talent so well blended to form a variegated pattern as was displayed in the reorganization of the Panjab. This fact was continually emphasized by the Marquis of Dalhousie in the many minutes he wrote on the consecutive reports on the administration of the new Province, and which he described as equally creditable in the final result as had been the policy of annexing the Panjab in the beginning. One of the conspicuous proofs of the success of Dalhousie's policy with regard to the Panjab was afforded in the recurrent money surplus of fifty lakhs of rupees a year which it showed to the Imperial Exchequer after defraying all expenditure, civil and military.

It must not be supposed that the Panjab Administration was without 'defects of its qualities'. Indeed it had many. Shortcomings are the besetting worries of all governments, and they can not humanly speaking be disassociated from an administrative reorganization carried out by a foreign people. But in the Panjab, the failings of British rule were  
were

were largely in matters of administrative detail. There were many bad choices made in the headquarters of districts at first. In a few cases the unhealthiness of such places caused great sickness and consequently trouble to district officers. Thus for example, Sheikhpura was eventually abandoned for Gajranwalla and Dinanagar for Gurdaspur.

Occasionally, too, an official blunder would occur in spite of all caution. It often happened in matters of jagirs that the same rent-free grant was resumed by the Deputy Commissioner and confirmed by the Settlement Officer, each acting independently of the other. Grants were confirmed, frequently, to men who had long been dead or summarily resumed from an incumbent who had never been called upon to prove his title. Often, a burkundaz made off with cash in transit from one place to another; but the burkundazes were bad and disreputable everywhere in India. Ignorant police officers arrested innocent persons and left the guilty at large. Mistakes of detail did occur in the Panjab owing to want of due supervision, hastiness or the incautious zeal of some; but they were insignificant when

when considered in relation to the cumulative effects of the system, which firmly took root in the Panjab.

The conquest of the Panjab in 1849 -- a land reminiscent of the great occurrences which proved eventful in the age-long history of India, and a land rich in civilisation and potentially great for future development -- afforded great scope of the application of the best of talents that were found in the employment of the East India Company's services. Their achievements were consonant with the establishment of a particular school of administrators distinct and standing by itself. The development of administration in the Panjab had been essentially a process of improvisation, dominated by strong personalities, and it responded to the varying conditions prevailing in the diversely developed territories of the Panjab. The forces operating in India as a whole were making for uniformity, cohesion and standardization, and the Panjab could not long remain out of its grip. But happily the fusion of paternal government of the Panjab of the fifties of the last century with the stereotyped administration of the Presidencies was not yet to be. It needed the  
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the political storm of 1857 to test the astonishing vigour of the youthful British Government of the Panjab, a storm made possible after all by the defective organization and control of the Bengal Army. The Panjab was destined not only to weather the storm, but to rescue the British cause from disaster. This was attributable not only to the supreme heroic efforts of every official in the Panjab, but also to that reconciliation of the brave Sikh people, a possibility which had long since been foretold, <sup>a</sup> and which found remarkable expression when the Panjabis of the Movable Column followed Nicholson to Delhi.

- a. Letters written anonymously to the Governor-General during the Second Sikh War, in which the writer not only spoke of the dissensions among the Sikhs and the political virtue of annexing Dalip's Kingdom, but also predicted that the Khalsa people would loyally settle down to husbandry. These letters are printed in the Panjab Series Vol. III. on the annexation of the Panjab. Tract 823, India Office. The author of these letters was Sir Charles Campbell. See Memoirs of My Career Vol 1 pp 93-6

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