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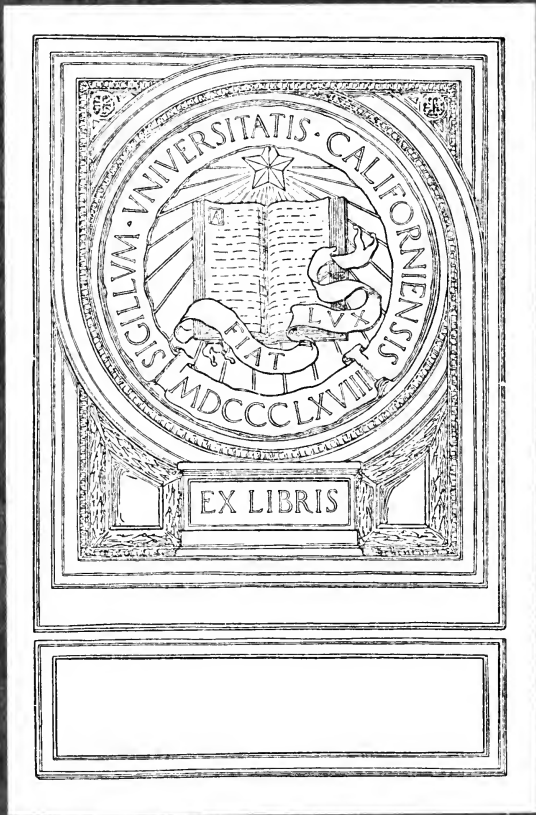


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TENANT-RIGHT IN THE PUNJAB,
AND THE
PUNJAB TENANCY ACT,

AND OTHER

Articles contributed to the "Pioneer."

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BY

COLONEL W. G. DAVIES, C.S.I.,
COMMISSIONER OF JULLUNDHUR.

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written soon after the passing
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TENANT-RIGHT IN THE PUNJAB, AND THE PUNJAB TENANCY ACT.

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(Reprinted from the "Pioneer.")  
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THE appearance of a pamphlet entitled "Opinions of the Press on the Tenant-right Controversy" has led us once more carefully to review the subject, in order to see if, indeed, it were possible that we could have been so entirely mistaken in the conclusions we had arrived at on this question, and that the claim so pretentiously advanced in the introduction to this collection of newspaper articles, on behalf of the landlords, to have all the justice on their side, and of their advocates to have all the ability, intelligence, and knowledge, has any foundation in fact. The labour we have imposed on ourselves in carrying out this resolve has been far from light having, as we *have* had, to wade through masses of official documents, some of which were very heavy reading indeed; but we have as our reward the satisfaction of believing that we have now thoroughly mastered our subject. We propose then now imparting to our readers such portions of our hard-earned knowledge as will enable them to form their own opinions on this much-vexed question, with certainly better materials for arriving at just conclusions than any yet afforded to the general public. The subject, however, is a large one, and we cannot, therefore, hope to do justice to it within the limits of a single newspaper article, so that we shall make no apology if the full consideration we propose to give to it should carry us far beyond those limits; especially as, apart from its intrinsic importance, the question just now possesses a peculiar interest, from the bearing which it has on the discussions taking

place in our own country in regard to the relations of tenants to their landlords in Ireland.

Thus much by way of introduction, and now to our task. There is no doubt that throughout this controversy the majority of the Press in India has ranged itself on the side of the landlords ; why this is we will endeavour to explain further on. Let us first see what its general conclusions are, and how far they accord or conflict with facts, as derived from official documents and other sources of information to which we have had recourse in our study of the subject.

The burden of the cry then is, that when the first settlements were effected in the Punjab, no inquiry was made into the pre-existing relations of proprietors and tenants ; that a continuous occupancy of twelve years was blindly accepted as the *sole* test of the right to permanent occupancy, and that occupancy rights were thus *created* to a most injurious extent. And the framers of the Punjab Tenancy Act are charged with having not only perpetuated the original wrong, but with having added to it by raising holders of "doubtful occupancy rights to the status of co-proprietors," and this without due inquiry and on insufficient data. There are other objections of detail to the Act, but the above constitutes the *gravamen* of the indictment with which the Legislature stands charged, and it is to the consideration of this that we will first address ourselves.

We will first consider if the inquiry *was* so incomplete as it is represented to have been, and whether there was any reasonable prospect of obtaining more complete, and at the same time reliable, data by prolonging the investigation in any conceivable manner, and by means of any agency at the command of the Government. Foremost, then, we must place the investigations made during the progress of the first regular settlements as embodied in reports for nearly every district of the Punjab, and in which are fully described the relative positions of proprietors and tenants prior to annexa-

tion, and how these were affected by the previous history of the country and the fiscal system of the Sikh Government. These inquiries, it may be added, were continued in different parts of the Punjab, with but slight interruptions, from soon after annexation till within a comparatively recent period. Next came the inquiries which followed the issue of a circular by the Financial Commissioner in 1863. This circular was issued in consequence of a letter written by the Settlement Commissioner, asking for instructions and advocating a general officious inquiry into the relations of proprietors and tenants, on the ground of errors alleged to have been committed during the early settlements. In it Mr. (now Sir D.) McLeod requested Commissioners to ascertain in each district of their divisions "what was the position of the most favoured non-proprietary cultivators previous to annexation; to what extent their right was recognized, and on what conditions it was held; whether the proprietor could eject them in favour of others, and if so, on what terms; and if such right was not generally recognized, whether he could do so in the event of his desiring to cultivate the land himself, and what concessions were required of him, or usually made by him, in such cases." Replies to this circular were received from the majority of Commissioners and district Officers, and an abstract of them forms Appendix II. of the Report of the Committee assembled in 1865 to consider the question of tenant-right. Lastly, there was the inquiry of 1866 instituted in consequence of a request contained in a minute by the Governor-General, in which Sir John Lawrence, while urging further investigation, pointed out that it should be restricted to facts, and not opinions as to theoretical rights. On this occasion eight questions were circulated by order of the local Government, of which the two following chiefly concern the matters under consideration, *viz.*:—(I.) "So far as your observation and knowledge extend, have you found it to be the fact that proprietors (before annexation) refrained, as a rule, from evicting tenants who had cultivated for

long periods, say twenty years, or two generations; and were such tenants, as a matter of fact, led to look forward with confidence to the unmolested enjoyment of their holding?" And (II.) "Is the same observable in the case of cultivators who have reclaimed waste lands?" Replies were given by nearly all the more experienced officials of the Punjab, and by a number of non-official experts, so to speak—men who had themselves had practical experience of the working of the Sikh system.

How then, we would ask, can it be affirmed that the inquiry was incomplete, and what hope was there that by continuing it anything new, or, if new, reliable, would be discovered? The facts of the case, as they were found to have developed themselves, under varying conditions in different parts of the province, had been carefully elicited by officers selected as specially qualified for the task, at a time, too, be it remembered, when the minds of men were calm, when the facts themselves were fresh in the recollection of all, and when there existed no motive for misrepresentation—that is to say, under the most favourable conditions for arriving at the truth. Was it likely, when nearly all these conditions were reversed,—when, owing to the increase in value of property under British rule, the motives to false testimony had greatly increased,—and when, from the lapse of time, the remembrance of the facts to be ascertained had become weakened, that better results would be obtained? We think not, and it may be added that at this later stage the official mind had become so inflamed by the prolonged controversy, that literally there were few officials in the province who could have entered on the inquiry altogether free from a leaning to one side or the other. Hence we may, we think, conclude without hesitation that there are no grounds for the charge that the Government legislated without sufficient information to guide it.

We come now to the real gist of the enquiry, *viz.* :—*What were the relations of proprietors and tenants to one another, and of both to*

the ruling power, prior to the annexation of the Punjab ; and whether, in point of fact, a considerable section of the latter class had for long periods enjoyed freedom from eviction, and shared in the profits of cultivation. These questions require careful consideration ; but to allow of sound conclusions being come to in regard to them, we must, it is clear, have some previous acquaintance with the history of the tract of country concerned, and specially with the systems of revenue management in vogue for some time previous to its annexation to the British dominions. Of the political history of the country, it will suffice to say that, until Runjeet Sing succeeded in establishing his supremacy over his rivals of the Bhungee and Kunheyia confederacies nothing approaching to settled government had existed for at least a hundred years. The decline of the Moghul monarchy and the rise of the Sikhs may be said to date from the death of Aurungzeb in 1707. A period of more or less anarchy followed, during which the country became a prey to the ambition of rival chiefs contending for mastery, varied only by the periodical invasions of the Afghans. It was not till 1824 that Runjeet Singh had completely established his hold on the Punjab, from which time till 1849, when we formally took possession of the country, a period of twenty-five years only, can such law and order as are known to Native Governments be said to have prevailed. But it is with the fiscal system of this period that we are principally concerned, in order to see how the agricultural classes were affected thereby, and this will best be described by giving extracts from the published official documents. The best account of this system is that contained in Mr. Temple's Report on the Settlement of the Jullundur District : we shall therefore quote this in its integrity, adding shorter extract sfrom other reports where they either supply deficiencies in this one, or record some change in the system resulting either from local circumstances, or from the idiosyncracies of the Government representatives themselves. In Section IV. of his Report, Mr. Temple wrote as follows :—“ The primary object in the mind of a Sikh

Financier was to extract the utmost from the land. Indian, indeed Asiatic experience has usually shown that the occupant of the soil, be his rights what they may, can give up to the State half the gross produce without ruining himself or impairing the resources of cultivation. This proportion the Sikhs resolved to demand. The justice or expediency of such a demand was another matter. It might possibly be enforced, and therefore it was to be made; to demand anything less than this was a sheer act of grace. The normal method of collecting this amount was the division of the garnered grain, or the appraisement of the standing crop—any money revenue which might be fixed would be based on the half produce estimate. The rigour of the rule was relaxed only in favour of parties whom the Government used as an agency for collection. Over each circle of villages, locally denominated a tuppeh or taluqua, was plac'd a chowdhree. The chowdhree was to aid in realizing the revenues of his division, the moquddum of his villages. In the lands or estates held by these parties the Government demand was generally lowered from half to two-thirds, or even to one-fourth. Various grants of land were also assigned under such titles as 'chowdra-yut,' 'moquddumee,' &c. Gratuities were also allowed in cash or in kind under the general denomination of 'enâm.' Similar favour was shown to the pergunnah cannongoes, who held their office upon a hereditary tenure and were the official repositories of fiscal records. Few, if any, cases could be named in which these favourable proportions had been accepted on any other conditions except actual service of some kind or other. But it was one thing to demand and another to collect half the gross assets of a harvest. The villagers of course corrupted the tax-gatherers and the 'kuneas' or appraising officers. It may safely be affirmed that less than half was collected from the fields or granaries, and much less than half found its way to the kardar's treasury. The deficit was, however, made up in another way. Extra dues were levied on all imaginable pretexts, such as are known to English history under

the names of feudal aid, forced loans, purveyances. Then there were presents to the king, his courts, his ministers, his favourites, the provincial governors, and their train of subordinates ; gifts on the occasions of marriages, solemnities, or festivities in families of royalty or nobility ; subsistence allowance for the sowars and other Government menials and myrmidons who were constantly quartered and billeted in the villages. Besides these there were the necessary subscriptions for village expenditure, or the illegal gratuities paid to the servants of the Government. All extra imposts were gathered together under the dreaded name of 'mulba.' I have often heard of the 'mulba' in a village equaling the revenue. None of those little perquisites which add much to the comfort of rustic life escaped the grasp of the kardar. Grass, wood, timber, fruit, garden produce, were all seized upon—to say nothing of the imposts which fell upon the agriculturists in common with the other residents of the village. The site of the village could not be removed, no house could be built, no wall erected, no plot enclosed without the payment of a fee."

Nor was this system peculiar to the Jullundur Doab. The proceedings of the revenue officials in even the turbulent districts of the Frontier, where good policy would certainly have counselled liberal measures, were characterized by the same grasping spirit, as will be seen from the following extract from Major James's Report on the Settlement of the Peshawur District. In paragraph 165 he writes :—" The arbabs and influential mullicks received the farms of their 'tuppehs' and villages, but in the absence of such men the district was leased to Hindoo capitalists whose agents were spread over the country, employing all the means in their power of extracting wealth from the cultivators, to whom a bare subsistence was allotted. The nominal share of the produce claimed by Government was one-half, but extra fees were demanded, and advances had to be adjusted, which afforded a pretext for unlimited extortion. The revenues were mostly collected by these farmers in kind, so that at every stage of

agricultural progress, the houses of the villagers were subject to the visitations of swarms of rapacious and ill-paid menials. Strife and litigation were constant, for these Hindoo farmers felt no compunction in transferring fields from hand to hand in prospect of greater gain, and without regard to the ties which bound together Pathan communities, and the breaking of which was the sure prelude of affray and bloodshed."

As a contrast to the above we will now give an extract from Mr. Monckton's Report on the Settlement of the Jhung District, to show that what the fear of political disturbance could not accomplish in a well-cultivated tract like that of the Peshawur Valley, self-interest compelled in the unappropriated wastes of Southern Punjab. This part of the province was under the rule of Sâwun Mull, the most enlightened and liberally disposed of all Runjeet Singh's Lieutenants. "He," writes Mr. Monckton, "organized afresh the revenue system, and fixed the tax on the land actually under cultivation according to the nature of the crop grown. It was simply an excise on agricultural produce levied in the form of an average tax in money, or a fixed proportion in kind according to the choice of the zemindar. On first-class crops as tobacco, sugar, poppy, money-rates were invariably charged and no option allowed. Fallow lands and fodder crops escaped taxation entirely, as also corn eaten down green by cattle engaged in agriculture. Persons desirous of embarking capital in the construction of new wells, or the repair of deserted ones, were encouraged by the grant of leases for periods of twenty years, on a fixed cash payment of generally twelve rupees. Special indulgence to encourage the investment of capital in agriculture was also bestowed in the form of 'enâm turudoodâna' which may be translated 'grants in reward for cultivation;' *e. g.*, a man of wealth and influence would engage to sink eight new wells and found a village on condition of receiving in rent-free tenure one well." It would be useless to multiply extracts; the above will convey to the reader's mind a good general idea of the oppressive

character of the Sikh fiscal system, and further illustrations will be met with as we proceed with the subject.

Let us now consider what were the *effects* of this system on the two classes, which, for want of terms more correctly describing their relative positions, we style proprietors and tenants,—whether it left to the actual tiller of the soil aught beyond the share of the produce necessary to keep him alive, and allow him to replace his agricultural stock ; and if so, what became of the modicum so left? Did it go to the proprietor, or was it not rather retained by the tenant? Again, under a system where everything was sacrificed to the interests of revenue, had the proprietor that control over his property which alone entitles a man to that title as understood in civilized countries? Could he, whenever it suited his convenience, turn out his tenant and replace him by another? And if *theoretically* he had the power, was it often exercised? These are some of the questions to which we must look for answers in the evidence before us.

Of the generally oppressive character of the Sikh rule, and its tendency to obliterate all distinctions between the different members of the agricultural community, these reports abound with instances ; *e. g.*, Mr. Morris in his Report on the Settlement of the Goojranwala District, shows how everything depended on the caprice of the kardar ; that it being to the kardar's "advantage that cultivation should increase, it became his interest to give over the land to those who would till it best, who are generally *mere cultivators.*" "Thus," he adds, "the rights of proprietors were disregarded, and the value of property decreased." Again, in para. 51, he gives us one of the reasons for a light assessment—the *absence* of proprietary right ; and in para. 72 speaks of the "kun" system as almost doing away with the distinction of proprietors and tenants, and in para. 73 points out that the lumberdars were the men who, under the Sikh system, enjoyed all the profits. Mr. A. Brandreth's most interesting Report on the Set-

tlement of the Jhelum District, contains further evidence to the same effect,—how that “it was the rule of the Sikh kardars, too far off from Lahore to be under any check, which reduced the Rajpoot and the Gukkhur alike to their present state of poverty, so that they are now often compelled to become tenants under their former ploughmen.” Much more of this general nature might be quoted had we space, but we have not, and must therefore seek for more precise replies to the questions we have put. One of the best descriptions of the mode in which, under the Sikh rule, tenants grew into co-proprietors, is to be found in Captain Hector Mackenzie’s Report on the Settlement of the Goojerat District, and as such we shall quote it at length. In para. 169 he writes as follows :—

“A man founded a village, his descendants were the heirs of the village lands (*wâris*), and would have reaped all the benefits of the *wirâsut* or *mâlîkee* (proprietorship) had the Government left any to be enjoyed. All other classes in the village would have been reckoned inferior. But time went on, land was abundant, population scant, the country became long subject to Pathan devastation, and afterwards to Sikh misrule, and the tendency became rather to abandon rights—symbols more of misery than of benefit—than to contend for their exact definition and enjoyment. The heritors of estates and subsequent squatters, the *wâris* and the tenant, were placed on the same miserable level. It was not till Rajah Goolab Singh’s governorship that a wiser system can be said to have been introduced. But it was too late—all classes called for more lenient treatment, and to a certain extent obtained it. But equality had existed too long for the *wâris* successfully to demand from the old tenant cultivator of two, three, or more generations’ standing, what a more liberal economy had made it possible for a proprietor to exact; and thus, although the headmen by virtue of their office enjoyed special privileges, the rest of the community, the *wâris* and the *asamee* alike, were on the same

level. *Biswee* or *malikana* (proprietary) dues were unknown. Ancestral shares were forgotten or had fallen entirely into disuse. *Mulba* was levied alike, upon the extent of cultivating possession, so the revenue, fines, cesses, and burdens of every kind. There was, in short, no evidence to be found of one class having exercised proprietary right over other classes resident in the same village. Distinctions of rank had no real existence. The question of who was proprietor, generally elicited the reply that the Government was the proprietor." Again, further on he says:—"The wâris did not even attempt to exhibit any evidence of his having exercised any rights or privileges over, or which were not equally shared in by, the rest of the old cultivators;" and he adds in a note,—“The wâris would say that he had, but could not contemplate such a possible contingency occurring; if pressed he would doubt his power, the cultivator would strenuously deny it. It had, in fact, no reality.” The same state of things appears to have existed at Pesbawur, for in para. 312 of his Report, Major James writes:—"At annexation we found them (cultivators of old standing) in the actual possession of all proprietary rights, except those of sale or transfer; but acknowledging a vague liability to ejection from a portion of their holdings on the appearance of the rightful owner. The service, too, which they had in former times been called on to render, had, in the course of years and the social changes created by successive governments, gradually become less definite, and may be said indeed to have depended solely on the power of the dufturee (proprietors were so called) to exact them. Everything tended to make their position one of independence: on the one hand, the proprietors were interested in retaining them on the estate—and on the other hand, the Government farmers supported a class to which they mainly looked for profit. But the ejection to which I have stated them to be liable applied only to such lands as they occupied in the absence of the dufturee: they were all in possession of shares assigned to

them as faqueers (cultivators with occupancy rights were so called), to the occupation of which they retained a hereditary right."

The *pros* and *cons* of the case are also fully and fairly set forth by Major Cracroft in his Report on the Settlement of the Rawul Pindiee District, but we have only space to state the conclusions at which he arrived. Speaking of the eastern half of the district, where the Sikhs had obtained a firmer hold, he says that the preponderance of this power "had rendered the position of the cultivator more secure, and such a burden had been imposed that, though theoretically the proprietor had the power of ousting the cultivator, practically he never had the will:" and further on, in discussing the question of rent, he adds, "that during the Sikh rule the Government really took by far the larger portion of the rent, and that of the remainder left, if any, it is very problematical whether it did not in fact remain with the cultivator rather than with the proprietor." The same conclusion is arrived at by Mr. A. Brandreth, after a very able discussion of the subject, in which he admits that the proprietors had never received *malikana* from the better class of tenants, for "it was not the custom, as the Sikhs left nothing, but they (the proprietors) were allowed some land rent free, or a certain sum from the kardar's collections."

We have hitherto been speaking of the better cultivated portions of the Punjab. Towards the south and west, where land was abundant, and capital and labor in great demand, rights of occupancy, scarcely distinguishable from proprietary rights, grew out of the necessities of the case in great profusion; *e. g.*--(1). The "Bootamars" (so called from having broken up land generally along the banks of the rivers) were never interfered with, and were even allowed to sell their right of occupancy:* (2). The Chukdur tenure in Mooltan where—to use Mr. Cust's words—

* See para. 49 of the Gogaira Settlement Report and note to para. 25 of Colonel Lake's memo. on the status of tenants.

“either the proprietor still cultivates his acres and pays a rent-charge to the capitalist who has sunk his well, or the capitalist himself cultivates by his own oxen or his own cultivators, and pays a quit-rent to the proprietor:” and (3). The peculiar tenures in the Kolachee pergunnahs of the Dera Ismail Khan District, where a right of occupancy was acquired by paying down a small sum, for which the land was considered thereafter to be permanently mortgaged. “Whole villages,” writes Major Busk, “have been founded by the mortgagees, and in many cases they have been named by the founder.”

We have, up to this time, confined our attention to the first Settlement Reports, and this because in our opinion they contain the most reliable evidence of the status prior to annexation. But lest it should be said that we have not allowed the opposition an opportunity of being heard in this question, we will give the replies of Mr. J. B. Lyall and Captain Nisbet, two of Mr. Prinsep's Assistants, to the first two questions circulated by the Local Government in 1866. The former writes:—“If asked whether proprietors as a rule refrained from evicting such tenants (those of old standing) to put in another tenant, I should say decidedly *yes*; and I should say that, *as a matter of fact*, they, the tenants, were led to look forward with confidence to the unmolested enjoyment of their holdings as long as the proprietors did not require the land for their own cultivation, and as long as the tenants did not seriously misbehave themselves. It must be remembered that ordinarily the rent did not go to the proprietors in those days; the Government or Jagheerdar took the real rent direct from the cultivators by *buttai* or *kunkoot*, and the proprietors only got proprietary dues, *biswee* or *seermunnee*, if they got anything at all. Even, however, when the proprietors were responsible to the Government for the revenue, and collected by *buttai* from the tenants, such rates of *buttai* as well as the rate of proprietary dues were fixed, not by competition, but by the usage of the tract of country; the usage only varied from special causes at

long intervals; such variations were not anticipated by the parties when they entered into the contract, that is when the proprietor induced the tenant to settle down in the village. The understanding between the parties I believe to have ordinarily been that the tenant would hold at customary rates during good behaviour, and not that the proprietor was at liberty, from mere caprice, to turn out the tenant and put in another. The payments by tenants to proprietors not being guided by competition, the great inducement which leads landlords to change their tenants was absent; the supply of tenants also was not equal to the demand, and the ambition of the proprietors was to have settled tenants." And again further on he says:—" In the above reply with regard to the point of eviction I have had in mind those villages only in which, before annexation, there was some family which was actually in possession of the privileges and powers pertaining by custom to the possession of a village *malik*, or as we translate it a village *proprietor*. But the really difficult tenant cases do not turn up in such villages, but rather in those in which the village proprietors had in practice, before annexation, lost all but the name, or had retained nothing but a *seermunnee* due, or in which it is doubtful whether any real village proprietorship ever existed, and whether the whole community might not more correctly have been declared to consist of lumberdars and Crown tenants." . . . Mr. Lyall has here been speaking of the state of things as it existed in the well-cultivated tracts comprised in the present divisions of Umritsur and Jullundur. Let us next see what Captain Nisbet, Settlement Officer of Goojranwala, says of the wilder region where his experience had been chiefly acquired:—" Previous to annexation," he writes, "rights in landed property were so ill-defined, or the *kardar* or ruler of the day exercised such almost arbitrary power, that the relations between landlord and tenant were little understood and still less recognized, though, where permitted by the *kardar*, or the landlord felt strong enough to demand it, some due or quit-rent was paid by the cultivators to the so-

called proprietors. The proprietor, as a rule, exercised no authority to locate a cultivator, nor could he evict one who paid revenue direct to the Government officer who collected, unless the *kardar* or ruler was induced by some illicit consideration to commit an act of oppression, and then only when the proprietor would himself undertake to pay the Government revenue on the land. The extent of cultivation was the real standard of every man's value, as it became, after a few years, the general measure of proprietary right. In this district it is well known that both Dewan Sâwan Mull and General Avitabile, two of the cleverest *kardars* who ruled the country, extended great protection to cultivators, encouraging them to remain on their holdings, and in numerous instances guaranteed proprietary right or undisturbed occupation. General Avitabile granted proprietary rights to large bodies of cultivators in the Bela (river) lands of Tehseel Wazeerabad, where much land was reclaimed and brought under cultivation by men who originally could have had no proprietary right in that part of the country. The presence there of such a mixed body of Jats, Buhroopias, and others, is evidence of this when Chultals and Turives are the indigenous races. Again, in Tehseel Hafizabad, Dewan Sâwan Mull located cultivators on waste land, giving them as much as half the Government revenue as *enâm*, to give them confidence in the permanency of their occupancy, and induce them to reclaim more land."

And now to our conclusions, for surely the proofs we have adduced are sufficient both in quantity and quality to warrant us in giving unhesitating replies to the questions propounded for solution. First, then, we think it will not be denied that under Sikh rule the so-called proprietor and tenant occupied, both relatively and absolutely, very different positions from the proprietor and tenant of European countries and civilized systems of law. For we have seen that, under the Sikh system, the *State* absorbed nearly all the profits of cultivation, and where it left anything this modicum was divided between the so-called proprietor and

the so-called tenant. That the former often received nothing at all, and where even some acknowledgment of superiority was made by the latter, the payment seldom exceeded a seer in the maund (a fortieth part of the produce), and sometimes degenerated into the render of an occasional fee or offering on the occurrence of a marriage or other festive event in the superior's family. That, on the other hand, the position of a large proportion of the so-styled tenants was secure, and if the State tax-gatherers left any profits to the individual cultivators, the tenant took the larger share. That, whether located by the proprietor or put in by the kardar, the tenure of the better class of tenants was equally assured; for, in the former case, labour being of greater value than land, the proprietor had every motive to retain and none to remove his tenant, who helped so materially in bearing all the heavy burdens of the State; and in the latter case his authority, if indeed he should have had the hardihood to assert it, would have been peremptorily denied, for the Sikhs recognized no claims, the assertion of which would in any way have endangered the stability of their revenue.

We are aware that the justice of these conclusions has been strenuously denied by one party of officials in the Punjab, who loudly and persistently contend that the proprietor had the *right* of eviction, and in proof appeal to the result of the recent inquiries, laying special stress on what they call an admission of this right in one of the early Settlement Reports. The passage to which such value is attached is the following:—"However long a patch of ground may have been occupied, the proprietor would at his pleasure resume it without ceremony, and the cultivator would resign it without demur." It occurs in para. 207 of Mr. Temple's Report on the Jullundur Settlement. Read alone this passage would undoubtedly afford good evidence in support of the views of the party citing it, but not when taken together with the rest of the description in which it occurs. It then becomes quite evident that, when he penned this passage, Mr. Tem-

ple was thinking only of the *theoretical* right of the proprietor in regard to tenants located by himself. This is proved by the whole tenor of the argument regarding proprietary right as distinguished from cultivating possession, in which he shows that the right, if it deserves the name, had but a nominal value and was recognized only in theory, and that whenever the slightest indications of failure of the revenue showed themselves, the "*kardar acted much as if he was the immediate proprietor and undertook the management.*" It seems superfluous to add that, under such circumstances and such a system, the occasions when a proprietor "would resume without ceremony" would not often arise, and that therefore, practically, the better class of tenants enjoyed uninterrupted occupation of their holdings. The same may be said of a passage in the Gogaira Settlement Report, in which the writer speaks of the distinction between hereditary and non-hereditary cultivators being a *creation* of our Government, and that, under the native rule, proprietors "had the right to eject any tenants whom they disapproved of, however long the latter may have resided on the estate." For, in the same sentence, he adds, as a somewhat remarkable fact, that in some portions of the district, notwithstanding the *uncertain* tenure, the tenants were in the habit of *selling* their right of occupancy, and further on that "land is so abundant and population is so scanty," that he has "never found proprietors object to have their cultivators entered in any class the latter may prefer themselves." Surely a tenure that could be sold could not have been an uncertain one, nor a tract of country in which proprietors would make any sacrifice to retain their tenants one where evictions could have been frequent. Here again then are we irresistibly led to the same conclusion. Nor, indeed, if we refer to the replies given to the questions put by Mr. Prinsep to certain experienced native officials and gentlemen of the Punjab during the recent inquiry, do we see any reason to modify our conclusions. It is true, as pointed out by Mr. Maine during the debate on the Punjab Tenancy Bill, that very difficult ques-

tions were put about *rights*, without defining what meaning the word was intended to convey, and the answers are therefore wanting in consistency. But the general result may be fairly given in the following extract from the replies of one of the most intelligent of the officials examined :—“ In the Sikh times the question did not arise as to the respective rights of the two classes of proprietors and tenants; rights were nowhere clearly defined or established. I have written above that we certainly find in the Punjab a species of tenancy from father to son. It is extremely probable that this tenancy must have been protected by the rulers of the time, or how should it have survived so long? I am asked what is its name. I answer I don't believe it had any. The fact is, in past times no one took the trouble to search into fine points of right, so no name was necessary;” and again—“ Tenants holding from four or five generations were, as a rule, not ejected, but they were not aware of any law positively depriving the proprietor of the right of so doing, so they were civil and obedient. The proprietors, on their part, did not wish to eject them. Sometimes, however, a violent proprietor would eject such a tenant, *but it is difficult to say whether such an act was one of right or of might only.*” We entirely concur in this sentiment of the candid Jaishee Ram; *it is very difficult*, and this of itself would constitute a sufficient answer to the clamorous claimants for the recognition of alleged rights and customs of eviction—rights which are at the same time admitted to have been rarely exercised, and customs of which the known instances *are so few!* A curious illustration of the confusion of ideas which has led to such claims being preferred, coupled with such admissions, will be found in para. 10 of the Report of the Law Committee of the Anjamaan, where the Committee contend that, even in the case of tenants whose status nearly approached his own, the proprietor “ had the power, *rarely if ever exercised, but still customary and undoubted, of eviction!*” A gem so rare ought not, we think, to be denied a place in Mr. Maine's cabinet of curiosities.

We think we have now clearly shown that when the British Government assumed possession of the Punjab, it found amongst the agricultural population a class of men who, although not popularly recognized as proprietors of their holdings, had been for long periods in uninterrupted possession of the lands in their occupancy; that the tenure was an essentially beneficial tenure—*i. e.*, the occupant enjoyed some portion of the *profits* of tillage, or in other words, of the residue left after satisfying the demands of the State, and after deducting the wages of labour and the interest of any capital invested in the undertaking; that the so-called tenant was in fact a co-proprietor, and the so-called proprietor was often nothing more than a mere annuitant.

If this be true, then, with all due deference to such an authority as the *Friend of India*, we would ask, where in anything that the British Government or any of its servants has done, is to be found that wholesale “creation of occupancy rights,”—that “eviction of landlords”—regarding which so much has been said and written during the last four years?—where the injustice of applying a rule suggested and approved of by the “accumulated common sense of ages?” Having found a tenure in existence when we took the country—one, be it remarked, not peculiar to the Punjab but common to all Northern India—surely it was but the barest justice to recognize it. And as this tenure was also a species of property, one certainly not less valuable than that enjoyed by the so-called landlord, surely it was but fair, in the absence of any other certain tests, to apply the same rule of prescription which has all along been applied in the case of other rights of property. It is, however, for doing this, and for confirming by legislation what was originally done, that the Government has been charged with socialism! We must leave to the decision of the candid reader the question, whether it is more socialistic to accept facts as we find them and mould our system accordingly, or to organize society afresh in order to carry out a pre-conceived theory of what is best for the land—as the *Friend of India* would

appear to wish to do when it pleads for "encouragement of farms of moderate size and worked with some capital and intelligence?" The truth is, the question to be decided was one entirely of facts, and not in any way whether this or that economical theory was the best, and it was decided accordingly. We do not wish to assert that no mistakes were made by the early Settlement Officers in the classification of tenants: far be it from us to advance so preposterous a claim on their behalf. All we contend for is that—(1) the errors were not so numerous as they are represented by the landlord party to have been; that (2) the rule adopted by the Settlement Officers for discriminating between the two classes of tenants—those entitled and those not entitled to be recorded as having rights of occupancy—was intelligible and fair in itself; and that (3), if mistakes were made, this was more the fault of the proprietors themselves than of the settlement officials and their system of inquiry. Still we would not have denied the proprietors an opportunity of obtaining a rectification of the alleged errors, and would have given them a patient hearing. But why go out of our way to search for mistakes, and unsettle men's minds by making a general officious inquiry? This we are convinced was a great mistake, and were the work to be done over again we feel sure Mr. Prinsep would himself avoid it. For are not our courts open at every man's door, and do not the statistics of litigation show that the people are ready to resort to the courts on every, even the most trifling, occasion? Would it not have been better to allow grievances, if they existed, to be settled gradually as they showed themselves, rather than turn thousands out of house, home, and lands, and send them forth wanderers on the face of the earth—and all to carry out an economical theory, and get rid of the disadvantages of "double interest" in the land? And could not the same object have been attained without ignoring the most ordinary principles of justice, and without causing a tithe of the suffering which has already been inflicted? We certainly think so, and that one of the best

solutions of this difficult problem is that contained in the Punjab Tenancy Act.

We now come to the last division of our subject, a consideration of the objections made to certain portions of the Act; but, before entering on this, we must fulfil our promise and endeavour to account for the spirit of partisanship with which a portion of the Press of India has sided with the landlords against the tenants. We are convinced, then, that this has been due to imperfect knowledge of the facts of the case, combined with the influence of a sentiment known to exist in great intensity in the minds of Englishmen—respect for what is termed “the sacred rights of property.” We believe that the writers have been completely misled by the terms “landlords” and “tenants” into believing that the classes designated by these titles occupied relatively precisely similar positions, and enjoyed absolutely similar privileges and advantages to those of the classes properly so called in our own country. They were seemingly not aware that the so-styled landlord, under an oppressive system, had been reduced to almost a level with the so-called tenant. That the former had been compelled by the same cause to resign to the latter advantages, to which he himself had theoretically the right, glad at any price to induce his tenant to share with him the responsibilities which, unassisted, he was unable to discharge. They did not apparently know that, under the silent but sure operation of this system, rights on the side of the tenant had grown up, and become strengthened by prescription, which equalled, if they did not exceed, those of the proprietors. They forgot that after the annexation of the Punjab the British Government had confirmed the rights so acquired by a special and formal guarantee. Had all these facts been known, and their force duly appreciated, we feel sure that the same sentiment which, under mistaken impressions, led them to raise their voices against what they believed to be a contemplated invasion of rights of property, would have constrained them to acquiesce in the justice of the measures which the Legislature had in view.

For we do not suppose that the writers would deny the validity of prescriptions, or that rights so acquired are as "sacred," and, therefore, entitled to as tender consideration at the hands of an enlightened Government as any other form of right.

And now let us see what we have to say of the Punjab Tenancy Act. First, then, we would impress on the reader the necessity of constantly bearing in mind that the measure is based on a compromise. The official reformers, the advocates of the exclusive rights of landlords, had pushed their views with great vehemence, and had been allowed to have their way for many years before the Legislature found it necessary to interfere. During this time great and violent changes had been wrought by the Settlement Officers in the relations of the two principal classes into which the agricultural community is divided. At last one of the sufferers had the courage to carry his appeal up to Lahore, and the proceedings of the Settlement Officers were pronounced by the highest tribunal in the province to be illegal. It thus became absolutely necessary to interfere to restore order and prevent further complications. But this had to be done without casting unnecessary discredit on the public acts of our official functionaries. Out of this state of things grew the Act which, while undoubtedly bearing hard on certain sections of the tenant classes, has enormously improved the position and prospects of the proprietor body as a whole. To show that this is no exaggeration we must describe what the exact status of the tenant with a right of occupancy (or, as he was called, hereditary cultivator) was under the old Punjab law, and what was the effect of his restricted tenure on both the parties concerned, and on the land comprised in his holding. Briefly, then, these were the general features of his tenure. He could not be interfered with so long as he paid his rent, nor could the rent itself be raised during the term of settlement. He possessed the right of sub-letting his holding, and otherwise providing for its cultivation; and on his death his rights passed by inheritance even to near collaterals, but were not ordinarily transferable

by gift or sale : whether temporarily alienations were allowed is doubtful. Lastly, *he had no power to improve the land in his occupancy*. It should be added that the hereditary tenant often held his land *altogether* free of rent, and even when rent was paid, it represented the merest fraction of the profits of tillage, owing to low assessments and a vicious system in force of making the rent bear some fixed proportion to the Government revenue assessed on the land. The evil effects of so inelastic a tenure on *the land* can be readily imagined. The tenant *could* not make improvements, and the proprietor *would* not, seeing that by so doing he must be a loser, owing to his having no power of raising his rents, or otherwise reimbursing to himself his outlay. Its influence for evil on the *proprietor class*, if not so self-evident, was no less real, and the spirit of discontent thereby excited, if neglected, would have constituted ere long a grave political danger. For as the country advanced in prosperity, and land grew in value, the proprietor saw with ever-increasing jealousy his tenant monopolizing all the profits of the land, which, theoretically at least, was his own. This no doubt was exceedingly galling to him, and what was worse, his tenant had begun to look upon himself as his landlord's equal. *It was here that the shoe pinched*. It was not that the landlord wished to evict his tenants : the influence of public opinion, if not of old associations, would have prevented this. What he *did* want, and thought himself entitled to, was *a fair share in the profits of the land in his tenant's occupancy, and that the latter should admit his subordinate position*. This, which the former system did not permit, the Punjab Tenancy Act has allowed him, and hence it is, we say, that that measure has vastly improved his position and prospects. The Act, it is almost needless to say, provides for periodically raising the rent of such tenants up to 50, 70, and 85 per cent of the rate usually paid in the neighbourhood by tenants *not* having a right of occupancy for land of *similar description*, according as the tenant belongs to one of the five grades described in Sections 5 and 6 of the Act ; and

we must not forget to add that if the tenant belongs to the lowest of these grades, the landlord obtains the additional privilege of buying him out, should he require the land for his own use. These are very substantial advantages, and we do not hesitate to say that the proprietor class never expected more, before the revolutionary measures introduced during the late settlements began to unsettle men's minds and raise hopes which could not, with any regard to public faith and good policy, be satisfied. But it is not only the proprietor's position which has been improved by the Act, the *land* in the tenant's holding will equally benefit, for the disability under which the tenant has hitherto laboured has been removed, and now he can lay out capital in increasing the productive powers of his land with the certainty either that he will be repaid at once, in the event of eviction, or that he shall enjoy the whole fruits of his expenditure until his first outlay has been made good.

So far, then, we think we have shown that the general effect of the Act is immensely to improve the proprietor's position, and that this improvement has been made almost entirely at the expense of the tenant, for the power to improve the land in his occupancy conferred on the latter is manifestly to the advantage of both. But having made all these concessions in favour of the *landlords*, was it, we would ask, so very inequitable to give something to the tenant in exchange for all that had been taken from him, especially if we could improve his tenure economically at the same time? We have shown that before annexation he had a proprietary interest in the land; that after annexation his title to this was distinctly recognized by the British Government; and that with the growth of the country in prosperity under our rule this beneficial tenure had vastly increased in value. Was it not, then, but the barest act of justice to remove the one disability under which the tenant with right of occupancy, or co-proprietor, whichever we may style him, still laboured, and enable him to transfer his rights, should circumstances compel him to part with

them for a time, or even permanently? After what we have said we cannot believe that any reply but one in the affirmative can be given to this question. No startling innovation, be it remembered, was introduced by this change in the former law; for have we not shown that under the Sikhs the better class of tenants, especially those who had reclaimed waste lands, commonly mortgaged their rights of occupancy, and that instances of the same rights being sold were not uncommon?—and, further, let it not be forgotten that while making this return concession to the tenant, the Legislature has jealously secured to the landlord his right of first purchase. We might have urged, as has been argued by some of our best revenue officials, that the British Government, by the moderation of its assessments and the large margin of profits thus left, having, so to say, *created* rent and given all its present value to land, would have been perfectly justified in giving full proprietary rights to the occupant or *essential* proprietor, and in pensioning off the superior or *potential* proprietor; but no such extreme measure was required to neutralize the ill effects of the “double interest” in the land, and it would undoubtedly have been very unpopular. The expedient actually adopted secured this object far more effectually than this or than the other plan of wholesale confiscation for which it was substituted, because, at the same time that it improved the proprietor’s status, it gave a marketable value to the tenant’s holding which could not fail ultimately to benefit the land itself; and yet it is this single concession to the tenant, in return for all that he has lost, which has excited so much indignation in the minds of the landlord party, and has led to all sorts of senseless charges of “confiscating rights” being brought against the Government.

We believe we have now disposed of the principal objections to the Act, and there remains for consideration only one of a more general nature—that the Act proposes to interfere too much between the landlord and tenant, instead of leaving them to adjust their differences, as far as may be without an appeal to the

courts—that in fact its tendency will be to foster litigation. But this objection seems to us to imply ignorance of the object of laws of this kind and of the mode in which they ordinarily work. Laws of this kind both define rights and provide for the enforcement of the rights so defined. But while providing an ultimate standard for the guidance of the Judge, they do not proclaim to the people that in all their dealings with one another they shall in no way depart from that standard. On the contrary, the messages they give forth is this—“Settle your own affairs, and so long as you agree among yourselves we shall not interfere, but if you cannot agree and have recourse to us to decide your quarrels, these are the rules which shall be applied in every case. The Punjab Tenancy Act is no exception to this rule. No doubt the passing of such an Act will for some time give rise to considerable litigation; for this, however, surely neither the authors of the measure, nor the measure itself, can be held answerable, but rather those whose revolutionary proceedings rendered the passing of a law on the subject necessary at all. When matters have once more settled down, by which time the law will have become generally well known, the necessity for resorting to our courts under its provisions will probably not be more frequent than it is under any other similar Act of the Legislature. The greatest fanatic for the right of landlords will probably not deny that as a piece of legislation the Punjab Tenancy Act is in every way superior to Act X. of 1859. For ourselves, who have no fanatical inclinations either way, we are convinced that the authors, supposed to be Sir R. Temple and Mr. J. Strachey, have much reason to congratulate themselves on having so well succeeded in reconciling the conflicting interests of the two classes concerned, and in framing a law, of which the general tendency must be largely to benefit the province for which it has been designed.

It will, perhaps, be urged that if all this is indeed true, and the Act deals so fairly by all parties, how is it that there has been so much opposition to it, both while its provisions were

under consideration, and after it became law ? Wherefore all this memorializing and petitioning on the part of the landlords ? We might reply, that it is scarcely a matter of surprise that there should be a feeling of disappointment when, after the hopes of a party have been raised to an unduly high pitch, they are suddenly informed that they must rest contented with much less than was promised them ; and that under the influence of this feeling they should give forth cries, however unreasonable the hope excited, and however unauthorized the promise. But this is *not* our answer : our answer is that the memorials and petitions are not what they profess to be ; that they do not fairly represent the feelings of the landlord class in the Punjab as a whole ; that on the contrary, they are entirely the result of machinations on the part of the native settlement employés in and about Lahore and Umritsur, who have succeeded in convincing the leading gentry within a certain distance of these capitals that the rights of the class are being invaded by the Legislature—an undertaking of no extraordinary difficulty, seeing that they had ignorance and self-interest to aid them. It is only necessary to refer to the signatures attached to these pseudo-memorials and petitions to see that this is the true explanation of the apparent opposition to the Act. The signatures are those entirely of residents of the capitals, and of a few villages in the neighbourhood, with the addition, doubtless to swell the list and give to it an imposing appearance, of the names of a host of bankers, merchants, pensioners, and even clerks in the public offices ! It is somewhat amusing mentally to associate the names of Ram Narain, Head Clerk in the Office of the Director of Public Instruction, and Pundit Amur Nath, Translator to the Chief Court, with the lofty expressions of pride with which the petitioners, in the body of one of the memorials, look back to the active devotion displayed by them in the warlike scenes of 1857 ! We repeat, then, that these documents are in no way an index to the feelings of the mass of the peasant proprietors of the Punjab, and this for the very sufficient

reason that, *as a body, they know nothing of the Act which is so materially to affect their future.* An ignorant population can only learn a law by seeing it in actual operation among them, and of this they had had no opportunity when those false manifestos of public opinion were framed. Three or four years hence, if the Act be allowed a fair trial in the interim, the landlords of the Punjab will be in a position to pronounce an intelligent opinion, and we shall be much surprised if the verdict then come to is so altogether unfavourable as that contained in the documents we have been considering.

Having thus fulfilled the promise made at the outset of giving the subject of tenant-right in the Punjab the fullest consideration, we might now bring this long series of papers to an end. But before doing so it will, we think, be convenient if we bring together and place before our readers at one view the several conclusions at which we have arrived during the course of this lengthened discussion. First, then, we showed that the inquiry made by our officers at different times into the relations of proprietors and tenants prior to the annexation of the Punjab, was not only very complete, but that there was really no hope of obtaining additional information of any value by prolonging the inquiry, and that, therefore, the charge of hasty legislation on insufficient data brought against the Government by some of the representatives of the Press, notably by the *Friend of India*, was entirely groundless. We next inquired into the Sikh system of revenue management, and found that the guiding principle in the mind of every Sikh official, from the highest to the lowest, was to extract from the land the utmost it could be made to yield without altogether impairing the resources of cultivation. We then described the effects of this system on the status of the two classes into which the mass of the agricultural population is divided. How that its tendency was to reduce both to one level by raising the position of the tenant at the expense of the proprietor.

How that under it the hold of the better class of tenants (those who resided in the village and cultivated with their own stock) on the land in their occupancy became in practice absolutely secure, because, in the case of tenants located by himself, the proprietor had no motive, and in the case of those located by the kardar, he had no *power* to eject. How, further, that of the little something which, in practice, was nearly always left by the Sikh tax-gatherer, the larger share almost certainly went to the tenant. From these established premises we next drew the conclusion that the British Government, in assigning the status of hereditary cultivator (a tenure of which we described the chief features) to tenants of this kind, had in no way rendered itself obnoxious to the charge of *creating* occupancy rights, but had rather in so doing restricted the tenant's prescriptive rights and privileges. And, lastly, we showed that the authors of the Punjab Tenancy Act with happy art had unloosed the knot which one party was bent on abruptly tearing asunder, and without violently disturbing the relations existing between the two principal elements of rural society had succeeded in reconciling their conflicting interests—that the framers of the Act had accomplished this by giving to the proprietor the only thing he wanted, a fair share of the profits of the land in his tenant's occupancy, and, at the same time, had economically improved the latter's tenure by allowing him to make improvements, and also to transfer his rights should circumstances require him to do so; and by these concessions, made to him in return for all that he had been forced to give up to his superior, had completely removed the only bad features of the tenure known by the title of hereditary cultivator as previously existing.

Having shown all this, we think we may, in conclusion, fairly appeal to the official disputants in the Punjab to accept the award of the high tribunal to which their differences were referred for decision, to join hands and make up their minds, as they are in duty bound, loyally to carry out the provisions of the new law remembering that the real test of a law is its practical working, and

that experience is better than any amount of theory. If the Punjab Tenancy Act is what we believe it to be, it will, when judiciously handled, harmonize differences, silently diffuse contentment throughout the agricultural masses, and be the means ultimately of permanently improving their condition. But if our estimate of the measure is an erroneous one, and it be found to work for evil, we shall assuredly be among the first to cry out to change it. *Let it, however, first have a full and fair trial.*

THE PUNJAB REVENUE POLICY.

(Reprinted from "*Pioneer*" of 15th July and 1st August 1874).

NOR long ago the *Friend of India* contained an article, in which Mr. E. A. Prinsep, late Settlement Commissioner, was represented as having been driven from the service by "the new rack-renting school" in the Punjab, having at its head the Lieutenant-Governor Sir H. Davies, and the Financial Commissioner, Mr. R. E. Egerton. We contented ourselves for the moment with briefly pointing out the palpable absurdity of the charge implied in the heading—"The Reward of Doing Justice to the People"—*viz.*, that if one member of an administration is distinguished by a desire to do justice to the people, he thereby becomes obnoxious to the rest. We now propose to examine more fully the particular statements contained in this and other articles on the same subject, which have appeared from time to time. Each has been a repetition in substance of its predecessor, and it will be enough to make the last the especial subject of our analysis.

We promise that the analysis shall be fair and searching: at the same time the result will show that the charges brought against the Punjab Government are entirely without foundation, that they are such as no one who had any knowledge of the men concerned would have thought of publicly bringing forward except on the most convincing evidence, and that the writer of the

the article, at every step, betrays ignorance of the special subject he is discussing.

The article commences with charging the Lieutenant-Governor and the Financial Commissioner with having last year "announced their determination to set aside the deliberate decisions arrived at, and made publicly binding by engagements with the agriculturists (of five of the most important Punjab districts) by their distinguished predecessors, the late Mr. A. A. Roberts, Financial Commissioner, and two successive Lieutenant-Governors, Sir R. Montgomery and Sir Donald McLeod." Now if this means anything it means :—

1st.—That Mr. Roberts and the two Lieutenant-Governors named were parties to binding engagements with the agriculturists of five districts of the Punjab, by which a settlement for certain term was assured to them at a certain sum.

2nd.—That the present Lieutenant-Governor, Sir H. Davies, and the present Financial Commissioner, Mr. R. E. Egerton, while aware that such engagements had been entered into, yet did not hesitate publicly to break faith with the people.

The charge is a serious one: let us see how it is sustained. To begin with, the first proposition betrays a singular ignorance of the procedure followed in making and confirming settlements. Would our contemporary be surprised to learn that engagements are never made with the agricultural population by the Financial Commissioner, much less by the head of the Government. The engagements actually taken from the people in the settlements supervised by Mr. Prinsep were taken either by Mr. Prinsep himself, or by his assistants, and always contained a clause to the effect *that the assessments were subject to the ultimate sanction of Government.* In the case of the settlements of the three districts of the Umritsur Division, that sanction was never given, for the simple reason that the final reports of the operations were never furnish-

ed by Mr. Prinsep. The functions of the Financial Commissioner consisted then, as now, in laying down, on the report of the Settlement Commissioner, the principles on which the assessment was to be made. The detailed application of those principles was left to the Settlement Commissioner and his assistants, who, after determining the amount to be taken from each estate in each of the main revenue divisions of the district, publicly announced the sums so fixed, and if the representatives of the people agreed to engage for their quotas of the revenue, formal engagements were there and then taken from them to pay the sums specified for the term of settlement, *subject to any modifications which the Government might see fit to make after receipt of the Settlement Officer's final report.* Such being the procedure, it is absurd to talk of binding engagements having been entered into by Mr. Roberts and two Lieutenant-Governors with the agriculturists of five of the most important districts of the Punjab.

Of these five districts, the final reports of three, as before stated, have not been submitted to this day, and we believe we are right in saying that those of the remaining two, Goojranwala and Goojrat, did not reach the Government till after the present Lieutenant-Governor had assumed office. But it will perhaps be contended that the breach of faith consisted in reducing the terms of settlement in the districts of the Umritsur Division to ten years, after a term of twenty years had been accorded to them by the Government of Sir Donald. Our reply in that case would be *first*, that both the present Lieutenant-Governor and Financial Commissioner (for reasons which have before been given in these columns) were entirely unaware of any such sanction having been given; and, *secondly*, that the mere telling a Settlement officer that he may make a settlement for a certain term, does not deprive the Government of its power of withholding sanction to his assessments, should he fail to satisfy the Government that they were sufficient. We contend therefore that Mr. Prinsep having failed to report the grounds on which

he had made the settlements of the Umritsur Division, and the Government having been compelled in consequence to make inquiries through other sources, and having satisfied itself that the assessments were inadequate, was at liberty to refuse to sanction them without any breach of faith being involved in such refusal. Were it indeed otherwise, there would be no meaning in reserving to Government the power to give or withhold sanction to a settlement. That in this particular instance the exercise of the right in an adverse sense had even the semblance of a breach of faith, was solely due to the culpable negligence shown by Mr. Prinsep in regard to one of the most important of his duties, the submission of the final reports of the settlements made by him. How constantly he was urged officially and demi-officially to send in these reports, and with what patience his obstinate refusal to comply with the legitimate orders of his superiors in this respect was borne by them, is best known to Mr. Prinsep himself.

Thus falls to the ground the first count of the indictment brought forward so persistently by our contemporary against the Punjab Government and its trusted adviser, Mr. Egerton. The remainder of the article consists of a curiously illogical attempt to prove that Lord Northbrook's determination to maintain the term of twenty years for the settlements of the Umritsur Division was *not* arrived at independently of the consideration whether the assessments were fair or sufficient; and a repetition of the charge often before made, that the present Government of the Punjab, actuated by a desire to "rack-rent" its subjects, was trying to make the work of its predecessors, and in the process blasting the reputations of officers, some of whom are still serving it.

We reserve for another opportunity the full consideration of this ludicrously unfounded indictment. Enough for the present to ask our contemporary whether he would not have better fulfilled his duty to the public, if before giving to the world imputations so serious, he had taken the trouble to learn something of

the character and antecedents of the high public functionaries he has so wantonly attacked, and had gravely considered if they were likely to have inaugurated a policy so entirely at variance with their recorded opinions, and the traditions of the school in which they have been brought up.

In our last article on this subject we promised to consider more fully, in a future issue, the absurd charge so persistently preferred by the *Friend of India* against the present Government of the Punjab of trampling all obligations under foot in its eager haste to carry out its newly-adopted policy of "rack-renting" its subjects, and in the meantime we concluded with asking whether that paper would not have better fulfilled its functions as a public journal if, before launching a serious accusation of this nature, it had taken the trouble to learn something of the characters and antecedents of the high public functionaries so wantonly attacked. We will now endeavour to fulfill our promise, and as a first step towards showing the groundless nature of the charge referred to, will supply briefly the information which our contemporary might have obtained for himself without any very deep research, or great expenditure of time and trouble.

It is unnecessary for our purpose to say more of the characters of Sir H. Davies and Mr. Egerton than that they are essentially safe men—men of sound judgment and moderate views—men not easily carried away by such passing currents of thought and feeling as not infrequently disturb the stream of Indian policy. It was for these qualities that the former was selected by Lord Lawrence for the post of Financial Commissioner in Oudh, at the time when the party headed by Sir C. Wingfield was striving to destroy all subordinate proprietary rights in that province; and for similar reasons the latter was appointed Financial Commissioner in the Punjab, when party-feeling ran high on the question of tenant right. Both men were brought up, so to speak, at the feet of Lord Lawrence, and learnt under him the first lessons of that

policy which made the Punjab in 1857 the citadel and safeguard of the Empire, and of which the leading principle is to base our rule on the well-being and contentment of the people rather than on material force. Lesson so learnt, and of which the wisdom was so soon and so signally demonstrated, sink deep in the mind and are seldom forgotten ; and, if we had the space, it would be easy to prove, from official documents, that *throughout* their careers, the men to whom we refer have been guided in their dealings with the people by the policy learnt in the school of Lawrence and Montgomery.

Whence, then, this charge of rack-renting so persistently brought forward ? Not a tittle of evidence, be it observed, has ever been adduced in support of it. It rests, and has rested, on assertion alone, as if a charge could be established by merely repeating it a certain number of times. We need not, we think, look far for the answer to our question. The Government of the Punjab is grasping and rapacious because it has dared to question the sufficiency of the assessments made by Mr. Prinsep and some of his assistants ! Their *amour-propre* has been wounded, and this is the only way in which they can justify their proceedings !

But what shall we say to the part taken by our contemporary, who has not been ashamed to allow itself to be made a catspaw in the matter, without exerting itself in the least to verify the interested statements by which it has been misled. And yet it might have had access to documents such as the annual administration reports which are open to all, and could have there seen what the Government had to say in vindication of the course it was reluctantly compelled to take, and might have given the Government credit for common honesty and truthfulness in its officially recorded explanations. In his review of the Revenue Administration Report for 1871-72, the Lieutenant-Governor, after explaining why he had been unable to confirm the assessment made

by Mr. Prinsep for more than ten years, goes on to say :—“ The Lieutenant-Governor was well aware that his action would not be popular, but the principles of the land revenue assessments are fully known, the Government share is moderate, and can be given without inconvenience by the people, and it would have been indefensible to have abandoned the increase of revenue due to the prosperity which the Government has itself conferred on the country, or to accept estimates which were, on their very face, fallacious as the true basis of assessment. *The Lieutenant-Governor has no desire to compel officers to frame harsh and oppressive assessments.* The Punjab is, he admits, differently situated from other provinces, *and for many years to come it will be politic to assess lightly.* The people have well nigh forgotten the misrule which preceded the annexation of the country, and are not yet like the population of the rest of India so advanced, or so long accustomed to English rule, as to know that it is preferable to any other that could replace it. But there is a difference between light assessment and a complete surrender of the rights of Government which would have been the result of accepting for a long term of years the assessments of the Umritsur Division.” The italics are ours. We would draw attention to the passages so indicated, and ask if they express the sentiments of a man anxious to rack-rent the people committed to his charge? The sufficiency or otherwise of certain assessments is a matter regarding which there may be difference of opinion, but the policy of a Government must be judged by its acts, and the instructions it issues for the guidance of its subordinates ; and tried by this test, we have no hesitation in affirming that there never was a charge more unfounded than that we have been examining.

But perhaps the best way of refuting it will be to take as type one or two of the settlements which have actually been carried out under the orders of Sir Henry Davies and Mr. Egerton, and analyse the assessment. And, for obvious reasons, we cannot do better than select for this purpose those of the two frontier

districts of Dehra Ghazi Khan and Hazara, just completed. In the former district, although the cultivated area had increased from 326,232 acres to 652,864, or cent per cent, and the irrigated area from 149,369 acres to 266,947 acres, or nearly 80 per cent, and although prices had nearly doubled during the last ten years, the assessment was only raised 37 per cent, *viz.*, from Rs. 3,30,369 to Rs. 4,54,072, which falls at the rate of only 11 annas 2 pie per acre in the cultivated area, and even this moderate assessment has since, in accordance with orders given by the Lieutenant-Governor during his tour through the district last cold season, been considerably reduced, on the ground of the "desirability of light assessments in frontier tracts."

To show how careful the Settlement Officer was to carry out this policy, we may add that the assessment was far below the sum obtained by applying either the produce or the revenue rates, that the produce rates themselves were obtained by assuming as the Government share no more than from one-eighth to one-twelfth of the gross produce, while the produce was converted into cash on a price current which had been reduced from 34 to 38 per cent below the average of the last twenty years !

These facts and figures will probably suffice to satisfy any unprejudiced person that there was no "rack-renting" here, and if further proof were required of the lightness of the demand, it would be found in the alacrity with which the assessments were accepted by the agricultural population throughout the district.

The assessment of the Hazara district has also been considerably raised, but the Settlement Officer has conclusively shown that it is not so high as the people might fairly have been required to pay had the previous settlement not fallen, during the past 20 years, so far behind the proportion of the assets which it originally represented, and had it not been the policy of Government to assess lightly the frontier districts. The following figures give the results of the different processes employ-

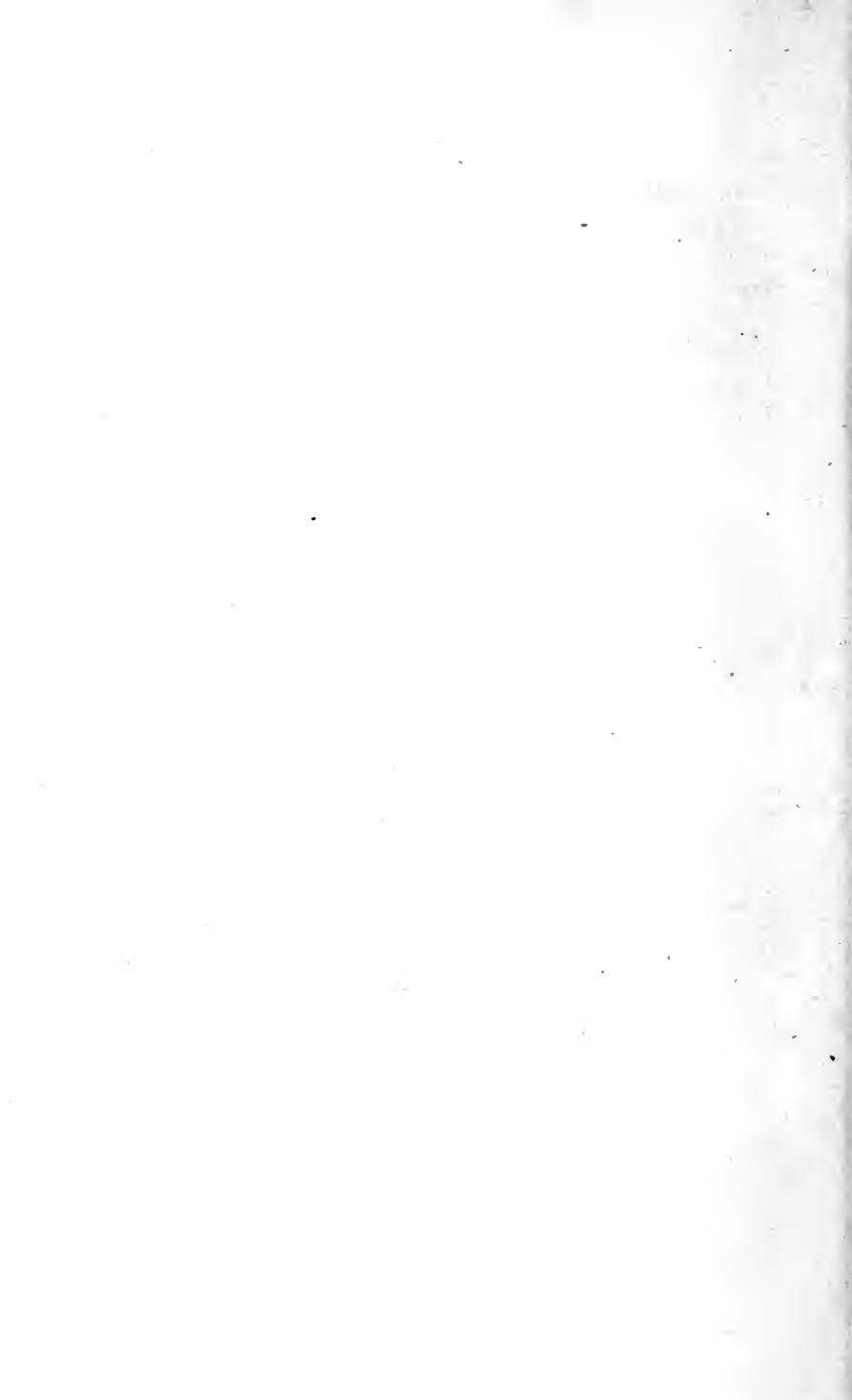
ed as guides to the assessment, and the assessment itself as compared with the expired settlement and the Sikh collections of 1845:—

| | | | |
|---|----|----------|--------------|
| Sikh collections of 1845 | .. | .. | Rs. 2,81,923 |
| Summary settlement of 1852 | .. | .. | „ 2,28,497 |
| Estimate at $\frac{1}{8}$ th of gross produce | .. | .. | „ 3,72,772 |
| „ by plough rates | .. | .. | „ 3,49,575 |
| „ by soil rates | .. | .. | „ 3,64,458 |
| <hr/> | | | |
| Assessment fixed on land | .. | .. | „ 3,02,041 |
| „ „ „ mills | .. | .. | „ 8,932 |
| <hr/> | | | |
| | | Total .. | Rs. 3,10,973 |

Rate per cultivated acre, Rs. 0-12-8.

The gross produce was estimated for each *illaqua* with due regard to the proportion of good and bad soil in each, and the result gave the following low average rates for the principal crops:—Wheat 446 lbs. to the acre, barley 572 lbs., maize 614 lbs., bajra 515 lbs. One-sixth was taken as the Government share, and in converting it into money, a scale of prices was adopted, at least 25 per cent below the average of the last ten years, and the assessment actually fixed was nearly 20 per cent below the sum thus obtained, and with the permission of Government has since been still further reduced; wherever inquiries showed that the assets of a village had been at all overestimated, and this notwithstanding the fact that in *no single instance* did the proprietors refuse to take up the new assessments. How much the district has advanced in material prosperity under our rule, and what good reason there was to look for an increase in its revenue, will be seen from the following extract from Captain Wace's assessment report, with which we may fitly close this long article:—“When the Sikh assessments were made in 1845, the district had suffered under continual disorder for 20 years past; great insecurity prevailed, the village communities were in

weak and depressed state, large numbers of the cultivating classes had deserted their lands, large areas were waste, land had no value, there were no roads and no means of exporting grain, grass and wood were unsaleable, cattle and milch produce stood at half their present value. Now the district has had 22 years of peace, every acre of culturable land is under the plough, and has been so for some years past, land is so valuable that practically it cannot be purchased, large quantities of grain are exported southwards, milch produce has increased and has doubled in value, in some parts of the district grass and wood are valuable assets, and people have settled down from a state of periodical disorder to one of undisturbed peace, and are free of debt, contented, and abundantly well off."







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10