

Land Settlement in Kumaon Hills by British Commissioner George William Traill



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Abstract

Kumaon division was one of the districts of non regulatory territories under Agra province. Kumaon was occupied by British from Gorkha in 1815 A.D. The Indian ruler had since time immemorial taken a part of agriculture produce as land revenue. British Government also started taking land revenues from people of India to meet their own expenses in India and various land settlements were made in this regard. Likewise, the British Government made separate administration for non-regulatory province; the land settlement made in non-regulatory province was also different from rest of India. Mr. George William Traill did seven land settlements in Kumaon out of total eleven settlements conducted under British rule.

Keywords: Land settlement, Thatwaan, Khayakars, Kainis, Sayana, Thokdaar, Padhan Kamin, Bissi, SAFTA, SAARC, Exports

Introduction

After the battle of Plassy in 1757 A.D, the pattern of company's commercial relations with India underwent a qualitative change from trader to ruler. Since immemorial time the land revenue was part of great financial security for ruler either Indian or Foreigner. Prior to the annexation of Kumaon by British it was under the dynasty of native Chand rulers and then it was occupied by Gorkhas. Both ruling body maintained a set of administrative structure at different level for collecting land revenue. Under this system, the land was divided according to its fertility and number of local officers was appointed to collect revenue at certain rates by different cultivating communities.

Aim of the Study

Through this paper we will get to know about the land settlement made in Kumaon prior to British advent. This paper will examine the background of the tenurial change in Kumaon besides that this paper will let us know about the condition of hill peasantry. This will also help us in determining progressive nature of the administration of George William Traill. This paper will also spot light over the uniqueness of land settlements made by the great British Commissioner George William Traill in Kumaon Division and other efforts made by George William Traill for land improvement.

Review of Literature

Previously, a number of studies had been made on British Administration in Kumaon by distinguished writers. I have gone through the "British Kumaon Gharwal" vol 1&2, (1994) a commendable work done by late Mr. R.s Toliya in which he described the British administration under several commissioners. 'The Himalayan Gazetteer' by E.T Atkinson, (reprinted 2016) in which a full description of Himalayan provinces is given, helped me in completing my task. I also took assistance from Professor A.K Mittal's 'British Administration in Kumaon Himalaya', (1986) which is an illustrious work in the field of administration of Kumaon. I hunt for detail study of land assessment from Stowell's 'A Manual of the Land Tenure of the Kumaon Division' (1907), Baden Powell's 'The Land System in British India', (1892) and Batten's Settlement report of District Garhwal, Report on the Province of Kumaon (1848). 'Statistical Sketch of Kumaon'(1851) work by George William Traill himself was an official reports forwarded to Government covers almost every aspect related to Kumaon also enlightened the path my paper.

Land Settlement in Chand Dynasty

The cultivating community in Kumaon in the reign of Chand Dynasty embraces of three categories.

1. Thatwaan (or proprietors) including guarantees of various kinds.
2. Khayakars or cultivators i.e. those who eat (Khana) the produce of the land on the condition of paying the land tax (kar), including sirtaan, who paid in cash
3. The Kainis, including the chyoras or household slaves.

Right and Duties

The 'thatwan' could not voluntarily resign from his 'that' and was remaining liable to pay the land revenue no matter who tilled the soil. A 'thatwan' make over portions of the land to others for cultivation. These cultivators became his khayakars and paid jhuliyas and sirthi, but none other dues to the Raja's and his officers.

The Khayakars-The Khayakar's tenure was under the Chand's purely a personal one. He could be ousted at any time and could give up his land at any time; nor his heir succeeded without the consent of the 'thatwan'. The rents were paid in kind and were subject of individual contracts, and the Khayakar was in addition required at time to give personal service on certain occasions.

The Kaini or Chyora-The 'kaini' had many menial duties to perform, and amongst them he had to carry the litter or 'dandi' of his overlord, wash his clothes and cooking pots, accompany him in time of war as a servant, give wood in the funeral pyres of the family and assist in funeral ceremonies, shave his head and face on the death of his overlord or any near member of his family, or death of the Raja, and generally to obey every order. The only difference between the 'kaini' and the 'chyora' or household slave was that the former did not eat his master's leavings, but the latter did.

Middlemen

Beyond actual cultivators there were many middlemen well known from different names in different places. In Pali, they were known as Sayanas. In Kali Kumaon, Juhars and Darma they were called Burhas, and in Kali Kumaon, Thokdar is the name given to these middlemen. Sayana, Borahas and Thokdars possessed the rights in the land as well as, could sell their villages and exact certain fees and dues.

Sayana

The Sayana had a right in the 'that' of his village and in acknowledgment of it received food for himself and his followers when visiting the village: every second year one rupee from each house; dues at festivals and aids for his household ceremonies; present of grain from the cultivators at each harvest and a due called dala, equivalent to manga of the Raja, being a special contribution on extraordinary occasions.

Burhas

The Burhas of Kali Kumaon differed in no way from the Sayana of Pali, except that they very frequently formed a consultative body in state affairs,

especially when the succession to the raj was doubtful, consequently they all along played a very important part in Kumaon history. The Burhas of Juhar and Darma bore merely honorary titles, and never possessed any great authority.

Thokdaar

The thokdaar received a same sort of dues, but to a less extent, and his title was of less significance and more of fiscal in nature. He was not called on for advice in matter of State. These three classes of fiscal officers were bound to assist the military and civil officers in their administration, but had no special duties such as were subsequently assigned to them.

Kamins

The Kamins were inferior grade officer to Sayana or Burhas. Kamins had no rights in that in the village of his circle nor could he sell or mortgage them or his rights. He supplied bardaish, that is, coolies and supplies for the state service, and paid dues to the Sayanas or Burhas above him, but not to the Thokdars, due to reason that Thokdaar seldom existed in places where there were Kamins.

Padhan

Every village had the padhan, which were appointed on almost same remuneration with same duties to execute. The padhan collected the revenue and performs police function in the village, represented the coparcenary body whenever necessary, and was in charge of Sayar or miscellaneous produce within the village boundaries. The office of padhan was hereditary.

Kotal

Kotal works under the supervision of padhan. He was appointed and removed from his office depends at the will of padhan. In Pali, there was still another officer usually called a pahari, whose duty corresponded with that of the gorait of the plains, general village messenger, and collector of supplies, watchmen and general servant. He was remunerated by grant of grain at each harvest from each family at festival.

Land Settlement in Gorkha Rule

The available records of Gorkha period in Kumaon does not capitulate about the land revenue, neither possible to derive estimated income from Kumaon by Gorkha government. The invasion of Gorkha in Kumaon raided the prosperity in every aspect. They were not here for the well being of people. The villages were everywhere assessed on a consideration of the supposed means of the inhabitants rather than on any computation of their agricultural produce. An attempt was made to establish one common standard of measure for the whole of Kumaon, but when this was applied to the actual measurement terraced, cultivated land, the labour and the expense involved was found so great that the whole scheme finally terminated in a loose method of approximating the area to the given standard by estimation. As no fixed principle was adopted in the measurement of land then finally, 'bissi' was taken as standard of land measurement. The mismanagement introduced by Gorkha in

Kumaon deteriorated the resources of the country. Agricultural produce diminished and price depressed arbitrarily. Further the Gorkha officer assessed at their pleasure, extracting as much as they could from the poor people. The Gorkha rule in Kumaon was extremely despotic and may be regarded as the darkest period in the history of Kumaon. Though in Chand's period, the revenue administration was much successful. That is why almost similar system of land settlement was adopted by British in Kumaon.

Land Settlement by British Commissioner George William Traill

Types of Lands

Prior to the British advent in Kumaon, there was no specific mode was established for the actual measurement of land. In 1823, British Commissioner George William Traill measured the land, the measurement was prepared by native officials and summoned the phadhans of the village within sight and from them noted down the boundaries and estimated the areas and thus afforded some very rough idea of the size of the each village. British adopted the same system as adopted by Chand dynasty though little change had also been made in this direction.

The measurement of land was carried out on these principles-

1. All terraced land was to be measured unless it had relapsed into forest but forest clearing and slopes cultivated only after the lapse of eight or ten years, known as khil or kaunula, were not to be measured and each enclosure or field was to be measured separately.
2. The whole of the terraced land was to be shown under four qualities- a)irrigated; b) good dry; c)second rate dry ;d) casual cultivation or ijran. The surveyors however, did not adhere to these instructions and it was found necessary to classify all the culturable area under- a) permanent cultivation; b) casual cultivation and; c) waste. Here, the waste land is meant for a terraced land which is thrown out of cultivation and does not include the grassy slope or forests within the nominal area of the village. Stowell in his "A Manual of the Land Tenure of the Kumaun Division " remarks, Benap land as "waste land is known as benap, unmeasured, because hitherto such estimates or measurement of area as have been made at succeeding settlements have only taken account of cultivated or culturable and terraced land". This benap or waste land was a property of state.

Procedure of Land Measurement

The instrument used for the measurement of land was a hempen rope which is sixty feet long, divided into ten parts and each part was of six feet in length. The terraced lands are generally irregular shapes in length and width, this procedure of measurement produces better results than anything else as a basis for assessment. In order to bring all the lands in the village to one common standard of quality, the second rate dry quality land known as 'duwam upraon' was selected and each of the other

three classes of land was brought under this standard by trebling the irrigated, by adding one half to first quality dry and by reducing casual cultivation by one half. The land measurement was based on quantity of seeds that could be sown rather than the cultivated area. Though 'bissi' was selected as the unit of measurement in Kumoun previously, Gorkha government also tried in this field but was not successful because of irregular size and shape of cultivated land in Kumaon. Bissi, as its name implies, should contain the area, which requires twenty nallee of seeds to sow it but, as this area varied in each parganah, it was at length taken to be equivalent to forty yard less than British acre.

The land measurement famous in Gharwal cultivator is the Nallee fixed by Mr. Traill at 20yards by 12 = 240sq yards, which is supposed to be the area occupied by the quantity of (wheat) seed contained in the measure of capacity, peculiar to the hills, called a Nallee. Although this measurement varies in different parts of the district, and will not of course contain so much a 2 seer of rice in husk or barley equal to one bissi, 240*20=4800, which is only 40 yards, less than an acre. Bissi and Nalles are the measures recognized in the records and by the people. Fractions of Nallees are shown in sixteenth as annas. So, those 120 yards would be called 8 annas, 220 yards 15 anna and so on.

Type of Land Settlement

Mr. Traill in his statistical report assert, "that a large portion of the province, not less probably than ¾ of the village, are wholly cultivated by the actual proprietors of the land, from whom of course nothing can be demanded beyond this respective quotas of the village assessment; and that in those cases the settlement is literally speaking ryotwara, although the lease is issued only in the name of one or at most of two shares in the estate."

Revenue Rates

In irrigated land it is very common for the proprietor to take one half of the produce; in first class dry, one third, and in second- class dry one fourth to one fifth. Then comes the question of the produce per bissi which varies with the position, cultivation and soil as land, is usually left fallow for a second crop every second year. Taking different factors into consideration, an average rate of one rupee per bissi (forty yard less than an acre) was held to be the average rate in second quality dry land, and thus the good land was made to help the bad land in the rate assessed.

The shares of the gross produce, as enjoyed by different classes of cultivators.

Thatwaan Cultivator	80 per 100
Pahikaasht Tenant	75 per 100
Khaekar Tenant	70 per100
Khurnee Tenant	66 per 100

Tenure

The tenure of land and right in the land has gone under many changes but the maxim of paramount property in the soil vested in the sovereign does not change in theory but in practice as well. The Zamidar's rights in lands were hereditary and

transferable as they were granted from royal grants they could also be abrogated at will. Land held in proprietary right is still termed as 'that' or 'rot' and a proprietor is called a 'thatwan' and the term zamidaar or landholder was a cultivator actually holding or occupying land either of a proprietor or of a tenant.

Proprietors

According to Mr. Traill, under the former Government (Gorkha) all servants of the state, both public and private, received on their appointment to office, a grant of land for the support and establishment of their families.

1. These lands have under succeeding sovereigns been subjected to rent, but the proprietary right has generally remained with the original grantee or his descendants. These descendants form the first class of landholders in the district. These were exclusively of the emigrants from the plain.
2. The second class of proprietors derived their title solely from long established occupancy. The tribal communities of hills came under this category.
3. The third class was created during the gorkhali government, are those who, in consideration of receiving the proprietary title, have bought waste land into cultivation. To encourage this spirit of cultivation the practice of Gorkhali government has been continued in British time too. In some cases, where cultivated land is small, the majority of proprietors were also the cultivators, as it was not possible to share the small profit of land with the tenant. As a result 6/10th of the arable land was cultivated by the actual owner, who could be termed as 'thatawn' cultivators.

Other castes were invariably throughout the district the property of the landholders, and resided within the village of their respective owners. These consist of carpenters, masons, potters, blacksmith, miners and variety of other trades.

Revenue Free Grant

On British occupation it was found that a considerable sum of money and tract of land had been granted by Nepalese Government to temples and individuals. In 1819, Mr. Traill forwarded the list of those revenue free land and villages under the name of gunth, sadabrath and maufi to the board, and he got no clear response from the board. In 1827, when he heard the news of mismanagement of revenue, he took all the things in his hands and ordered it to keep it in deposit. According to him these grants were religious and associate with the name of Kedarnath and Badrinath and meant o benefit pilgrim only. He manage this grant by directed it to the management of charity. The quantity given to each pilgrim was fixed and, a certain sum was also maintained for the salaries of the official functionaries and other contingent expenditure of the management. An appropriate sum was also to meet the contingency of the person making the pilgrimage. He also used up this surplus in the repair of the roads from Joshimath to Badrinath and Karnaprayag to Joshimath, in 1829.

Village Administration

Padhan was an executive officer, who collected revenue from his coparceners, and with the supervision of their simple police arrangement. The fiscal intermediaries between padhans and the state were kamins, thokdaar, burhas and sayanas. The land assessed to revenue was under Gorkhali government assigned as Jaydad for the support of troops, and the collection of the revenue was entrusted to the commandants of the different regiments.

Thokdar/ Kamins/ Sayanas

In some places of Kumaon, thokdar is also known by the name of kamin and sayana. Neither Kamin nor sayana possessed any right in the soil over which they exercised authority beyond what they derived from their appointment. They retain their position only during pleasure of the government. The responsibility held by Kamin known as Kaminchari either a small portion of land to hold free of revenue, or a remission of revenue, but at no specified or fixed percentage. They were also authorized to collect nazrana from each village, nazrana was a gift or dues in excess of the state demand varying in its rate in different parganahs from three annas to one rupee per village. The Kamins were granted by the powers of distributing the Patti assessment over each village; they arrange this assessment as per their wish. On British occupation of Kumaon, Mr. Traill transferred this duty to padhans, and the thokdars were limited to interference in matter of police. In lieu of the former numerous dues, certain fixed fees were established.

Padhans

He simply collected from his coparceners and tenants the demand and passed it on to the Kamin. The nomination of padhan to the great extent was vested in the Kamins, and in some cases the right to act as padhan became hereditary. The padhan is the hill term lambardar or sudder malguzar of the plains. Traill explains that, he is the village ministerial officer entrusted with the collection of the revenue and with the supervision of the police of his village and is remunerated with assignment of land (padhan kangi or jethunda) or money: this remuneration is known as hak-padhani or padhanchari. Uncultivated lands which may have not divided amongst the sharer are also managed by padhan.

Kanungo

They were formerly known as daftari and under both native and gorkhali government performed duties corresponding closely to those of the tehsildaar of the plains. The office of the kanungos considered hereditary so far that the succession remained in one family, but both the former government and the British authorities have always exercised their discretion of selecting the most capable member of a family for the office without reference to birth and seniority. In 1829 they were vested with the power to try civil suits, but these were withdrawn in 1839.

Meldar

The class of meldar were found in large parganah of the hill district only, these may be called

chapasies or messengers of the parganahs. They held the office hereditary, originally fixed by former Rajas and where they were granted by lands in payment of their services.

Patwari

Under former government, the word patwari was unknown, but there were local deputies of Daftaris or Kanungos called Lekhwar who performed similar duties. At the time of conquest, the duties of lekhwars were abolished and were remained unemployed and no one was appointed to perform the duties of lekhar. In 1819, while settling kanungo resumed land, Mr. Traill found the surplus of Rs.500, which he recommended for the establishment of Patwaris at the salary of Rs.5 a month. Their duties were to collect the revenue, the measurement of village under instruction from court, the prevention of desertion to on the part of the cultivators in a village by adjusting quarrels and reporting the existence of such quarrels and desertion to head quarters, cases of police, apprehension of offenders, reports of crimes, casualties, suicides and intestate estates, through the tahsildaar. They are removable for inefficiency or misconduct, and may be transferred from one circle to another. The number of patwari in 1819 were nine, soon this number was raised to seventeen in 1825 and 63 in 1830. In hill district, patwaris were given a special power of police which is known as revenue police along with his regular duties. This is the distinct feature of patwari as revenue police in Uttarakhand.

Features of Mr. Traill's Land settlements

Mr. Traill carried out seven land settlement out of total eleven settlements conducted in British Kumaon. The first two were Annual, the next two were Triennial, and the last three Quinquennial. In 1823, the general measurement of the whole province had been taken under the supervision of Tehsildars, Kanungos and Patwaris. After completing great survey in 1823, a Mouzawar Registers were maintained and with a separate book of each mehal having being dispensed with. The nature of arable land in hill district of Kumaon was different from that of the plain district (Regulation districts), so mode of measurement of land was also different in hill areas. The first ever measurement of 1823 i.e. 1880 Sambat, was such a novel idea in the view of hill people, that it was called "Great measurement of Sunn Assi" a reference point for all the times to come. Along with the information provided by the officers, Mr. Traill made use of the last settlement made by the Gorkhas in 1807 (Kumaon) and 1811 (Garhwal) as a basis of revenue of each village and parganah.

Revenue Settlement by George William Traill

No.	Year	Duration	Revenue Amount
First	1815-16	Annual	86,071
Second	1816-17	Annual	93,722
Third	1818-20	Triennial	99,199
Fourth	1820-22	Triennial	1,08,858
Fifth	1823-27	Quinquennial	1,19,989
Sixth	1828-32	Quinquennial	1,23,164

Seventh	1833-37	Quinquennial	1,25,589
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Source: Toliya, R.S

In Bhot parganah of Kumaon border i.e. Johar, Darma and Byanse, Mr. Traill assesses the land revenue on the actual capabilities of agricultural land rather on the basis of "profit in trade". The detailed assessment was made in general panchayat of Bhotiyas, who fixed each person's individual jumma proportionate to the actual amount of the trade carried by him during the year, without reference to the capital. Mr. Traill exempted the Bhot mehal from long term settlement and remained annual, while rest of Kumaon became triennial in 1818.

First Settlement

The first settlement was effected by Hon'ble Mr. Edward Gardner in 1872 Sambat (1815-1816A.D). The assessment was made on the actual receipt of Gorkhali, as destruction caused by war, it was impossible to obtain more reliable data on which calculation could be made.

Second Settlement

The second settlement was made by Mr. G.W Traill in 1817, for one year, with the help of Padhan and headmen for their respective villages. In this second settlement for the very first time the post of Patwari was introduced in Hill district, their duties were defined and awarded by the special power of revenue police.

Third Settlement

The third settlement was done by Mr. Traill in 1818 for three years. This settlement was taken in whole of Kumaon except Bhot parganah.

Fourth Settlement

The fourth settlement was made in 1820 for three years. The main point in this settlement was that, the land was measured on the quantity of seeds which could be sown rather than cultivated area. The Gorkha government also adopted the same method for measurement during their rule and it was called 'Bissi'. This was twenty nallee of seeds to sow it or equivalent to forty yard less than British acre. The parganah records were made with the help of malguzaar and thokdaars, where name and estimated extent of every land of village was mentioned from which it became possible to identify the boundaries of villages and to make record of right.

Fifth Settlement

The problem of migration of people from one village to another did not come to end till 1823, so that a settlement for five year, was agreed to as most acceptable to the people. The report on this settlement give no details as merely states that the general result of the revision was an increase of about twelve percent.

Sixth Settlement

This revision took place in 1829. The greatest improvement took place in the parganah bordering on the Bhabhar owing to the number of new villages established there.

Seventh Settlement

In 1833, flight of locusts settled all over the country and so injured the growing spring crops, and resulted into bad harvest. In the following year,

deficiency in rainfall caused injury to the rain crops. These unfavourable circumstances alarmed the landholders and rendered them averse to enter into new agreement. For this reason Mr. Traill proposed a settlement for five years only.

Conclusion

The administrative structure of Mr. Traill was almost based on Chand's Administration. Though he was keen learner and he adopted good things from previous ruler too. He made memorable seven land settlements in Kumaon. This was not an easy task for a foreigner to perform in such a geographical challenged District called Kumaon. To the very first time in the history of Kumaon, the land survey was made by the help of thokdaars, kanungos and patwaris etc in 1823 and 1880 Sambat, which is still memorable as Great Measurement of Sunn Assi. While making land settlement, Traill always considered local problems in mind like migration of people, low cultivation and existence of huge wasteland etc; this is the reason why he opposed the long term settlement for Kumaon hills. Traill secure liberal policy for Bhotiyas by exempting them from long term settlement in his third settlement and promoted agricultural community by purchasing their grains for export to the Tibetan market.

Although, Backett criticized Traill in his report that, when a comparison was made of the guess measurement of 1823, with the actual area now ascertained, proves that, in flat lands, the old reckoning rather over than under estimated the area. This might due to having no means of knowing the correct area. The adoption of 'Bisi' for measurement was quite failure sometime as it is difficult to measure land accurately in hill areas. But, apart from that, there was an improvement in the condition of the hill peasants during Mr. Traill's period. The value of land has raised and there was rise in the quantity of waste land to be brought under plough. The people started making their own houses, all that prosperity among villagers occurs due to lightness of assessment rates, large sum of money was spent on public work and reduced price of merchandise from the plains owing to the abolition of all transit duties.

In an underdeveloped country like India where major population is still depends on agriculture. There is need for land reforms to raise agricultural

productivity and for equal distribution of land. Our country is facing many problems related to land like degradation of size of holding due to sub division and fragmentation of land for this purpose the government must give preference to joint Farming and surplus land should be allotted to small cultivators on the condition that they would not further sell or mortgage the land to private individual. There is still lack of technical awareness among farmers especially in the hill areas, the entire administrative machinery needed to implement more and more education programme among farmers. A possible effort should be made in the direction of maintaining land records up to date because lack of availability of records related to production, irrigation, financial management etc restrict authority to take fruitful decision in time. There is need to offer more research work in the field of agriculture to solve related problems and proper incentives should be given to the farmers in time to promote them to accept agriculture as their family occupation and this will reduce the major problem of unemployment in our country to the very extent.

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