

in this respect -

The conduct of the Police has excited my approbation - There are not many thefts and there has not been one robbery for this last three months - Two or three of the thefts only have not been discovered. The Runoossee have behaved with exemplary fidelity - The permanent arrangements now in progress for them may well be noticed in my Revenue Reports - The annual fair at Pacham on Sheroot usually affords the Runoossee an opportunity of displaying their skill in robbery - They kept up the Custom House here not till after the robbery occurred some of this year but as usual they have been obliged to make good the ^{value} amount of the articles stolen and they are ^{still} endeavoring to find out the robbers -

I have the honor to be with the greatest respect
 Sir, Your Most Obedient & Humble Servant,
 H. D. Robertson
 Collector

Facsimile of the hand-writing of Captain H. D. Robertson,
 the first Collector of Poona.

THE AFTERMATH

(Based on original records)

1818-1826.

With select Documents from the Deccan Commissioner's
Files, Peshwa Daftar, on the administrative
and judicial organisation of Maharashtra
by the British.

By

R. D. CHOKSEY, M.A., Ph.D.

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1950

By the same author

**The Economic History of the
Bombay Deccan & Karnatak
(1818-1868)**

**The Period of Transition
(1818-1826)**

**The Last Phase
(1815-1818)**

Published by P. F. Dinshaw for the New Book Company, Ltd.,
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PREFACE.

It is now more than a decade since I undertook research in Anglo-Maratha history. My earliest inspiration for the study of the subject was the immense manuscript material on Anglo-Maratha history at the Peshwa Daftar. A part of this voluminous material at the Daftar is entitled the Deccan Commissioner's Files, a study of the manuscripts in these Files opens a virgin forest to any patient worker in this particular field. I began my work in the Daftar in the November of 1940. Now nearly at the end of a decade, having ploughed through the vast manuscript evidence on this period of transition in Anglo-Maratha history, I have the satisfaction to see my labour housed in three volumes. The first is entitled *The Period of Transition* and is a collection of all the documentary data on the economic conditions prevalent on the British occupation of Maharashtra. The second is called *The Last Phase* and relates with the aid of all the documentary evidence available among the papers a story of the last four years of British diplomacy and intrigues at the Peshwa's Court. The present volume seeks to complete that picture by giving the reader an account of the administrative and judicial reorganisation of the Peshwa's dominions on British conquest.

I need not dwell on the importance and the wealth of information this vast correspondence offers a student of this subject. The select documents in this volume will speak for the pains, efficiency and administrative genius of the early British rulers of Maharashtra. These documents are not only important from the point of view of the study of British administration of the newly acquired territories of the Peshwa, but they throw a flood of light on the former Maratha administration in nearly all its aspects. I may venture to state that cannot sufficiently exaggerate the importance of the study of these documents from the point of view of the students of British as well as Maratha administration. The value of these documents does not only lie in what they reveal of the British

(ii)

settlement of the Peshwa's dominions but also Pages
account they give of conditions prevailing in o train
Fadnis and the last of the Peshwas. These intern
Maratha history enrich our knowledge onop
personalities. They are unique in their v
reader of these documents will discern how, er the
reveal the conditions prevailing ere British phits,
how great was the task that beset the foreigne village
abli-

At no time could we profit more than a and
careful study of the methods of administrati
body of statesmen the like of whom are rare
history. We have, I fear, much to learn, and we can
very profitably by keeping as our model especially in th
the early founders of the British rule in Mahara
Elphinstone and his co-workers were a body of unique a
trators rarely found even in the pages of Anglo-Indian
Let this humble work bear a testimony to their un
toil and honest endeavour to work for the interest and well
of the governed. Let their spirit continue to guide us
today.

To my dear friend Mr. Edul Jhangir Bisney, B.A.,
very grateful for the interest he has shown in m
his efforts to bring about its publication. I am thankfu
Mr. P. F. Tareporewala for having undertaken the publicat
of this work. I am greatly indebted to the Commissioner C.
for the permission given for the study of the English
at the Peshwa Daftar. For the prompt attention and contin
kindness of the office staff of the Daftar I can hardly expre
my gratitude.

18th June 1950.

R. D. CHOKSEY

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CHAPTER I.

MAHRATTA ADMINISTRATION AND BRITISH REORGANISATION.

On the occupation of Maharashtra by the British, Captain H. D. Robertson, the first Collector of Poona, wrote to Mr. Mountstuart Elphinstone, the Commissioner of the Deccan, regarding the Government of the late Peshwa: "No language is too strong to describe the disgraceful conduct of the Prince who living in affluent and luxurious ease gave not one moment to the consideration of the happiness of his people, but on the contrary set them the most profligate example of depravity and corruption*." In his reign "nearly all sense of respectability was lost," the good totally abandoned, and that able body of statesmen educated by Nana Fadnavis were from "the policy and dislike of Bajee Row of that minister plundered and dismissed from office." The Prince was surrounded by officious men and flatterers ignorant of the common forms of business and the common rights of their fellow creatures, men poor and seeking for fortune were advanced to the highest offices of the state, and "converted the sword of justice, the protector of rights, into the scourge of the community." Such was the Maharashtra that fell into British hands on the stricken field of Kirkee where the last of the Peshwas lost his crown and country.

In entering on the administration and state of this extensive country it was necessary to distinguish the different great divisions into which it naturally fell. There was the Carnatic between the Krishna and Tumbudhra, the Mahratta Country, the Bombay-Konkan and finally Khandesh. These were the broad divisions into which Elphinstone cut the dominions of the Peshwa in his letter of 18th June 1818, to Lord Hastings. The whole of the first three divisions were considered as completely reduced to subjection with the

* The Last Phase (1815-1818)—R. D. Choksey p-259.

exception of a few forts "of no note beyond their own neighbourhood."

The Carnatic was inhabited by the Canarese who, wrote Elphinstone, had been averse to the Mahratta Government and would remain submissive to the British if they were wisely governed. It was in Maharashtra that there was the Mahratta population with a deep attachment to their nation and memories of past greatness, which was likely to make conciliation with the new Government a matter of difficulty. "But the common people are devoted to husbandry and are likely to submit to any government that will protect them and secure them the fruits of their industry." Elphinstone felt that the gentry who love their consequence, and the soldiery who were thrown out of employment would, however, be discontented and desire a change, and to make matters worse, both these discontented classes were found in almost every village in Maharashtra. Though the brahmins showed no sign of dissatisfaction, Elphinstone knew that they were the most discontented, and at all times they were "more likely to intrigue than to try any open mode of hostility."

The hill-tribes of the bhils, coolies and ramossis were considered as distinct from other inhabitants; all were of predatory disposition, and especially the bhils, but it was felt by British administrators that by good usage and occasional severity they would be easily kept quiet.

The Konkan, though inhabited by the Mahrattas, differed from the rest of the country. The inhabitants were peaceful, there were no jagirdars nor any horse. Khandesh was the most unsettled part of the Peshwa's dominions. The bulk of the people were Mahrattas but were wearied of the "misgovernment of the brahmins, and the tyranny of the Arabs, and heartily disposed to receive our government," wrote Elphinstone. The mountains which surrounded Khandesh were infested with bhils who were to be restrained from plundering the plains; and all the numerous military classes were to be broken of the lawless habits they had acquired

during the past years of tumult and disorder. These difficulties were increased by the vicinity and intermixture of equally turbulent territories of Scindia and Holkar.

Next to maintaining a force as would prevent all thoughts of rebellion, the British administrators were agreed that the best means of securing the tranquillity of the conquered country was to conciliate the conquered. It was in keeping with this conciliatory policy that they set up the Raja of Sattara, and treated all Sirdars of the last regime with the utmost liberality; the regard for the discontented brahmin was shown by continuing his pension, and respecting all religious institutions; the unemployed of both castes, the brahmin and Mahratta, the civil and military servants were sought to be accommodated in the new rule; and above all by a just and good government to win universal affection and regard. "It is, however," wrote Elphinstone, "to be remembered that even a just government will not be a blessing if at variance with the habits and character of the nation."

We shall now aim at giving a general account of Mahratta administration in principle and practice as it was in the better times of the Peshwas' government, which were best exemplified by the administration of the great Madhavrao and Nana Fadnavis (1761-96.) In attempting such a sketch we shall be compelled to weave into our administrative narrative much that will deal with agricultural economy. Then as now agriculture was the mainstay of the revenue, and hence management of village economy the most important part of the administrative machinery. Under such a system of government, from the highest official like the *Subedar* right to the *Kulkarni*, (the village accountant) the entire administration stands in relation to the land and its cultivators. It may hence be readily imagined that such a system of feudal government made a great difference to the ryot when the government was or was not sympathetically administered.

In the Mahratta administrative machinery the *Subedar* could be compared to the Governor of a Province. The country

was divided into greater or less portions and managed by these *Subedars* who were in the heyday of Mahratta power men of influence and ability. These officers were magistrates and collectors in the tracts assigned to their care. It was not incumbent on the *Subedar* to be at the seat of his government. The management of affairs was usually entrusted to an able confidential adherent, a system that reminds one of the British governance of Ireland, where the lord-lieutenants seldom left the shores of England to look into the affairs of their charge.

The management of revenue levy and collection was the most important function of the *Subedar*. These estimates of revenue were prepared under the eye of the *Peshwa* by the *Duffardars*. The *kamal* or fixed assessment always formed the ground work. From it was deducted all fixed payments for the support of the various needs of a village. The actual condition of the country was then considered and a reasonable allowance added or deducted on account of the increase or decrease of its prosperity. This was easily ascertained from the accounts and realisations of the preceding year*. The *Subedar's* salary and establishment charges were next fixed and the amount deducted. The balance was then divided into several sums which were paid by the *Subedar* at stated periods to the central government at Poona. The *Subedar* in years of plenty was required to hand over all surplus collections to the Government; while on the other hand when a deficiency was shown, if his accounts showed no defalcation or his management any negligence, he was not obliged to make good the deficiency. "The *Subedar* of former times," wrote Robertson, "was therefore a government agent whose chief duties and responsibility in times of tranquillity were to collect the revenue. Though he was also a judge and magistrate, he was so only, because he was a Collector."

If the prime duty of the *Subedar* was revenue collection, he was, or his proxy on their arrival in the *Suba*, to ascertain

*For further information see the Economic History of the Bombay, Deccan and Karnatak—R. D. Choksey.

with precision how much land had been brought into cultivation or was likely to be so in the course of the year. For this purpose he deputed local managers in every direction. Those sent to superintend *turufs*, *purgunnas* or *mahals* were termed *Mamludars* and those who had the charge of a few villages under the *Mamludars* were called *Kumavisdars*, others were simply called *carcoons*. These subordinates of the *Subedars* were employed in framing an account for the inspection aided by the village *patel* and *kulkurni*. They were to take into account (1) the quantity of land belonging to *Enamdars* and others; (2) the quantity of assessable land lying waste; (3) and of the quantity and quality in general of the land which had been cultivated. After the survey the revenue of each village for the year was estimated by the assessable and cultivated land. This cultivation was valued at a certain general and sometimes fixed rate proportioned to its average quality. Yet this estimate was not considered the actual settlement for the year. It was only the groundwork for fixing dates for paying certain sums, until it was ascertained at the end of the year what revenue it was really proper to take. From this estimate were deducted all established allowance to *hugdaurs** (village servants), all charges under the head of *Gaum Khurch* (village expenses) which had become permanent, and these also included all contingent charges which the *Subedar* thought proper to allow under the same head. This estimate was always so near the correct assessment, that it was considered sufficiently satisfactory to insert the amount in the *raseinama* (consent) which was taken from the *patel* of each village for the payment of the revenue.

It was usual for the *Subedar* to pay a visit to each *turuf*, *purgunna* and *mahal* when the revenue inspectors of cultivation were ready to submit their estimates. The *patel* repaired to the *kutcherry* and signed a bond for the payment of his estimated revenue and received from the *Subedar* a counterpart. He was then entitled to repair to his village to collect the assessment:

* For further information on *hugs* see the Economic History.

Next in importance to the *Subedar* came the *Deshmook* and the *Deshpandia**. The British administrators could not ascertain the era at which this office was instituted, nor could Mr. Chaplin in 1824 procure any *sunnuds* of a sufficiently early date to throw any light on the subject. In an elaborate survey of the Northern Sircars it was stated that the *Deshmook* was known under the appellation of *Croree* to the Moghul Emperor Akbar about the year 1582, during the second administration of the famous Todar Mall. Yet, Mr. Chaplin wrote, "I have met with no satisfactory evidence to confirm this testimony, and should be rather disposed to refer the origin of the institution to a more remote epoch." In his intercourse with intelligent natives he learnt that the *Deshmook* was appointed in the early time of the Mohammedan conquest when the country had been reduced by frequent wars to a very low ebb in point of population and resources.

Under the Mahrattas every *Zillah* was furnished with a *Deshmook* and a *Deshpandia*. They always resided at the chief station of the *Zillah*, or as it was called a *Praunt*. The *Deshmook* was a *coonbee* (farmer), the *Deshpandia* a brahmin; the first was considered the chief of all the *patels* of the *praunt*, the second the head of the *Kulkurnis*. Their appointments were in the gift of the government and were hereditary. The office being constituted on a principle calculated to confer upon the holder a permanent interest in the improvement of the country, it was thought likely to secure the just rights of cultivators and the dues of the ruling power. The *Deshmook* as an hereditary officer constantly residing in the *praunt* placed under his superintendence, and unlike the temporary managers such as the *Subedars* and *Mamlutdars* liable to removal from office on every change of dynasty or of a ministry, had abundant opportunity of making himself intimately acquainted with the resource of the country under his charge. Both the *Deshmook* and the *Deshpandia* possessed what was termed a *huq* or rights on the amounts of land revenue, or what was termed *tankha*. The *Deshmook* generally, though not always, at the rate of 2 per cent and the *Deshpandia*

*Sometimes called *Dessoyees* or *Deshkulturnees*.

of 1 per cent. The official income and perquisites of the *Deshmook* usually exceeded by 50 per cent those of the *Deshpandia*, but it is learnt that the relative proportions varied according to the bounty of the ruling authority. They had either the whole or part of the revenue of the whole village allotted to them, and lands or fields besides were often assigned in different parts of the province, most likely with a view to give them a proprietary interest, that would occasionally call them to different parts of the province under their management. They had also a part paid by fees which were usually a given percentage on the revenue collections, a mode of remuneration which incited them to augment the public revenue as much as possible. Other fees were occasionally exacted, some of them fixed and defined, but others levied only on occasions. Some of these fees were: (1) on marriages in the families of *Zamundars*; (2) presents at the end of a season to the value of two to five hundred rupees; (3) contribution in grain being a fixed quantity from each village, or from each individual ryot, or from each *beega* of cultivated land, or it was the proportion of the estimated produce, or a fixed quantity from each plough according to whatever was the established usage; (4) they had in some places, for instance at Poona, two villages in Enam instead of a percentage on the *tankha*; (5) they sometimes received a fixed sum from each village from 20 to 60 and 70 rupees according to the size of the village; (6) they enjoyed enams of grain as in Poona and had the right of exacting in kind a portion of the labour of workmen such as a pair of shoes from the shoemaker of each village, a percentage of grain from the farmer etc; (7) on particular occasions and holidays they obtained perquisites such as *til gor* on *Mukur Sunkerant*, two rupees worth of ghee from each village on other holy days of the year, and so on. These fees went by such a variety of names, which differed in different parts of the country, that it was extremely difficult to specify them in further detail.

The *Deshmook* had the general control and management, while the *Deshpandia* or District Registrar, whose office is similar to that of the *Qanoogo* in some parts of India, was

limited to the keeping of the official records of the district. They acted in communication with each other but subordinately to the *Mamlutdar*. To sum up their duties: (1) they submitted a full and accurate account of the state of the country, the extent of land under tillage and of the increase or decrease of the population; (2) they were the immediate agents in forming the annual settlement between the government and the ryot, and were held responsible for an equitable assessment to both the parties; (3) they arbitrated differences regarding succession to *wuttuns* (hereditary lands) or disputed boundaries of villages; (4) they superintended the police and were to a certain extent answerable for keeping up its efficiency; (5) all transfers, sales or mortgages of *miras* land were conducted with their knowledge, and the transaction registered in the *Deshpandia's* *daftar*; (6) no alienation of government lands were permitted but with their knowledge, nor recognised by them except upon *sunnuds* being produced; (7) the responsibility of re-annexing to the *Sircar* all lands that had escheated to the State on failure of heirs rested with them; (8) the confirmation of the villages held as benefices, and of *Enams* or free lands, depended mainly upon their certificates as to the rights and titles of the owners, and to the antiquity of the possession ascertained by their vouchers; (9) in default of family to succeed to patelship, or to the office of the *Kulkurni*, the duty of discharging the functions of the post devolved upon them, and in some cases they succeeded to the permanent possession of the emoluments of the offices on paying a *nuzzur* to the ruling authority; (10) on the removal or change of the *mamlutdar*, a statement of collections and balances of revenue was furnished by these officials, whose accounts formed the groundwork of the adjustment that was concluded with the farmers or *patels* of the village; (11) and lastly they sat in *punchayets*, in which duty even the British administrators felt "they may still be made eminently useful." Such were, therefore, the perquisites, powers and functions of the *Deshmook* and *Deshpandia* under the Mahratta Government.

The appointment of the *Subedar* was continued or taken away from him according to his influence and interest at the

Court. Some *Subedars* were allowed to remain only one year but they generally had sufficient address to retain a *Subedarry* for several years after they once acquired it. Some *Subedars* let out in farm a few of their *mahals*. The persons to whom they were given were termed *Mukhte Mamludars* and they possessed in their own person all the powers of a magistrate vested in the *Subedar*, but they could not sentence to death nor award the punishment due to heinous offences.

Under Nana Fadnavis the *Mamludars* were men of character and respectability. So implicitly were these men trusted that no agreement at times was made as to the amount of revenue expected from the lands assigned to their charge. The *Mamludars* were invariably men of experience. At the time of their nomination sometimes, though not always, they paid in advance to the treasury a portion of the revenue. The *Mamludar* on appointment was granted a *sunnud* directing him to observe a guide for his management of receipts and disbursement a separate account delivered to him of the assets and expenses of the *mahals* under his charge. The *sunnud* instructed him to ascertain what collections of the current year had been made by his predecessor, to look to the credit, and realise the balance after taking the late *Mamludar's* acknowledgement of the amount realized. Persons in possession of forts were to place themselves under the direction of the *Mamludar*, and the *Zamindars* of the district were enjoined to make him acquainted with the resources. What the *Subedar* was to the province the *Mamludar* was to a district. The *Deshmook* and *Deshpandia* were moreover regarded as *Zamindars* rather than actual government officials.

On the acquisition of any new territory, besides the *Mamludar*, the Mahratta Government appointed a *Furnavis*, a *Mujmadar* and a *Durrukdar* besides other officials. They could not be dismissed by the *Mamludar* nor could he at his discretion employ them on any duties except those which were especially prescribed to them. The *Durrukdars* of *talooks*, *mahals* or forts received also their *wuttun* or pay and other allowances. The *Durrukdar* continued in office even when the

Mamlutdar was changed. It was the province of the *Mujmadar* to inscribe in all writes or deeds, and in all accounts of receipts, the words "*Murutlub Shood*" or "*approved*," before the *Furnavis* affixed the date to them. It was also his duty to insert the totals of the monthly muster rolls of *sibundies* (soldiers). The duties of the *Furnavis* were to date all *sunnuds*, deeds or orders, to keep the daily waste book, to attach chits on money bags, to write answers to village letters, to enter in the accounts the annual settlement, final demand and collection at the end of the year and to affix the date to it. No document was considered valid that was not so dated.

Besides these officials there were the *Dufturdar*, *Potnis*, *Potdar*, *Subhasad*, and *Ohitnis*. The duty of the *Dufturdar* was to collect and place together in form and order in the ledger the contents of the waste book as prepared by the *Furnavis*, and to furnish monthly and annual abstract account to the *Hoosur*. The *Potnis* kept an account of the balance of cash on hand, wrote the waste book and formed the treasury ledger. He also kept an account book of collections and balances which were compared daily by the *Furnavis*, and the account was closed at the end of the year. The *Potdar* was the suraff, or examiner of coins of which there were two to each treasury. The *Subhasad* was an officer who kept a register of petty suits and reported on them to the *Mamlutdar*. The *Chitnis* was an under secretary who wrote and answered despatches. Besides these there were 12 *Karkoons* or clerks.

The *Sibundy* establishment had an *Ahsham Nuwees* who kept a roll of *Sibundies* containing the name of each *sibundy*, and he also mustered the *Sibundies* and attested the muster roll. There was an *Ahsham Furnavis* who kept the accounts of the establishment, and a *Hazirnees* who as muster master mustered and made out the abstract to be placed before the *Furnavis*, who deposited them in the *Duftur* where the *Dufturdar* received and audited them.

The system described above prevailed in large districts. Both the number and pay of the different classes of public

servants were smaller in proportion as the districts were of less extent. This establishment it must be remembered was not uniformly the same in each *talook*. The above sketch aims at giving a general account of the Mahratta administration during the better times of the Mahratta Government, but it must not be supposed, however, that the theory or the practice was anything like uniform from time to time or from one tract to another.

The same principle and practice is found in force regarding the land tenures of the numerous Deccan villages. Under the Peshwas' Government (1720-1818) there were two well-defined tenures, *mirasi* and *upri**. A *mirasdar* held his land on permanent heritable tenure, subject to the payment of a fixed assessment, which he was liable to pay whether the land was cultivated or not. The *upri* was a tenant-at-will of the government, having no rights in land except that of temporary cultivation. The *mirasdar* was also called a *thulkuree*, *Thul* signified a field and perhaps the literal meaning of *thulkuree* is a man belonging to or who laboured in a field. Besides these two well known tenures there were several others. The *Coolwarree* whatever be the origin (most probably from the word *cool* which means permission) was in fact a farmer. He cultivated lands not his own under different names according to the nature of his agreement†. The *Wowankuree* is a farmer (*coonbee*) inhabiting his own village but having a lease and cultivating the lands within the boundaries of a neighbouring village. His tenure differed in no respect from that of the *Coolwarree*. The *Bhuteivala* cultivated village lands for one year only. His agreement regarded neither the extent nor quality of the lands, but obliged him to deliver half the produce to the government. All the other cultivators paid their assessment in money, but a *Bhuteivala* paid, or is considered to have paid by his agreement, in kind. Though the agreement was never for more than a year there were instances of this class of cultivators having continued to

* A detailed description of these tenures are given in the Economic History.

† For a further description of these tenures see letter No. 1 of 9th March 1818.

cultivate the same lands for several generations. This tenure on the advent of the British was very rare. Those lands for which no cultivation could be obtained were let out in *Okhlee* or *Mukhlee* to any cultivator who offered to accept them. An *Okhtukuree* may therefore be a *thulkuree*, a *coolwaree* or a *bluteivala* in regard to other fields. The land so accepted by him in *okhlee* was paid for according to his calculation of the time he could spare from his other fields to cultivate it. The *Okhtukuree* occupied the land only for one year, and paid his revenue in cash. These types of cultivators had become quite popular for the last twenty years before the British occupation of Maharashtra due to the diminution of the *coonbee* population. Finally there was the *Tuggewala*,* who farmed village land precisely as the *Coolhaarree* for a certain number of years, but who was a poor man and unable to fulfil his agreement without a loan. Government, therefore, gave him *Tuggye* or an advance of money to enable him to acquire all the necessities of husbandry, and he was bound to discharge at certain periods of his lease without interest the whole sum so advanced to him. Besides these cultivators there were farmers employed by government in cultivating their own fields. These fields were termed *sheyree*. The farmer (*coonbee*) received wages and the whole produce belonged to government. These were the names, tenures and rights of agriculturists of this part of the Deccan. But with the weakening of the Mahratta Government it acknowledged the titles without permitting the rights. The tenures described were binding on the ryots but were broken through by Bajirao II's Government whenever it was found convenient. "With all the appearance on paper therefore," wrote Robertson, "of an upright system, the late Mahratta government has in reality adopted the worst part of every system because it found most pecuniary advantage to arise from doing so." This criticism may be justified of Mahratta administration at its decline, but for the earlier part of their rule when there was sufficient vigour in the administration, Captain Robertson's sweeping remark cannot be accepted.

* From the word *luckavi*.

Since the villages of the Deccan were the chief sources whence the government derived its income we were compelled to write at some length on the various land tenures in principle and practice. I will not dwell on the village community of the Deccan* for we are well aware of the variety of talents it contained, so that "if we were to suppose it separates from all the rest of the world the people inhabiting it would still possess a comfortable enjoyment of the necessaries of life." The guardians of government's interest in the villages were the *patel* and the *kulkurni*.

The *muccadam* or *patel* of a village was the chief person in it. He was selected and appointed by the government and his office was hereditary. He received a small portion of land in *Enam* on his investiture. The *patel* could sell his situation and the rights of his office but only with the consent of the government. But though the *patel* was a government servant he was really much more the servant of the village. The duty of the *patel* was especially to attend to the prosperity of his charge. He invited cultivation, and in an assembly of the community let out the *Coolwarree* lands to farmers, attending to the suggestion of the villagers in regard to the terms. He could in the same way sell *Coolwarree* lands also. The price given was appropriated for the maintenance of public works such as repairs and erection of temples, dharumsallas etc. The *Subedar*, as we learnt, took a bond from the *patel* regarding the amount to be collected by way of assessment from his village. Hence it appeared to the British that the *patel* was purely a government agent in his duties, and that neither he nor the *Kulkurni* were entitled to any advantage beyond their established *huqs* or rights. They were also exempted from bearing the burden of any defalcation. It should therefore seem that the bond taken from the *patels* was rendered *negatory*, but when the influence which they possessed in the little village society over which they presided was taken into consideration, we must conclude that it could not fail to be attended with good effect to remind them that the whole

* See the Economic History for further information.

exertion of their influence was expected from them for the benefit of government. The bond enabled the *patel* to induce the ryots to comply readily with his demands for money. As the money was paid to the *Subedar* he granted receipts, and when the year of accounts was at an end, these receipts were taken back and statement furnished to the *patel* showing the real amount of revenue, the dates of its realisation and the balance (if any) outstanding.

When the year expired it was incumbent on the *patel* to continue his duties without any further orders from the *Subedar*. It was of no consequence to him whether the former *Subedar* was continued in office or not, and sometimes two or three months at the beginning of the year of accounts would elapse before he knew who was to be his immediate superior for the ensuing year. This continuity of the *patel's* office, irrespective of the changes effected by the central government of her immediate subordinates, was a very helpful approach to a successful management of village administration.

We can well understand the relations of the *patel* to the ryot if we take stock of his duties towards the ryot, and the intimate contact that was established by the village economy between the ruler and the ruled. (a) The *patel's* chief care at the beginning of the year was to encourage the ambition of his villagers to plough up and to expand their little gain in taking up new lands; (b) to endeavour to obtain new cultivators for arable lands not in cultivation; (c) to assist old cultivators in extricating themselves from pecuniary difficulties, to prevent their being forced to sell their cattle and effects or to leave for a distant part of the country; (d) he generally performed the latter duty by interfering between the debtor and creditor, and by persuading the creditor of the possibility of his debt being discharged if the energies of the debtor were not cramped; or he would promise to represent his case so strongly to the *Subedar* that he would be furnished with *tuckavi* to enable him to go on with his cultivation. This helpful attitude, accompanied by the *huqs* or rights to payment in kind by the villagers, brought the *patel* in very close contact with

the ryots. It is this contact which the later British administrators destroyed by making the *patel* entirely dependent on the government. By doing away with the system of *hugs* and thereby removing the control of the villagers on the *patel* it resulted in weakening the village economy, and cut at that co-ordination which had made the village democracy so great a success in the past.

The *patel* had an assistant who was like him the servant of the government. He kept the accounts of the village revenue for the government. His title was *putwari*, *pandia* or *kulkurni*. He recorded all that the *patel* did and assisted him as a kind of authorized councillor. He received in general six *paheleys* of grain of the whole quantity produced, and enjoyed like the *patel* all the *hugs* and perquisites that came to his share as an important village officer. No individual was more detested, or held such a position of trust as the village accountant. "The *patel* was invariably a *coonbee* but the *kulkurni* was always a *brahmin*." Like the clerks of Mediaeval Europe the brahmins were the only class, then as now, who could read and write. Like the clerks of Mediaeval Europe the brahmins wielded an authority which made the other classes in society suspicious and jealous of their power, for like the clergy the brahmin utilised his knowledge, not so much for the benefit of society, as for private gain and personal power. The *kulkurni* seldom had any land. His office was hereditary, and when it fell vacant it was filled up by the government through the *Deshpandia*. He collected in conjunction with the *patel* the revenue of the village, and placed it in the hands of the village goldsmith (*sonar*) until it was brought to the *kutcherry*.

One other official, besides the two mentioned, as worthy of note, was the *chowgulla*. The *chowgulla* was a *coonbee* servant of the whole village and was especially so when the *patel* was regulating the internal village affairs. He was sent to summon all those whose presence was needed by the *patel*. The *chowgulla* was sent on all errands of the village *kutcherry*. Like the *patel* and the *kulkurni*, the *chowgulla* of the Pouna suba received every year a *turban*, a custom that appears only

peculiar to the Poona *praunt*. These presents were made after the collection of the revenue for the year. The village servants, therefore, always found it to their interest to be on the best of terms with their villagers, who in return were equally conscious of how important it was that they should do all within their power to keep the village officials as friendly as possible. It was this mutual goodwill on the part of the ryot and the village officials that was the key-note of a successful village economy and administration. To break the interest of one party from that of the other, and channelise their goodwill in another direction towards the well being of the central authority, ruined the village administration. It was to achieve such a purpose that the British administrators always insisted on making the village officials the servants of the government, and put the hatchet to the system of *huqs*. They insisted on the *patel* and *kulkurni* depending only on wages and receiving no presents or emoluments of any sort from the villagers. The adoption of such principles estranged the villagers from the officials and years brought in their train disharmony and even discord between the ruler and the ruled.

It now remains to describe as briefly as possible the system of administration introduced by Bajirao, the last of the Peshwas, and was found in force in 1818 when the British assumed the administration.

The system consisted in farming out the revenues to anyone who would bid for the right to collect them. *Subedars* were men seeking fortune ready to sell themselves to the highest bidder. The *Deshmook* and *Deshpandia* had their perquisites continued but their services dispensed with. The office of the *mamlutdar*, instead of being conferred on a person of experience and probity was every year put up to auction amongst the Peshwa's attendants, who were encouraged to bid high, and on failing to do so incurred the displeasure of Bajirao. The *mamlutdar*, thus appointed, had no time for inquiry and no inclination to forbearance; he let his district out at an enhanced rate to under-farmers, who repeated the operation until it reached the *patels*. Under this system the one object

of the farmers and sub-farmers of the revenue was to extract as much as possible during their year of office. A man's ability to pay and not the quality of land he occupied was the standard on which he was assessed. No moderation was shown in fixing his assessment, and every pretext for fine and forfeiture, every means of rigour and confiscation were employed by those in power to make the most of their situation before the arrival of the day when they were to part with power. No complaints were listened to, and the administration of civil and criminal justice was to a great degree subordinated to the purpose of revenue collection. The levy of a *jasti pati* or extra assessment was a common feature of the revenue administration. The *patel* was to find the means to extort the much needed extra revenue. The only villages that escaped this extortion were those which could enlist the sympathy of a man with influence at Court. Under this method of farming the revenues, not only was the old system of accounts dropped but the entire administrative structure received a very rude shock. But it must be noted, that at least in theory, no change of administrative principle was introduced in Bajirao's time, and the system above described must be regarded as a temporary excrescence of bad government; but it is at the same time a lesson to show to what lengths of abuse a system can be carried which depends on arbitrary considerations, when government ceases to have the will or the power to act with equity and moderation. The closing years of Mahratta administration are very reminiscent of the reign of King John in English History. Extortion, mismanagement, wanton misuse of power, complete disregard of all equity and moderation marred the Mahratta administration at the close of its history.

When the British assumed the government of Maharashtra in 1818, the first object was the consolidation of their conquest by the establishment of tranquillity in all parts of the Peshwa's dominions, and secondly a suitable basis for administration involving as little change as possible from the old system.

The *Subedars* of the old regime were replaced by the Collectors or Political Agents in the various parts of the newly conquered dominions under the supreme authority of a Commissioner with full military and civil powers. It was the good fortune of Britain to have found Mountstuart Elphinstone as a Commissioner with such men, the like of whom rarely found in Anglo-Indian History, as Briggs, Robertson, Pottinger, Grant and Chaplin as the first Collectors and Political Agents of Maharashtra. Words fail to describe the industry, intelligence and understanding these men brought to bear on the manifold problems that Maharashtra would have presented to any body of administrators, who had the misfortune to succeed to the inheritance of the Peshwa Bajirao II.

It has been already mentioned that the earliest object of British administration of Maharashtra was to conciliate the people to the new regime. To aspire to build a very able administration would be the ambition of all good government, but to understand the psychology of a people and to utilise the same for an effective administration of a country was something far above the ablest of oriental governments.

In a circular (1823) of utmost importance, not only to the British administrators of the time, but to all administration that seeks to govern well, Mr. Chaplin has written to the Collectors what attitude they were to adopt to people at large and particularly to the gentry of the country. "The great but almost universal error," he wrote, "which young men of little experience in India are apt to fall into is to think too much of themselves, and very little of the natives." This assumption of superiority, he wrote, often led to a haughty and supercilious behaviour, extremely offensive to all classes of people and was always productive of great injury to public service. It was, therefore, of utmost importance to bear in mind that British officials, no matter how educated, must soon perceive that "in many of the most important branches of the service they are extremely helpless without the assistance of intelligent natives." Only those officers who had freely consulted and conversed with all classes found their opinion and information

so valued that it led them to eminence and advancement, said Mr. Chaplin. Besides these personal benefits to be derived from observing such a line of conduct, the Commissioner was of opinion, that nothing could be more conducive to reconcile the higher classes to the change of rulers "than an unreserved personal intercourse with them." The advantages acquired from such behaviour would be great both to the ruler and the ruled. It would enable the foreigners to acquire a better knowledge of Indian character and habits and enable them to appreciate their better qualities; besides the popularity obtained by their cordial behaviour would be highly beneficial to their government. The subjects on the other hand would be gainers by a better acquaintance with British character, and the principles of their administration and civilization would cultivate in them "a taste for improvement" from which the Commissioner expected "the most important results."

✓ What a perfect grasp of Indian character and outlook the early British administrators had can be seen from the instructions given to the officials as to how they should behave towards Indians of importance and rank in their society: "When on circuit the visits of gentlemen of the country should always be received and encouraged as much as possible, due attention being shewn to the grades of precedence and honors formerly enjoyed by them, and founded on long and received custom. To refuse them these common attentions to ceremonial is to do them a serious injury, because it is equivalent to an expression of contempt and ill-will, and tends to degrade them in the eyes of their own people; although we may attach little importance to their forms, yet we ought to recollect the influence which ceremonies, however vain and empty, have on the minds of all natives, and what fatal consequence a deviation from established practice in this particular has sometimes produced." Tolerance was to be the keynote of their administration, and as foreigners they were conscious of the fact that "notwithstanding every wish to conciliate attachment" their subjects must still feel their domination "irksome if not degrading." The Commissioner was conscious

of the personal sacrifices required, of the want of leisure, and above all the difficulty a European must experience in associating with the native gentry and their customs, but he was still of opinion that complete success could only be attained by giving up some European prejudices and reconciling themselves to Indian manners and institutions. What better words of wisdom than these: "I do not mean by this concession that the dignity of the European character should be any wise compromised, but I am convinced that dignity is best maintained by not standing up stiffly and arrogantly in matters of little moment... There are many peculiar circumstances of character that must prove an insuperable bar to any cordial interchange of sentiment, and some obvious defects and vicious propensities that will often provoke contempt, but when the motives are sufficiently strong, we know that it is in the power of every one to govern his temper." These were the wise instructions to the first British administrators of Maharashtra, and we are fully aware how well they were acted up to by the British in India. Masters not only in political diplomacy but in adopting like behaviour in administration, it is this tolerance and breadth of vision that did more to keep the British in India than all the Imperial power and pomp of men like Lord Curzon.

The Collector who succeeded to the power of the *Subedar* had all his functions to perform. The task of settlement of the revenue, the maintenance of a proper police force, the dispensation of civil and criminal justice, the suppression of all attempts to overthrow the new government and quite a host of other duties fell to the lot of the first British Collectors of the Deccan.

In carrying out these innumerable duties a very able subordinate staff of native servants was the first essential of a successful administration. The Commissioner, as he invariably wrote, had to rely on the zeal and ability of the Collectors, and in his opinion "the success of any system of government must depend on the exertion of the officers by which it is administered, and in a new acquisition their personal attention

is more required than elsewhere." Numerous abuses would in all likelihood creep in during the confusion of their first occupation, and many incapable servants must have been employed in offices of trust. The only means by which these evils could be remedied was by affording an easy access to all comers and a ready ear to all complaints by the Collector. It was therefore expected that the Collector was to move about the country in his charge and give an audience to all persons that came to him. No officer was to be displaced without an inquiry, but no man proved guilty of corruption was to be retained in service. This personal attention to all details meant infinite trouble, but as the Commissioner wrote, "much trouble is indispensable to the proper management of your subordinate officers, and it is on this branch of your duty that the success of your measures almost entirely depends."

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Captain H. D. Robertson was appointed the Collector of Poona, Captain John Briggs of Khandesh, Captain Henry Pottinger of Ahmednagar, Captain James Grant as Resident at Sattara and Mr. William Chaplin as Collector and Political Agent in the Carnatic which is called the Southern Mahratta Country. These were the broad divisions into which the dominions of the late Peshwa were partitioned for administrative purpose. The entire responsibility civil, military and judicial fell on the shoulders of the Collectors, besides guiding the Commissioner Mr. Mountstuart Elphinstone, in sole charge of the Bombay Deccan. The policy to be adopted in each of the provinces was to be in keeping with the established usage and custom of the people of that territory. The administrative burden was indeed heavy and called forth talents of no mean order. It may be said, as I have already stated, that Britain owed quite a large debt of gratitude to the founders of her power in Maharashtra. The pay of the Collectors was Rs. 2,000 with Rs. 500 as additional under the head of travelling charges. Captain Grant Duff, the Resident at Sattara, drew the same salary but received Rs. 1,500 for other expenses. All these officers were requested to exercise strict economy in every branch of their expenditure.

The Peshwa's whole revenue before the treaty in 1817 with the British amounted to Rs. 2,15,00,000 of which Rs. 95,00,000 was paid into the treasury and Rs. 1,20,00,000 was allotted to the Jagirdars. Of the sum of one crore and twenty lacs, twenty-six lacs and fifty thousand was the income from the Peshwa's dominions in Hindustan, which of late years had declined in value, and from which the Peshwa hardly derived any great benefit. By the treaty of 1817 the entire income from Hindustan and an additional sum of thirty-two lacs was ceded to the British, that is a sum of rupees 58,50,000 was to be deducted from the Peshwa's income on the outbreak of the war. The sum therefore paid into the Peshwa's treasury after the June of 1817 was Rs. 63,00,000 with an additional sum allotted to the Jagirdars of Rs. 93,50,000 brought his total revenue to Rs. 1,56,50,000.

When Maharashtra passed into British hands, Elphinstone after deducting the income of lands to the Putwurdhans, Appa Desai, the choute on the Nizam's country, the territories ceded to the Raja of Sattara, allowances to officers civil and military, lands which it may prove unjust to resume and deduction for defalcation, computed a sum of rupees 15,00,000 as the actual gain to the British from the conquered territories. The total government revenue from all branches of income was calculated at Rs. 50,00,000; of these rupees twelve lacs were to go to the Raja of Sattara, rupees five lacs as reward to the Putwurdhans, two lacs for religious expenses, two lacs more for pensions (civil and military), a pension of eight lacs to Bajirao and three lacs to Chimnaji the Peshwa's brother, and with about two lacs on other pensions brought the entire deductions to Rs. 34,00,000 from the total revenue of Rs. 50,00,000. This left the government only Rs. 16,00,000 as the amount from the jagirs, which brought the new government a total net revenue of Rs. 31,00,000. This only gave Elphinstone a prospect of a clear revenue of 31 lacs provided the civil expenses did not exceed those of Bajirao, and the military expenses were well covered by the cession of Bassein and Poona. "This last expectation." wrote

Elphinstone to Lord Hastings, "may be confidently entertained, it may indeed be expected that the diminution of expenses of the auxiliary horse will set free 18 or 20,00,000 additional and leave 50,00,000 of clear revenue by the end of the next year." But in spite of these hopeful calculations, Elphinstone regarded this estimate unreliable or even fallacious, so that no relaxation was possible in the exercise of "the most rigid economy in all our establishments connected with the Peshwa's country."

The revenue of Holkar's share of Khandesh was not included in the above calculations, but Elphinstone felt that it must be a very meagre sum, and even if that sum were added to the 31 lacs it would still fall short of 40 lacs. Elphinstone wrote that Khandesh was, however, the most promising part of the Peshwa's dominions. Should the amount for the improvement of Khandesh be felt insufficient Elphinstone made the following suggestions: (1) Rastia's and Gokla's Jagir lands between the Nira and Kistna may be retained. (2) The pensions of the civil and military officers may be recovered by resumption of personal Jagirs. (3) The Gaikwad's tribute may be exacted. (4) Holkar's lands may be withheld. (5) Less favourable terms be granted to the Nizam. Of the last two suggestions Elphinstone could not calculate the financial advantage, but the others would give a sum of Rs. 12,50,000. The Rs. 4 lacs that came from lessening the pensions Elphinstone felt as rather unjust, and recommended that it would be better to raise the sum of Rs. 12 lacs by enforcing demands on foreign states and retrenching state expenses. But as many of the pensions were for the life of the present pensioners only, and others in the future may be made also, the matter was allowed to rest for the time. The lands of the civil officers or new Jagirdars, wrote Elphinstone, may more properly be lessened or entirely resumed. But he was against the resumption of the lands of the military Jagirdars on their death.

The first and the most important task that fell to the lot of the first English Collectors was restoring order and allaying

all the rebellious element in Maharashtra. A war torn country with the enemy still at large presents a very difficult problem to its new administrators. The administration to Elphinstone was even more difficult in Maharashtra than any of their former conquests, as this was perhaps "the first native government of which we have annexed almost the whole territory at once to our possessions." There were quite a good many, wrote Elphinstone, who were dissatisfied with their present position and loss of profit, and disgusted with the novelty of British institutions and manners. This left many malcontents, even if they had no enemies besides the Peshwa and his army, for the late war was not with the Peshwa alone but with all the predatory part of the troops driven from the ranks of Holkar, the Raja of Berar and worst of all the Pindaries. Elphinstone requested the Collectors to be aware of the most obstinate and untractable portion of the Peshwa's army that was gradually returning home, they must either be provided for as irregular horse or extirpated as plunderers. Independent of these, the villages in Maharashtra swarmed with horsemen who were permanently or occasionally employed by Bajirao and his Jagirdars, and who had in the past sent some of each family to serve Scindia, Holkar and Raja of Berar, while others occasionally joined the Pindaries, and many in Khandesh had found constant employment in the destruction of the country. Here was a world dislocated, exhausted and ruined to be set right. What a task it set those who chose to establish the rule of law and order!

The Peshwa's cavalry during the late war may have consisted 25 to 30 thousand horse. A greater portion of these were to be left to their own resources but a part of them had to be taken into the pay of the new government. Elphinstone was to reduce gradually the number of these troops. First by discharging all bad men and horses and men not of the military class, then by dismissing all such foreigners as were likely to find employment or subsistence elsewhere, and finally by reducing the pay of those who remained. The process of reduction was to be very gradual. This army of malcontents could do no harm because of the

approaching monsoon even if their horses were not exhausted by their late fatigue. It was expected by Elphinstone that the want of employment and of plunder would drive back to their old profession of farming all who were not originally soldiers, and a door would be gradually opened in the dry season to those who had no other means of subsistence. The soldiers of this description under the late Peshwa were about 5,000. It was, therefore, proposed to dispose of half of these to the Raja of Sattara and the Jagirdars, and the remainder, with such of the auxiliary horse as could not be reduced, would form a body of irregular cavalry well adapted to maintain tranquillity in a new and unsettled country. Elphinstone was to maintain this body within the amount ceded by the late Peshwa for their upkeep, and it was expected by him, that in the course of the next year it would be so reduced in numbers and pay, as to leave half their maintenance fund at disposal for other purposes.

The Peshwa's infantry was much more numerous than his cavalry. Their pay was however much less, and they could be more easily employed as *sebundies* or as revenue peons. The only part of the army which was difficult to dispose of were the Arabs, whose high pay and habits of insubordination made it impossible to continue them in service. Many of these Elphinstone expected would return to Arabia, and the remaining may find employment in Native States, but there was still ground to expect trouble from them before they were disarmed or expelled.

The principal officers of the Peshwa's army were his Jagirdars and Elphinstone won them over by leaving them in possession of their Jagirs. The few who could not be so provided were pensioned off on moderate sums.

"Your first object" wrote Elphinstone to Pottinger in 1818, as to all other Collectors, "will be to contribute to the success of the war and the conquest of the country which will be greatly facilitated by conciliating the inhabitants, cutting

off the resources of the enemy, prevailing on the soldiery belonging to your district to quit his standard, and all arrangements which interfere with those objects for the successful prosecution of the war must be postponed to a more favourable opportunity." It is only when this major issue was settled by the surrender of the Peshwa to Sir John Malcom that British administrators set down to the difficult task of rearranging a very disordered Maharashtra.

It was Elphinstone's emphatic instruction that the Collectors were to endeavour to enforce the existing laws and customs, unless they were clearly repugnant to reason and justice; they were, above all to bear in mind, the necessity of adhering to the custom of the country during the provisional government, even to the extent of exempting brahmins from capital punishment, except for treason or joining the banditti. He strongly urged that no innovations which could possibly be avoided may be introduced, and that the Collectors must impress on all their subordinates the necessity of conciliating the inhabitants and showing them every indulgence if they value their situations or the pleasure of the government.

CHAPTER II.

CIVIL ADMINISTRATION.

The main principles of civil administration were complete subservience to the conduct of war on the immediate occupation of Maharashtra, and secondly the scrupulous avoidance of all innovations. "This last rule I am still anxious to enforce" wrote Elphinstone to Lord Hastings, "and to endeavour to show the people that they are to expect no change but in the better administration of their former laws."

✓ How cautious Elphinstone was in his management of the new dominions can be seen, when he stated that no body of regulations could indeed be introduced into a state, the component parts of which were, on occupation, so complicated and so imperfectly known. Everything, even in the detail of civil administration, said Elphinstone, must be done on a general view of all its bearings, and improvements can only be made by degrees after a separate consideration of each individual measure.

The Southern Konkan on its subjection continued to be governed by the Government of Bombay. For Elphinstone was of the opinion that few of the difficulties to be apprehended in the Deccan existed there, and the Governor of Bombay would doubtless issue orders necessary for conciliating the prejudices of the people, and for giving a maintenance to those who had lost their former employment.

With respect to the territories above the ghats even the ordinary administration was not immediately introduced, because to Elphinstone it was a question of whether their regulations would be beneficial to the people in their present state, and it was very doubtful how they would be received. Many novelties would accompany a revolution, and if these, said Elphinstone, were added, effecting quite a considerable change in the existing laws, it was easy to conceive the odium and prejudices they would raise against the new order

of things. On the other hand, Elphinstone though convinced of the feeble and corrupt government of the late Peshwa, was of the opinion, that it was probably not so bad as imagined since the country had prospered under it in the not too distant past. At all events it was a system of administration generally known and understood. It suited the people whom indeed it had helped to form, and it was probably capable of being perfected by gradual improvement. In Elphinstone's wisdom though there was no ground to fear the introduction of the British system of administration, it was to him a wiser policy to gradually encroach on the institutions of the country, than to overwhelm them at once, and leave the people "without any known objects by which they could direct their course."

No accurate, indeed, not even a vague conception of the amount of *coombes* population of any part of the Deccan, could be given on the advent of the British. It was generally believed, however, that it was greater 25 years ago than it was in 1818, but that it had been on the increase for the last 8 years. Their condition was far from flourishing, although Robertson wrote, that it was also remote from a state of misery. The Mahrattas had always, felt the British, screwed their exactions to the highest pitch, short of actual ruin to the villagers, who were perhaps in as bad or a worse condition than their ancestors for many generations. Then as now the ryot's means were so poor that they were driven to the greatest distress for wholesome food. "A small quantity of milk, and a coarse black unleavened cake made of *jowarry* or *bajry* is their usual morning meal, while at noon the bread is rendered palatable by a mess of chillies and dall with a mixture of salt and tumeric and a small handful of vegetables procured from the fields. They eat meat only on festivals or at weddings." This was the typical diet of a *coombes* described by Captain Briggs in 1818, and continued to be so in normal times till the end of the British rule. There is hardly any need to describe the fuel, clothing and housing conditions of an Indian village.

Under the Mahrattas the lands of the Deccan villages were all measured, or supposed to be so. The village accounts

were made up by accounting for the disposition of its lands. Every field had a name. The lands were appraised according to their quality. *Ootum*, first rate, *muddhum* middling and *kunisht* was poor land. The *coonbee* paid the land rent to the government according to the extent and quality of his land. This land rent was supposed to admit of no increase. It might perhaps be supposed that as the basis of the settlement of the village revenue continued on the measurement of the lands, all the ground was assessed according to its cultivation and the nature of the tenure of the cultivator - and that if by any chance a field once cultivated could not be again rented out, the total amount of the revenue of the village would be decreased as much as that field was rented for. But this was not the case. If no new tenant presented himself and the field lay waste, the revenue derivable from it became a burden to the rest of the villagers, who were obliged to assemble and divide it equally among them. The statement of the measurement and appropriation of land, therefore, rendered to government on the annual settlement of accounts was really of no manner of use in Bajirao's time. All *kooruns* or grass lands were the property of the *sircar*.

The usual periods for assembling the *patels* and *kulkurnis* for the settlement of their revenues were on the ripening of the crops. There were three crops. The first or the *Toosar shist* was very insignificant. It occurred in the rains and just as it ceased. The sum collected on the *toosar* crop scarcely amounted to one seventh of the whole annual revenue, but it was more or less according to the nature and capability of the soil for producing *toosar* crop. The *Khureef shist* occurred in the months of *aswin* and *cartic*. The grains were sown in the rain and required no well water to bring them to maturity. A fourth part of the revenue was collected on this crop. The *Rubbee* crop, sown between the end of October and the middle of December, was the most valuable in point of revenue and was cherished by dew and by irrigation. The *rubbee shist* came on in *mag* and *phalgoon*, and during its continuance the balance of revenue, whatever it may be, was realised.

The revenues of the shists were paid by instalments called *hufes*. These instalments were fixed according to circumstances. They seldom exceeded four. The instalment for the *toosar shist* was paid at an interval of 8 or 10 days; the *khureef* payments were usually in 6 *hufes*, and the *rubee* in 8 and sometimes 10.

The revenue was termed *jumma* and was collected under two general heads, the *jumma* and the *servac jumma*. The standard of land measure was not uniform, it required to be regulated and fixed. The distribution of waste lands for a certain period of time at a nominal rate was exclusively the right of the *patel*. Exclusive of the settlement for the *jummabundy* it was the duty of the *patel* to recover all articles agreed to be paid to government by the village in kind, and also all *huqs* of the *huqdaurs* of the *turruf* and of the village. The *huqs* were exacted over and above the *jummabundy* of the village. The articles paid to government were termed *phur phurmaish*. They were distinctly mentioned as separate from the *jummabundy* in the estimate framed by the *subedar* from the reports of his inspecting *carcoons*. They were usually apprized and the value of them taken in money; but this appraisement occurred every year, and the greatest care was always taken that it should not become a part of the *jummabundy* by fixing its amount.

When the season was advanced the *subedar* furnished the *patel* with a *peon* to aid him in the collection of the revenue. This *peon* must be distinguished from the village *chowgulla* whose functions are described elsewhere. The *deshmook* of the *turruf* also gave his assistance. The money collected by the *patel* was sent to the village goldsmith (*sonar*), whose duty it was to examine it and if good to stamp it with an iron instrument. The money so attested was then received by the *patel*, who after giving a receipt or not as might be the custom of his village, either himself set out with it or sent it with a relative or trusted friend to the *mamlutdar*. Whoever took charge of the money was always accompanied by the village *mhar* who had the money in his keeping, and who alone was regarded as

the proper channel through which it finally reached the officers of the government. "This procedure shows" wrote Robertson, "how scrupulously exact our new subjects are in official forms." When the money was brought to the *mamlutdar's kutcherry* it was again examined by the *shroff* and if any of it was found bad, the goldsmith was obliged to change it*. When the money was accepted the *subedar* passed a receipt. These receipts, as previously mentioned by me, were resumed at the end of the year when the *subedar* gave a single receipt for the whole of the collection for the year.

If the cultivator refused or evaded payment of his revenue, and the *patel* failed to persuade him to do so, he requested the government *peon* to interfere. If the *peon* was convinced of the poverty of the ryot, or the injustice of the demand, he took the ryot to the *subedar* who in his discretion remitted the revenue wholly or partially. But if the *peon* saw no good reason on the part of the ryot for refusing payment, he had the power to punish the ryot by placing him in the village *chowry*. If that treatment failed he took him to the *mamlutdar* who at times administered light corporal punishment, failing which he reported the case to the *subedar*. The *subedar* then ordered the sale of the ryot's bullocks and property to effect the revenue payment, and if after selling them the debt was not cleared, he was thrown into prison with fetters on his legs until it was fully ascertained that he had no other resources, when he was again set at liberty.

When the *patel* himself was refractory and refused to attend a summons from the local officer, the *subedar* sent a *peon* or a horseman with a written order to the *patel* to pay him a certain sum every day proportioned to his ability, but the exaction was never less than one nor more than fifty rupees. If he still persisted in disobedience *sebundies* were sent to bring him by force, and he was then fined.

The *patel* was responsible for the recovery of a *tuggye* in the same year. These financial advances were made to the

*This care was essential due to the number of coins in circulation. See the Economic History—R. D. Choksey.

ryot but through the *patel* and at his request. If the ryot was in no position to pay, and required more additional help, the help was invariably resumed for another year. The *patel* was known to frequently furnish such cultivators with the means of recovering themselves by lending them the money to pay back. But if the *coonbee* was unworthy of this indulgence and failed to restore his *tugge*, government asked the *patel* to return the whole of it and held him responsible for the same.

“These customs” wrote Robertson, “continued to be prevalent in the Deccan during the late Paishwa’s sovereignty excepting in particular instances where they were found to be incompatible with the farming system. They may, therefore, as far as I can learn, be looked on as the fixed customs of the country. The deviations from them were merely the consequences of oppression, and were highly disliked by the people.”

Before we turn to give an account of British administrative changes (if any), on the above Mahratta organisation, it would be well to look into such important items of village administration as *Gaum Khurch** (village expenses), *Warshasun* (religious gifts), *Enams* (land free of revenue), *puttis* (extra levy), etc.

The *gaum khurch* which the *subedar* had no right to altar consisted of expenses established for several purposes. They were charged to government under various terms. The *patel* advanced the money for a variety of expenses, (for instance, for the worship of gods, amusement of the villagers on days of festivity etc.) till it be brought to account and recovered from the government. There were also contingent expenses which the *subedar* could not object to, if he were satisfied that the *patel* had given the least he could. This was at times a donation to naked *gosains* who infested the villages in large numbers. All other charges under the head of *gaum khurch* were carefully scrutinised by the *subedar*, and were accepted or not as he thought proper.

* A very detailed account of village expenses and how they were handled by the British is given in the Economic History—R. D. Choksey

In the oppressions practised under the farming system of Peshwa Bajirao's government, the *patels* had resort to a practice to meet the exorbitant demands of the farmers which was highly detrimental to the prosperity of the country. Almost every village throughout the Mabratta country was involved in debts, which arose either out of improvidence and extravagance of the village managers, or as stated above by the practice of farming, or at times the exaction of the late government's officers. These debts were contracted with *sirkars* or *suraffs* or others, and they were usually paid by an extra assessment upon the villages which were empowered under various denominations of *khurch puttis* or *noogsan puttis*, or contingent charges. When the British came it was difficult to form anything like an estimate of the extent of these debts, and even, as Mr. Chaplin wrote in 1820*, if their amount could be ascertained it would probably be found to exceed the means of the country to discharge them. When the extra assessment by way of *puttis* failed to meet the exorbitant demands of the farmer or the Peshwa's officer, the *patel* had recourse to any monied individual who gave the required sum for an *Enam* land in the village. This transfer of land was termed *Gaum Nisbat Enam* and where the person was in doubt of ever recovering his loan he would induce the *patel* to use his influence to have the *Enam* ratified by government. Such alienated lands given by the *patel* in lieu of a loan to the village were not allowed to effect the *jummabundy* payable by the village. The custom of the country gradually resolved itself into the practice, that so long as the *patel* paid to government a due assessment on all village lands brought into cultivation, it was not a question with government how he fulfilled his engagement provided he did not oppress individuals. If the *patel* chose to borrow money and transfer village lands in mortgage, it was purely a private illegitimate contract, which if the *patel* or his successor should refuse to acknowledge, the holder of the mortgage must lose his money as well as the land. In spite, of the temptation to mortgage village lands as *Gaum Nisbat Enam*, Elphinstone found very few monied men

*See Mr. Chaplain's letter No. 4 of 5th January 1820, for a detailed description of how these debts were contracted

✓ who had speculated in such mortgages. We shall see later how the British administration met this difficult problem of village debts contracted under the late governments.

Another element of confusion lay in the additional cesses (*puttis*) which were levied in a variety of ways. Though the assessment on land was fixed the permanent settlement was of little advantage to the ryot since he was liable to pay a number of fluctuating cesses, some of which were purely arbitrary as noted in the case of the payment of village debts. There were in all sixty or seventy of these different *puttis*. To mention a very few there were the *ghas dana* or forage money, *nuzur putti* or imposition for presents, *khasgee putti* or *mamlutdar's* privy purse, *luggun putti* or assessment for marriage, *darbar khurch* or bribes to functionaries, and a variety of other heads too many to be enumerated. The *puttis* fell on particular trades also; some on shop-keepers in general; some were, as noted above, of a general nature; some fell more particularly on the cultivators such as cesses on gram, straw, firewood etc. These latter originally represented contributions to civil and military establishments in the neighbourhood, but were subsequently converted into money payments. But the unknown element in taxation was most severely felt in the undefined *jasti putti*, or additional tax, which was levied on landholders as the necessity or the will of the government required. The effect of these additional ✓ taxes was most heavily felt by the *mirasdar*. In Bajirao's time these *puttis* multiplied to an extent that ruined the once happy and prosperous *mirasdar*, and spelt the ruin of agriculture.

From the revenues of some villages was annually paid a sum under the term *dhurmadas* and *wurshasun* to certain people. We shall have the occasion to see later the immense amount that was spent by the priest-ridden government of the Peshwa in such religious dispensations. But it was not in the power of the *patel* to pay such allowances or introduce the charge in his accounts without any express order from the government every year. These allowances were paid between the months of *cartig* and *phalgun*.

The whole of the land was not in possession of the government under the Mahrattas. Some of it was classed under two heads *Enams* and *Jagirs*. *Jagirs* were again of two sorts, *surinjami* or on account of military service, and *zatka* or personal. The latter, however, was of two descriptions, though scarcely distinguishable on the advent of the British, being either for personal support or personal service.

Enams were classed under six heads: (1) *Hindu Enams*; (2) *Musulman Enams*; (3) *Dewustan*; (4) *Dhurmadao*; (5) *Dehengi* and (6) *Wutundar Enams*.

The Hindu *Enams* were again enumerated into seven different classes, viz. *brahmin enams* or gifts to brahmins, *gosain enams*, lands granted for the support of *gosains* and *maths*, *Mahratta enams* granted for distinguished military service, *enam lands to bhats*, *Gao charni badal* lands granted for grazing the cattle of *gosains* and *byragis*, *jungums enams* were gifts to the *lingait guru* (who was called *Jungum*) and lastly *jatrache kutha* or land granted for keeping up and conveying flags to *jatras* where they were erected in honour of the presiding deity. These *Enams* were commonly granted by the village authorities.

The musulman *enams* were all termed *Khyrat* or in charity. They were given mostly by village authorities and held by prescriptive right, some of which were of very long standing. Nearly eight or nine kinds of *enams* were given to a variety of people. Some were mohammedans of no profession who enjoyed such estates, then faquirs, tumblers and rope dancers, gopals, jugglers, darvishes, eunuchs and their children by adoption, musicians and dharis who recited extempore compositions.

Dewustan was land appropriated for the support of religious establishments both Hindu and Mohammedan. The Hindu *dewustans* were of three kinds. The *mahtibur* was applied to temples of celebrity, the land appropriated for their support consisted of several whole villages. The *gram deotya* was land

appropriated for the expenses of village temples, and were alienated by village authorities. The *suwasthan* meant an establishment in honour of some celebrated religious person. Most *suwasthans* of consequence were established by Rajas. The mohammedan religious establishments were likewise of three sorts (1) *musjid* lands appropriated for the repair of mosques; (2) *durgah* or *goombus* applied to lands granted for *pirs* and for the repair of mausoleums; (3) *eedgah* were lands granted for building and repairing places of mohammedan prayer. These lands were found by the British alienated by *sunnuds* of Bijapur kings and of the Emperor Aurangzeb.

The fourth popular class of *Enams* was the *Dhurmadao* or land appropriated in charity or as an act of religious duty. This tenure was enjoyed by religious brahmins, shastris, joshis, pundits and puraniks. Some of the deeds granting such land were called *danpate* and these grants have invariably been found engraved on copper plates, and made by Hindu Rajas before the mohammedan conquest. The British found *danpates*, though not very numerous, by the Rajas of Sattara, and the Peshwas. There was besides a considerable amount of land alienated in this manner even by the village authorities.

The *Dehenji* were numerous but not extensive alienations. To mention a few *Dehrup Enam* holders we had sorcerers and magicians (*munturkrey*), all sorts of players (*boroopees*), dancing girls (*kulwateris*), tailors (*seempees*) and even furriers (*nalbunds*) and bricklayers (*gaundeas*), etc.

Under the head of *Wutundar Enams* were included lands in *enam* to District and village officers, and were, wrote Captain Grant, the tenures that came under the head of alienated or rent-free lands. These *enam* lands could be mortgaged.

No uniform rule appeared to have been observed in dividing amongst the brothers the estates of great *Enamdars*, *Jagirdars* or *Zamindars*. The mode of sharing such property seemed to have everywhere varied being neither regulated strictly by the Hindu law nor by any standard of established

custom. As far as the British could ascertain from the opinions of learned shastris, they could find out what was the custom usually followed in partitioning, and what were the variations from precedents before their arrival.

If a sirdar had acquired an estate by his personal exertion and talent whether landed or pecuniary, without having employed any portion of the paternal property in acquiring it, he was regarded to have acquired such property in his own right to the exclusion of all other members of his family. But on the other hand should he have begun his career in life with the aid of the paternal property, having originally carried away arms, horses, money or some of the family stock, the brothers in such a case were admitted to a participation in his gains.

Where a person had been confirmed in the service or office held by his father, and the acquisition had been made in the father's name, it was deemed a part of the patrimony and the brothers were entitled to share in the estate. If one of the members had by force of circumstances been compelled to exert more than the others in acquiring a paternal property, the right to a partition of the so acquired property, depended upon the nature of the incidents under which the estate was acquired; but the person acquiring it was at all events entitled to a larger share than that of the others. By the Hindu law two-thirds was allowed to him and one-third to the rest.

It frequently happened that even if an individual had an exclusive right to the estate, considerations of filial duty or paternal attachment had often induced the relinquishment of exclusive right in obedience to the testamentary will of the father, and had established precedents that led *punchayets* to decree a partition to which the brothers were in strictness not entitled. In almost all such instances the share of the claimants was smaller than that of the individual on whom the property had been especially conferred. Much credit for this humane indulgence goes to the precepts of Hindu ethics which laid down that the more fortunate member of the family was bound

to make an adequate provision for the subsistence of the other less fortunate members, and such a provision seems to have become a part of the common law.

Regarding the heirs in conformity with Hindu law and custom, the rule of descent, appeared to be that all sons and grandsons in lineal succession inherited equal shares with the exception of such as were dumb, blind, deaf, impotent or excommunicated. In event of any of these disabilities a subsistence only was allotted to them, but the share which would have come to a disqualified father went to his children if he had any. The general rules so laid down had however many exceptions and modifications in practice.

We may finally mention the partition of the *wuttuns* or estates of different classes of *samindars* such as *desais*, *deshpandis*, *deshmook* and others. Strictly considered their estates were held purely by official or service tenure, the obligations of which were to be performed by the elder brother who was bound to provide for the maintenance of the younger. This was the way in which the new administration was to view such service tenure estates. Under the late government the nature of hereditary offices had lost their original purpose and character and were converted into private hereditary tenures. The result was that unless this abuse was prevented by vigilance and energy on the part of government, it was not surprising that such service *enams* had often been split into many shares. The British therefore found that the object for which such service tenure estates had been originally granted was completely defeated or lost sight of by multiplied subdivisions of such estates in the course of a very few generations. "This last has taken place" wrote Chaplin, "very commonly in respect to the *wuttuns* of the principal Zumeendars the Desmooks and Despandees." The modes in which divisions were effected in these service *enams* were as many and varied as they were in the case of allodial estates. The most usual custom was for the elder brother to conduct the duties of the office and to retain the largest portion of the *wuttun* together with the privilege of *dustkut* or sign manual

to all official documents. In case of his incompetency to discharge the official functions, one of the younger brothers conducted the work and enjoyed the immediate fees or perquisites of the office. The same principles were observed in respect to the heirs and their functions among all other inferior revenue officers.

By the time the Mahratta administration came to the reign of Peshwa Bajirao II, like all other institutions, the *Zamindari* had been perverted from its purity, efficiency and original purpose. The *zamindars* extended their authority and successfully resisted all government officers and became independent chiefs. The ryots observing the consequent weakness of the *mamlutdars* naturally attached themselves to the *zamindars* whose protection it was their interest to seek in proportion as it became necessary to submit to their power. The Mahratta society in the last days of Mahratta raj presents a picture similar to that of the disintegrating European world on the decline of the Roman Empire. The ryots looked up to the *zamindars* as their only masters, and no account of the cultivations or the produce of the districts were furnished to government, except such as it pleased the *samindar* to render. This connivance and collusion between the villagers and the zamindars led to defalcation of the revenue. The *jummabundy* was paid according to their pleasure and any attempt of the *mamlutdar* to defeat the combination of the ryot with the *samindar* was baffled by fraud and evasion or a petty insurrection. The incapacity of the *mamlutdar* to overcome this insubordination compelled him to adopt palliative and conciliatory measures, so that the refractory element confirmed themselves in the possession of power, which reduced the public revenue in the same proportion that it contributed to augment the ill-gotten wealth of the *zamindar* class. The same consequence issued from the combination of the *samindar* with the *mamlutdar*. The exactious and oppression that followed can be well imagined. The ryots dared not complain and had no remedy but in flight or submission. The interference of governments in the past had occasioned rebellions, at times, of no small magnitude.

From the above picture one can well imagine the task that fell to the lot of the early British administrators. Manifold duties fell to the Collectors that replaced the *subedars*. The *deshmook's* and *deshpandia's* functions had fallen into abeyance during the rule of Peshwa Bajirao, whose government, though it required no services from these officials, continued their perquisites for reasons unknown. The British desirous of adopting as few innovations as possible, and seeking to please all parties continued the emoluments of the *deshmook* and *deshpandia* for the present without any effort to revive their former power in the new administration. The new administration was to model itself strictly on the old with which the people were so familiar, only the new was to strive to keep the best of the old and scrupulously avoid all that was bad.

Elphinstone's principles of administration already made known, he longed to have the Collectors administer "without the restraint of any regulations but those which they find established." They would of course require to be well supplied with the assistance of European gentlemen. The *mamlatdar* was still to be the revenue and judicial officer. The *patel* to function in his old capacity under his new masters. The Collector to superintend both the revenue and the judiciary, but in the latter to seek the aid of a *punchayet* as the *mamlatdar* and *patel* sought, in the dispensation of all important judicial matters that could not be decided on by the lesser officers. He was also to consult the Hindu and Mohammedan lawyers, the *shastri* and the *moulvi*. Criminal justice, thought Elphinstone, could be conducted in the same manner without the *punchayet*, which though it might have been useful, would be, wrote Elphinstone, "too new to be hastily introduced." To the lesser *Jagirdars* was left the entire administrative power, both civil and criminal, over their respective Jagirs and the Collectors were to treat them with consideration according to their rank and character. The *Jagirdars* to the south, who also were entitled to govern their lands as formerly, were to work in co-operation with the Collector of the Carnatic as Political Agent for Government. He was entitled to receive in that character a distinct salary

and have a separate office. The same officer was to take charge of affairs at Kolhapur.

The above were tentative proposals by Mr. Elphinstone, and he had left each Collector the liberty to arrange the management of his district according to his experience. But on 10th July 1818, Elphinstone wrote in a circular to the Collectors regarding their respective administrative arrangements: "It is not intended that these arrangements should at once be overturned but as numerous opportunities will occur for gradually introducing a regular system, it is requested that the following principles may be borne in mind in all alterations."

The first consideration was the Collector's own establishment which was termed the *Huzoor Cutcherry*. He was to keep a double *daftar* or set of accounts under two *daftardars* who would serve to check and assist each other. Their pay was to be about Rs. 400 each, their duty was to prepare and correct the accounts of the district. They were to have as many accountants under them as was requisite. Each accountant to receive according to ability from Rs. 40 to 15. The Collectors were to consult their *daftardars* generally in all concerns, more particularly on revenue details and accounts. It was Elphinstone's express wish that to have a complete check on these *daftardars* one of them may be a native of the Peshwa's country but the other was to be a native of the Company's old provinces. "I will take steps to procure," wrote Elphinstone, "a person of this description for your *cutcherry* who will be accompanied by one or two accountants. I have only to beg that you will keep vacancies for these persons." The policy of divide and rule had begun.

The *Huzoor* treasury was to have a treasurer and a deputy, each keeping a separate account of the department like the *daftardars*. The treasurer to receive Rs. 100 and the deputy Rs. 50 a month, with accountants on the same scale of pay as those in the *cutcherry*. There was also to be a head *shroff* on Rs. 50 with two other *shroffs* under him, and a few

confidential peons. Either the treasurer or his deputy was to be selected from the followers of the *dattardars* who came from the old provinces. There was to be among the English writers one accountant on Rs. 150 with as many writers as were required. Two *Juwabunwis* to write orders, read letters and petitions and answer them, with two deputies were to be appointed. The *Juwabunwis'* pay was to be Rs. 100 each and the deputy Rs. 20. The requisite number of inkmakers, *mashajis*, sweepers and peons were to complete the Collector's *Huzoor* establishment.

All orders to the district were to be numbered and copied into books. The *mamlutdars* were required to write on paper of one size so that their letters could be pasted into books as received; they were to be numbered so that reference was facilitated.

The country was to be divided into district and talukas from 50,000 to a lac of rupees each. The district was not in general to exceed 70,000 rupees at the commencement, and was not to be very large when the government villages were so intermixed with those of *Zamindars*, *Jugirdars*, or *Enamdars* that it would make the range too large for one man to look after.

Each taluka was to be under a *mamlutdar* who was to have charge of the revenue and police. The Collector was to appoint a *sheristadar* under the *mamlutdar* whose particular duty was to prepare all accounts, the correctness of which was to be vouched for by the joint signature of both the *mamlutdar* and the *sheristadar* before transmitting them to the Collector. The *sheristadar* was to be given three or four accountants to help him with the preparation of the accounts.

A *shaikdar* was to assist the *mamlutdar* in settling and collecting the revenue. They were each to have the management of a certain number of villages yielding about Rs. 15,000 revenue. A *juwabunwis* was to attend the *mamlutdar* constantly to write his letters to the Collector and orders to the *shaikdar*,

patels and *kulkurnis*. The *shaikdar* and the *juwabunwis* were to be in the confidence of the *mamlutdar*, he was therefore to recommend people of his own choice for these positions. These subordinates with a *shroff* and *sebundies* completed the taluka revenue establishment. The pay of the *mamlutdar* was Rs. 150 a month for the largest taluka and Rs. 70 for the smallest; that of the *sheristadar* from Rs. 50 to 35, and the accountants from Rs. 30 to 20; the *juwabunwis* was to draw from Rs. 30 to 15 and the *shaikdar* from Rs. 20 to 15 in proportion to the extent of their district. The *shaikdars* were no longer to be paid as formerly by the villages.

All these establishments were paid from the *Husoor* treasury. The guard that brought the revenue carried back the pay of the taluka servants. This arrangement prevented the coins being changed in the districts, checked abuses and impositions and obviated the necessity of causing disappointment by retrenching payments already issued by the local authorities. Receipts were given by the *mamlutdar* for all sums received by him as public revenue, and the Collector gave in like manner receipts to *mamlutdars* for their monthly remittances. These receipts specified the coin in which the money was paid. An efficient and highly centralized management was introduced, whose success not only depended on the actual plan of how it was to work, but on the type of men at the helm of affairs, and honest and industrious subordinates alone could make a success of such an administrative scheme.

Elphinstone's mainstay for the success of his administration was not only the efficient body of Collectors at his bidding, but the large body of subordinate native servants who were to guide the Collectors in all matters, revenue and judicial. With the judicial arrangements we shall deal later. The greatest difficulty of the new administrators was twofold; first, the need of honest, intelligent and efficient native staff of subordinates, and secondly, the necessity to train such individuals, if found, in the new approach to administrative efficiency so essentially sought by the new

masters of Maharashtra. In this, neither Elphinstone nor his able body of co-workers were successful. Much of the responsibility of early British failure in revenue assessment, resulting in great economic depression and poverty of the ryots*, is imputed to the corrupt, low and base subordinates that came to serve their British masters. Mr. Elphinstone writing to Captain Pottinger explains the situation thus : "The reluctance of persons connected with the late Government to act under ours while there was a chance of Bajee Row's return to power, and the little time that was allowed for selection during our sudden occupation of the whole country, has unavoidably excluded almost all revenue servants of the Poona State from our employment, and has generally filled their places with men of little or no experience, and in some cases of no respectability." He was, therefore, at great pains to reintroduce a number of persons formerly employed under the Peshwa's great *mamlutdars* into British service, and gradually to increase the number "as our confidence in the inhabitants increases until the whole establishment is composed of this description of men."

No matter how anxious Elphinstone was to introduce the old servants of the late government, he never lost the opportunity of impressing on the minds of his Collectors the expediency of "employing some men from the old provinces to introduce the habits of order and punctuality peculiar to our possessions." We believe in the sincere effort of introducing efficiency through the agency of the old and trained servants of the well established British bureaucracy elsewhere, but we must remember that Elphinstone was a greater diplomat than an able administrator. The underlying principle of this introduction of servants from one province to another was the policy of exploiting the age old provincial jealousy so deeply rooted and prevalent in India. A man from Madras or Bengal would act the spy and inform the *shaid* of all that took place among his brahmin friends here in Maharashtra. Such information was extremely valuable to the *shaid* among

*See the Economic History—R. D. Choksey.

newly conquered, discomfited and hostile people. Another advantage of employing the servants of the late Peshwa was, that while the districts would have them as revenue servants, the *Huzoor Outcherry* of the Collector would have servants unknown to those of the district, this would result in a strict check by one group of servants over the other. "The operation of this plan with the zealous support...it will receive from the gentlemen on whom the execution depends," wrote Elphinstone, "will I hope speedily accomplish the task with which we are entrusted of introducing a pure and vigorous government among a people who have so long suffered from the rapacity and ignorance of their rulers."

Much of the responsibility of the failure in the revenue department was laid by British administrators to the incompetency of native servants. In 1825 Mr. Chaplin commenting on a report of one Captain Sutherland on the necessity of educating natives for public service, took the opportunity to criticise British administration. Captain Sutherland's suggestion was to organise a body of native revenue servants under European and native instructors with the aim of sending forth able revenue functionaries "by forming their minds and improving them in principles of honesty and fidelity." Chaplin wrote, that "even Europeans of experience are incapable of making a revenue settlement will hardly be disputed," and the assumption that able natives were not procurable to execute this difficult task "is perhaps a little too general and unqualified." They were indeed rare, but the difficulty of finding ability and honesty combined was at least as much owing to "our deficiency of tact and discrimination of character in making selection, as to the scarcity of those qualities in the natives." If after the lapse of a few years European Collectors failed to find able subordinates, Chaplin would say: "it is much his own fault if he has any deficiency of fit instruments for the more subordinate stations."

Indians who served the early British administrators were perhaps unprincipled was true as Chaplin stated, but the circumstances proceeded not so much from any ignorance of

moral duties, as from the absence of that encouragement and incitement to performance, which consisted in rewarding the people in proportion to the responsibility and promotion to higher dignities. "Without employing these means," he wrote, "we are not likely to check the tendency to corruption in our native subjects, nor even then are we well qualified for the task owing to our total unfitness as foreigners to be guardians of public morals." What was then the result? These defects incident to the new government of a few strangers, added to the effect of their judicial regulations in loosening the ties of subordination, in weakening the authority of parents and spiritual guides, and in levelling the better classes, rendered it improbable that their Government would ever improve the people in manners, customs or decencies of life.

Much as Chaplin differed with Sutherland on the natives more wanting than Europeans in the "knowledge of common honesty," he agreed fully with him that they could never allow the Indians to compete with them for the superior offices of administration. As things stood Chaplin feared that they would run a risk "in scattering too profusely amongst a numerous and intelligent population the seeds of emulation," for should they when mature produce the fruits of power, they might prove ruinous to the sower, and like the fabulous dragon's teeth spring up armed against them.

Chaplin believed like all good European administrators in the value of educating their subjects. Education alone, he said, would enable us to form just ideas of moral obligation, to correct the errors of superstition, to inspire a proper respect for authority, and generally improve character and diminish crime. But these results, he knew, could only be achieved by certain vital changes in British attitude to Indian problems. These, he fearlessly stated. We must, he said, be willing to exchange for loss of power all those offices which the Indians are competent to fill, our justice must be prompt, our land assessment must be reduced, and lastly we must remove all those barriers to the acquisition of prosperity, and enable the

country to prosper by allowing all Indian products to the home market. "These are boons" he wrote, "that will do more to promote the extension of science and civilization than any other partial attempt to attain ends so desirable." I leave the reader to judge the fairness and impartiality of the first of our British administrators.

Chaplin agreed with Sutherland's plan of educating and training future revenue servants. He made some valuable suggestions to the Government. Young men who proposed to make the revenue department their career were to learn reading, writing and arithmetic at home till the age of fourteen. When found to have been well ground in the above subjects, the Government was to take them up as revenue students at a small allowance of Rs. 8 or 10 a month. As revenue students they were to learn survey and the general Principles of Political Economy. On quitting the school they were to be placed under a *mamlutdar* in the District where "they would be able to combine practice with their theoretical acquirements." Here they were to learn book-keeping, preparation of monthly accounts, and later to have access to all letters written to the *mamlutdar* and all replies sent. They were to also acquaint themselves with all the forms, regulations and orders of the police department. This part of their noviciate was to be spent in active revenue duties with the *mamlutdar* and *sheristadar*.

After a probation of a year or two, during which they were closely watched by the *mamlutdar* and the Collector, if found qualified, they were enrolled as assistants to the *mamlutdars* and the *shaikdars*. In this capacity they superintended a certain number of villages in which they found an ample scope for displaying their judgment and ability. They had no discretionary authority in the disbursement of any money, but they heard and decided all petty quarrels and disputes in the villages under their charge. After showing themselves capable for two or three years in these subordinate functions, the Collector may promote them to a higher office. Some of these students instead of undergoing the above mentioned training were to continue in the Collector's *cutcherry*, where after

learning the working of that office they might in due course be absorbed in some capacity at the *Huzoor*.

The revenue, the internal management of the country and its resources was the next question of immediate and particular attention. The collection of the revenue was on immediate occupation continued as it was in the days of the Mahrattas. Each ryot paid the government through the *patel*. The *patel* continued his old functions under the new masters. " But the new administration, as previously stated, sought to make him and the *kulkurni* the servants of the government as completely as possible. In the years that followed his powers were more curtailed when his *hugs* were abolished and his various perquisites were replaced with a percentage on the amount of revenue realised. He was soon regarded more as a village policeman rather than the trusted confidant of old. He was more feared than respected. The new government to win the confidence of the ryot did away with all *jasti puttis*, disallowed the system of *hugs* and insisted that the ryot pay only that which was calculated in his *pullah*. The ryot was delighted in having been spared of all those extra burdens which had multiplied so considerably in the past few years. The *patel* and *kulkurni* were hit hard. The Government was to pay a pittance as wage and the rest was to be earned by a percentage on the amount of revenue realised. The years that followed brought great agricultural depression with falling revenue. The *patel* and the *kulkurni* shunned by the ryot, neglected by a greedy government became progressively poorer and poorer.

The system of revenue farming was brought to an end, most of the cesses at once abolished, as also were the vexatious transit dues charged en gram; and short settlements were made with the cultivators, on the basis of what each village had paid at the time when the people considered that they had been well governed. In Poona District these settlements were made through the *patel*, in Nasik with the *deshmook* and *deshpandia*, and in Ahmednagar, where much of the country was desolate a settlement was effected with the ryots. Khandesh was entirely ruined, and it would be years before

anything could be realised from that part of Maharashtra. The revenue was subject to great fluctuations. In Nasik alone, to give an example, out of a revenue of 6 lacs nearly one to two lacs were to be granted as remissions nearly every year, and in 1824-25, the year of famine, government had to forego nearly 4 lacs as remission.

It became the duty of the revenue department to use every means to encourage the ryot to carry the cultivation to the utmost extent. This encouragement was to shape in financial aid wherever deserved in the form of cattle and seeds; but great care was to be taken in giving these advances. The best security of government revenue was the adoption of the system of *sakul zaminee* by which an association of ryots became security for each of the members. A similar responsibility was borne by the ryots under the Peshwas. *Kulkurnis*, *deshpandias* and other hereditary accountants were to furnish a penalty bond subjecting themselves to a fine at the pleasure of government if proved to have falsified their records. All lands held free of revenue were to be allowed to remain so, but they were to be called on later to show their *sunnuds*, or otherwise prove their title. No hereditary property would be interfered with except as a punishment for treason or rebellion. Such assurance was of course denied to all *Jagirdars* and *Enamdars* who had leagued with the Peshwa during the last Mahratta war.

Of all the duties of the *mamlutdar* under the new regime the first and most important was settling and collecting the revenue. The *mamlutdar*, next to the Collector, was the most important official. In settling and collecting the revenue the *mamlutdar* was to make no innovations or changes from what he found as the *mamool* or custom of each village without the previous order of the Collector. *Mamlutdars* were to constantly travel to know village conditions at first hand; it would encourage cultivation, check abuses, and they could hear and settle petty disputes. On reaching a village at the commencement of the season the *mamlutdar* was to assemble all the inhabitants, examine the accounts and give every

encouragement to cultivation. Unless he was requested he could not interfere in the distribution of fields. *Puttahs* were given according to custom, and the *mamlutdar* was to take receipts for disbursement. The *mamlutdar* could not leave his taluka without the Collector's permit, except on urgent occasions such as severe illness, the death of a loved one, etc.

The *mamlutdar* had the power to report on the good or bad conduct of those under him. He was not to trade, and he must strictly depend only on his pay for subsistence. All public servants could enjoy *Enams* but they were to have no share in the cultivation of any of the *sircar* lands, nor to accept presents however trifling. All the village servants were to obey the *mamlutdar*. Should any of these subordinates refuse to do their duty, the *patel* reported such conduct to the *mamlutdar* who placed the complaint before the Collector. Generally in obtaining information, or issuing orders to each village, the *mamlutdar* was to approach the *patel* and the *kulkurni*. It was expected that the *mamlutdar* would treat the *patel* with respect, and be careful that the accounts of the *kulkurni* were correct. It was the duty of the *mamlutdar* to see that *peons* were stationed on all the principal roads for the purpose of procuring supplies for troops and travellers.

The *mamlutdar* was not to meddle in civil suits or complaints regarding private property further than advising the parties to make up, or to appoint a *punchayet*. He could inform the parties that if they were dissatisfied with the decision of the *punchayet* they could appeal to the Collector. In petty quarrels or abuse the *mamlutdar* could punish the offending party by a fine not exceeding two rupees or by confinement, only to the lower classes, for a period of 48 hours in the village *chowry*. In all cases where he felt the crime as serious he was to send the party to the magistrate. It was his duty to impress on the *patel* the necessity of maintaining good order in his village. The *patel* was aided in his maintenance of order by the other village servants and inhabitants. He was to settle all disputes in his own village and those regarding property through the *punchayet*, and when

great offences were committed to send the offender through the *mamlutdar* to the Collector. The *mamlutdars* were to keep an account of all the crimes committed in their taluka, the means taken to apprehend the offender who may be still at large, and a list of petty offences with the punishments awarded under the authority given them. These accounts of crimes were to be sent monthly to the Collector. They were never on any account to inflict the slightest corporal punishment, or to use severity in obtaining confessions.

In May of 1818 before the appointment of *mamlutdars*, instructions regarding the functions of revenue *carcoon* in the Poona District were sent out by the Collector, Mr. Robertson. The revenue *carcoons* were to obtain cultivators for all lands lying uncultivated; they were responsible for the proper management of the village expenses (*Gaum Khurch*); all trifling disputes were to be settled by them, except those concerning *wuttuns* which were to be reported to Poona; deserted villages must be repopulated, and they must use all means in their power to induce the ryot to return to his fields; it was their duty to keep a register of the names and occupations of every man in the village. The register was to record whether the individual was a *mirasdar* or an *upri*, and if the latter, the number of years his *cowl* was to run. They were to report immediately on any obstacles thrown in the way of these inquiries by the *patel* and the *kulkurni*; they were also to keep a register of the number of the ploughs and oxen in each village; all demands for *tackavi* must come through them; they were to keep a register of marriages; they were responsible for any disturbances and they were to settle all village boundary disputes. Their salary was Rs. 30/- a month but they would be rewarded by a much larger salary if their services were useful. They were to submit a weekly report of what they had done during that time, and were required to stay five days at small and seven at large villages.

To maintain a proper control of the conquered territories, Elphinstone instructed the Collectors that all principal forts in these districts must be reduced and subjected to the British

Government. They were to send agents to all places of note in their district, and parties of *sebundies* to villages where their presence may be useful. They were authorized to entertain 1000 *sebundies* or more if they found them necessary. It was, besides, desirable, thought Elphinstone, to combine as much as possible with the above arrangement the great object of providing for the soldiery of the country, but it was advisable to give preference to foreigners, whose fidelity could be more depended on than the Mabrattas. The Collectors were to employ none but men of military habits, and discourage persons who had been employed in agriculture from seeking military mode of livelihood. They were to take security for the fidelity of their *sebundies* and employ them when their attachment was doubtful in villages distant from their own. This would check their defection because of the apprehension that their families might be exposed to the resentment of the government. "This species of soldiery" wrote Elphinstone, "might in some measure be improved, but it is to be remembered that it does not suit our policy to preserve a permanent military spirit among them, but to allow them to sink gradually into collectors or police peons." A policy commonly applied by Imperial Rome, and nearly all warlike nations of antiquity to a subject people.

In writing to Lord Hastings on the division of the country and its settlement, Elphinstone had made a reference, as already stated by me, to such wild tribes as the bhils, ramossees, coolies, etc. In his instructions to Captains Pottinger and Briggs, in whose territories in Ahmednagar and especially in Khandesh, bhils were found in large numbers, Elphinstone requested them "to employ every means to conciliate them." To Elphinstone it was reasonable to continue to them any privileges they may have possessed before Bajirao's accession. It was in Bajirao's time that such privileges were ignored and the general economic depression that followed the farming system drove these unsocial elements to rebellion and a life of loot and wanton destruction.* Elphinstone was for the plan of

* Ample evidence of the terror these bhils became in various parts of Maharashtra are given in the letters of Captain Briggs.

pensioning important Bhil Chiefs on condition of their becoming responsible for the conduct of their people. The object of immediate attention to Collectors like Pottinger and Briggs was to prevent these tribes from molesting means of communications. For this purpose Elphinstone suggested prompt and severe punishment. On the other hand whenever they showed a disposition to return to law and order, or evince a desire to serve the new government, Elphinstone requested the Collectors to allot them small portions of rent-free land to be held by them and their posterity. In return for such land they were to assist the *patel* in maintaining the police of the village where the land was situated. This plan was expected to furnish the country with an excellent police system not unknown in the past. Elphinstone ever desirous of keeping up with the past, pleads: "I request however that no change in the circumstance of these people (the bhils etc) that is likely to be disagreeable to them may be made, until the country is in a more settled state." He was convinced that the bhils were not in a state of active hostility.

The credit for eventually bringing round these unsocial elements falls to Captain John Briggs of Khandesh. We have before us innumerable letters from that able Collector describing the life and doings of the bhils; and the patience, industry, sympathy and understanding that he brought to bear on what appeared as one of the most difficult of administrative problems in the early occupation of Maharashtra by the British. He sent for the important Bhil Chiefs to whom he gave a personal audience. He spoke to them sympathetically and inquired of their ways of life and living. He induced them on parting to return to normal way of life; he gave them presents of tobacco and coloured cloth; he sympathised with them when necessity arose, till the most turbulent of these bhil chiefs, who had refused to see the Peshwa's officers for years, came at his bidding and parted with the utmost cordiality. In justice to the British, it must always be said that the great boon of law and order that replaced the wanton destruction of life and property so commonly experienced in the past, was one of the blessings of their rule.

In 1831 the new Government decided on the following policy regarding the village debts:

"1st. No loan advanced on account of rents to village wherein the *mokuddum* has signed the bond in the name of the said village to be recovered by extra *putties* on the village, will be recognized as valid.

"2nd. No loans whatever which would be recovered by a village *putty* is to be admitted as valid.

3rd. All loans made to ryots, *mokuddums* and others individually for their own private use if substantiated by bonds or other sufficient testimony will be open to investigation."

The Proclamation which laid down the above rules regarding the payment or otherwise of a village debt, also sought to protect the ryot from the *sowkar* by laying down further rules regarding loans taken by the ryot and the interest paid*.

"4th. In cases where an account current between a ryot and a *sowkar* exists, no interest will be allowed after closing the account and giving the last bond.

"5th. Whenever it shall appear that grain which is borrowed shall have been repaid threefold, the debt to be considered cancelled.

"6th. Whenever money has been doubled in the payment of the interest, the debt to be considered cancelled.

"7th. In cases where persons have become security for the debt of others, a claim is open for investigation against each such person."

Referring again to village debts it stated:

*The various rates of interests paid in India are very well described in letter No. 4. of 5th January 1820.

"8th. Whenever it shall appear that *sowkar* and *mamlutdar* have been connected, all money transactions either among themselves or with the *mokuddums* and villages shall be deemed invalid.

"9th. Whenever it shall appear that part of the village lands have been mortgaged to *sowkars* or others for village debts during the late Government, such agreements shall hold good till the amount for which they are mortgaged shall be discharged."

The Proclamation continued to stipulate that all private debts shall be enquired into, but no interest beyond 24% would be allowed. When the principle had been doubled it would be considered as discharged. When quit rent lands, or houses paying a tax (*pandra putty*) were mortgaged, the mortgagee must continue to pay the Government all its claims on such a house or land. Debts contracted by Sardars, Jagirdars and others with *sowkars* could be recovered by the old principle of *tuzaga* (contention), or in such mode as the *sircar* may decide. While debts of an older standing than 24 years were to be rejected, *wuttun* claims could only be rejected if above 70 years. The *mamlutdars* were entitled to decide on all claims for debts which did not exceed a hundred rupees. To facilitate the recovery of debts it was granted that if both the parties agreed to settle it by a *punchayet* they could do so. But the parties were to inform the *mamlutdar* or the *patel* of their intention and give in writing that they would abide by the decision of the *punchayet* which was to be considered as conclusive.

"The preservation of religious establishments" wrote Elphinstone, "is always necessary in a conquered country, but more peculiarly so in one where the brahmins have so long possessed the temporal power." We can see how priest ridden was the late government when we learn that the Peshwa's charities and other religious endowments amounted to near 15,00,000 of rupees besides those of wealthy persons in employment under his government. Elphinstone said that it would be absurd to imitate this prodigality, but for the present

many expenses of this nature were rendered necessary by the Proclamation of Sattara. He felt it would be worthy of a liberal government to supply the place of the Peshwa's indiscriminate charities by instituting a Hindu College at one or both of the sacred towns of Nasik or Wai. We shall say more on this Hindu College later. For this and other religious expenses Elphinstone laid aside a sum of Rs. 2,00,000. He expected the Raja of Sattara to continue to spend quite a considerable part of his income on such religious institutions. He felt the hopelessness of the situation when he wrote "it would probably be impossible to restrain from this sort of expense even if it were necessary to do so." To the Collectors Elphinstone wrote that all religious establishments in their districts were to be maintained, and the expense to be allowed by government. "Every pain must be taken" he said, "to conciliate the inhabitants, and to avoid offending their prejudices."

Captain Robertson writing from Poona said that it was very difficult to acquire any accurate statement of the expenditure incurred by the late government on religious institutions. He was very careful in granting donations, which might if given without due consideration, entail a greater annual expense than was at all requisite. In his opinion it would be wise to lay down a maxim, that however correct the government *daftars* were in their exhibits of religious expenditure, such monetary support seldom reached its assigned destination. But the proof of the correctness of this observation he confessed was difficult to adduce. The only chance they had of doing so were the accounts from the *mahals*, and wherever they agreed with the *daftars* they may rest assured that there had been some collusion. Robertson submitted an account of all the religious establishments supported by the whole country under his charge, for which credit was taken in the "*Gaum Khurch*" or village expenses. The expense was very moderate in his consideration. The total amount received in cash for brahmins and others in *Dhurmadao* by the *turuffs* of the Poona Collectorate amounted to Rs. 855. 11 reas; and the amount payable on lands assigned and grain in support of

temples in the various *purgunnas* came to Rs. 11,048. 14½ reas.

All such grants as *nemnooks*, *rozeena* and *wurshasuns* were subjected to rules. All *nemnooks* were continued if held by *sunnuds* and entered in the *Poona Daftar*: besides the holder must prove that he has received them at least six times within the ten years preceeding the last Mahratta war. All *nemnooks* that were not paid once during the last five years were to be dropped, while those whose payment had been stopped within less than the last five years before the war were to be referred to Government. All *nemnooks* and *dharmadaos* if renewed or confirmed were to be immediately reported to government.

The *rozeena* allowances were to be continued to those who had them entered in the *Poona Daftar*, or could produce a *sunnud* of Bajirao since 1803. All those granted by the sirdars who had the *mootalikee sicca* (royal authority) since 1803 were confirmed even if not entered in the *Poona Daftar*, provided the incumbent could show that he received the amount for any five years during that period. In no case would the grant be continued if it could be proved that the late government had stopped it by orders. *Rozeendars* in talukas who had neither *sunnuds* nor their names entered in the *Poona Daftar* would have the grant continued, provided they could show that they received their allowances five times since 1803. Peculiar cases that were not provided for in the above rules were to be referred to government.

All *wurshasuns* granted by Bajirao or his sirdars who held the *mootalikee sicca*, were to be continued, provided they were paid from the treasury for 5 years before the war. Such proof could be easily obtained. All *wurshasuns* by whatever authority were to be continued, provided they were formally confirmed by Bajirao, and found in the latest public *daftar*. To those who could prove that the *wurshasun* was held by them in part or the whole amount for any three years since 1803, and no proof was forthcoming of its having been resumed at any time by the government during that period, were to continue to hold it.

even if it was not entered in the *Poona Beras (daftar)*. When the person holding the *wurshasun* had died, his heir was to receive one half of it under the above test. No *wurshasun* was continued of which the date was earlier than 1803 (*fusly 1213*), or it was not entered in the *daftar*, or the holder could not bring undoubted proof of its having been paid him for any five years since 1803. When the holder failed to bring a *sunnud* he must at least give proof of the date of the grant, and of his having received the amount for any five years since 1803. All *wurshasuns* were considered subject to the pleasure of the government on the death of the incumbent or original grantee; no claims were entertained after the 1st of June 1820, and no *wurshasun* was paid if unclaimed for two years, or the incumbent was absent beyond that period.

In 1821 the total amount paid from the government revenue towards *dewusthans*, *rozeena*, *salabad*, etc., in the Khandesh Collectorate, amounted to twenty thousand rupees. These items, wrote Biggs, were not included in the village expenses but were incidental on daily charities or on the occasion of festivals or anniversary of temples. During the coming *jummabundy* the Collector promised to include these allowances in the village expenses made to *patels*. These village expenses were thoroughly scrutinised in the years that followed and considerably curtailed.*

The scrutiny of *enams* came in as late as 1864 when the government appointed a special Enam Commission under Colonel Etheridge. In 1819 Captain Robertson drew the attention of Mr. Chaplin, to the fact that the late Commissioner had stated that any scrutiny of *enams* would result in alarm, and was insistent in his last circular of 19th October 1819, that it was not intended that any general scrutiny of *enams* was to be commenced. Without any scrutiny Robertson had already come across many unauthorised *enams*. The effect of attacking these would lead to the ejection of many *Enamdars* and create great discontent. On the other hand said Robertson, if I continue them at present with the full knowledge of their

*See the Economic History—K. D. Choksey.

fraudulent claim, they have reason to feel that they will be confirmed in their possession in the near future. Yet to the Collector it was quite practicable to allow such alienations to remain as they were then, without investigation from year to year, whatever deductions the village servants may claim on account of *enams*. These *enams* under the Mahrattas could be disposed of by will, in sale or in any way the *Enamdars* chose. Since, according to the old practice even widows could give away their *enams* or adopt sons freely (except under Bajirao), there appeared to Robertson, "no good reason for hindering them to resort to any other mode of disposing of it not congenial with their inclination."

The considerable judicial control in civil matters which these *Enamdars* had under the old government was kept only in form by the British. Captain Pottinger divided the *Enamdars* into three classes. The *Enamdars* of the first class were men of respectability and consequence who were consulted in cases of dispute in their villages, a practice which Pottinger continued of sending aggrieved parties with a letter to the *Enamdars* to do the needful in the matter. Such a letter he found in most cases a mere compliment, for the greatest men of the Mahratta country, he wrote, "are too indolent, and have been long accustomed to give their influence in disputes to one of the concerned, without knowing the justice of the cause of him whom they support." Invariably the Collector always referred the case to a *punchayet*. The second class of *Enamdars* were principal brahmins and rich *saukars*, and Pottinger sometimes as a matter of form consulted them before he gave a decision or ordered a *punchayet*. Of this class he wrote: "I need not warn you that these men, and indeed I fear all classes of our subjects, especially the upper ones, are open to bribery and will care little for deceiving you if they can avoid discovery, and you should therefore give their sentiments but little weight in your opinion." The last class consisted of needy brahmins, old servants of the late government and various descriptions of religious devotees. These were not consulted at all and were considered by the new government as

“decidedly unfit to be trusted in any case connected with the administration of justice.” These opinions give us an insight into the conditions prevailing in Maharashtra on the advent of the British.

As early as 1819 the British administration was averse to the collection of *puttis*. I have already mentioned some of the *puttis* levied in the days of the Mahrattas. In the very first assessment in 1818 Robertson did away with a number of *puttis*. A few of these *puttis* were a very grievous burden on the ryot, and whenever such exactions were once levied they continued to be imposed under all successive *mamlutdars*. All human ingenuity laboured to discover a variety of *puttis* to exact as much as it could from the wretched *coonbee*. For instance *kauthey mornawul* was a tax to furnish the *shaikdar* with shoes as a punishment to the people for the thorns on their mountain, which would injure the *shaikdar's* feet, unless he had wherewithal to defend them. *Lubhey putty* was a tax to help the *mamlutdar* to defray his establishment of revenue *peons*. *Karsaye* was a *putty* that was levied by the farming *mamlutdar* in substitution of labour, no longer necessary, for carrying grass, etc, to thatch the houses in the hill forts. Such, and a number of other *puttis* were constantly in demand under a government in which all equity and fair play had ceased to exist. A list of *puttis* only in the *Mawal purgunna* of Poona District recommended to be taken of in 1821 amounted to a sum of Rs. 2,434.

The British occupation of Maharashtra to a majority of people must have appeared as a relief from the wicked and oppressive rule of the late Peshwa. This much needed relief was quite long in coming, especially to the ryot. It replaced a lax administration by a rule of utmost precision and order. It was a rule that sought to preserve as much as possible a contact with past institutions that had withstood the test of time. Elphinstone, the main architect of this early British administrative structure, with untiring repetition burnt into the minds of his co-workers the need for conciliating the people. It was the keynote of his policy of settlement. It was

eventually to contribute much to the immediate success of their rule.

The administration was to continue with few if any changes for the next century or more. But the test of a successful government does not lie only in its orderly and efficient management of public affairs. Its actual worth is to be valued in public co-operation to make it a success, and the service an enlightened government seeks to do a people is to educate public opinion along right lines. None of these mutual gains were possible in this early administration. The British administrators were compelled to dominate nearly every department of the State, and this led to the lasting curse of a foreign administration—strong centralization of power in the hands of a few. They were the trustees of an absentee government thousands of miles away. The entire hierarchy of government servants from the village *patel* to the taluka *mamlutdar* received their orders from the *Huzoor*, and became yours most obediently to their new masters. The co-operation and understanding between the ryot and the government officials, which alone had contributed in no small measure to the continuance of orderly life in spite of the changing fortunes of those in the highest seat of power was put to an end by centralized government control. The new officers lorded over the people, and sought to please the new masters of Maharashtra in every way to promote their personal gains. Those who flattered the new government, and the people who stood aloof, disabled the rulers from understanding the administrative difficulties in a proper perspective.

CHAPTER III.

POLICE AND JUSTICE

✓ Elphinstone found the Mahratta police good. On the whole murders and robberies attended with violence and alarm were very rare, and he had never heard of any complaints of the insecurity of property. The government although it did little to obtain justice for the people left them the means of procuring it for themselves. The advantage of this was particularly felt among the lower orders, who were most out of reach of their rulers, and most apt to be neglected under all governments. By means of the *punchayet*, a council of elders, they were enabled to effect a tolerable dispensation of justice among themselves. This system of justice reminds one of the Anglo-Saxon Shiremoot in England.

The whole of the revenue being derived from the ryot, it was the obvious interest of the government and its agents to protect him, and prevent his being exposed to any exaction but their own. The exactions of government were limited in good times by the conviction that the best way to enrich themselves was to spare the ryot. The agents and the government agreed that it was their common interest to restrain their depredations. By these principles, while the government was good, its ryots were tolerably protected, both from the injustice of their neighbours and the tyranny of their superiors. It was this class that was the most numerous, most important and most deserving of protection. Of all institutions of Mahratta polity the *punchayet* was the most respected by Elphinstone. "Our principle instrument must continue to be the *punchayet*" he wrote, "and that must continue to be exempt from all new forms of interference and regulation on our part."

Like the village economy its executive and judiciary were a part of its age old administrative structure. It was so self-

contained and managed its affairs in entire independence of the outside world that it seldom, if ever, required government interference. When a robbery occurred the *patel* sent for the *ramossee* and enjoined him in strongest terms to discover the robber. Should the *ramossee* fail in his duty and object to give security for the value of the stolen property, the *patel* took him to the *mamlutdar*. The *mamlutdar* would try to impress on the *ramossee* the necessity of exerting himself to find out the robber, and threatened him with punishment if he failed in his duty, and refused to deposit the security for the payment of the value of what had been stolen. The *ramossee* then generally came to an understanding with the *patel* who was at all times his bail to government. The *patel* then gave a bond to the *mamlutdar* that if the *ramossee* failed to discover the robber, he himself would pay the value of the stolen property within a certain period. The *patel* then restored the *ramossee* to his usual duty, but took care to attach all his property until the robbers were caught. Should the *ramossee* fail in his quest, the *patel* assembled all the villagers and according to their ability requested them to pay a contribution to make up the value of the stolen property. "They always did so without discussion," wrote Elphinstone, "and generally acceded at once to the sum the *patel* mentioned as proper for them to give." A discussion then ensued on the merits of the *ramossee* and if it was believed that he had been remiss in his search, or at all connected with the robbers, he was dismissed from his office and another appointed. On the other hand if his diligence and honesty were apparent, he got the greatest part of his attached property restored to him and he was reinstated in office. This was the watch and ward system in its simplest form on the British occupation of Maharashtra.

What appeared as very strange to the European Collectors was the employment in the police by the late government of the very castes and persons by whom all sorts of robberies and disturbances used to be committed. It was the policy of the late Government to employ as police over the districts, such robber castes who were known to possess influence and were regarded with consideration among their own tribe. The

castes addicted to robbery and plunder were the *coolies*, *bhils*, *ramossees* and *mangs*.

The *coolies* lived along the Syadri range and acted as police and village watchmen in that neighbourhood. The *bhils*, who were considered as a distinct and inferior caste were found in the Satpura range of hills, and in the north western parts of the Ahmednagar Collectorate. The *ramossees* were watchmen and police of the districts of Nagar and Kurda, while the *mangs* prevailed in the eastern portions.

The reason for employing such undesirable persons in the most important branch of the executive by the Mahrattas are well given by Mr. R. K. Pringle, then assistant Collector of Poona. Writing on the *ramossee* watchmen, he observed, that it was from means known only to a *ramossee* from an acquaintance with the haunts and habits of a robber, from that local knowledge and caste influence which ensured his apprehension, or more frequently the restitution of the value of the stolen property, that the benefits of the services of a *ramossee* watchman were usually experienced. It was impossible to suppose, said Pringle, that the large sums supplied by these *ramossees*, at a very short warning in satisfaction of robberies, could have been accumulated from their village fees or the produce of a small *enam* field; he suspected that they were obtained only from negotiations with the robbers who willingly restored the value of the property rather than run the risk of exposure. So convinced was Pringle of the wisdom of setting a thief to catch a thief that he was for adopting the same plan of watch and ward for the new government. So great were the "advantages to be derived from their knowledge of the haunts and practices of the robbers, contrasted with the ordinary qualifications of our revenue peons, that I think the experiment at least deserves a fair trial." "Mr. Pringle's suggestion" wrote Captain Robertson to the Commissioner, "are very worthy of trial. What he proposes might perhaps succeed, and if it did succeed it has the advantage of carrying in it the seeds of a more speedy civilization of these barbarians."

The village watchmen (*juglas*) held their offices by inheritance under the Mahrattas. But where there happened to be no *jugla* or in the event of vacancies occurring from death without heirs or otherwise the villagers applied to the *Naiks* (the chiefs of the police) who appointed dependents of their own. These *Naiks* exercised a general influence over the *juglas* of their district, who assisted them as spies with information but were not placed exclusively under their control from the fear of giving the *Naiks* too exclusive a control over the *juglas*.

Like every other department of the state the police were ^X very defective. Every Collector shortly after assumption of office, found life and property both in the towns and villages very insecure. This had been due to the war between the Peshwa and the British. Since all life was dislocated due to the war, law and order had come in for their share of neglect. But the police formerly as one of the branches of public administration had shared a considerable degree of attention under the former governments. "The system" wrote Pottinger, "from all I can learn was so efficient that I have modelled my establishment upon it, only making such reductions in my expence as appeared to be admissible." Pottinger had reason to feel secure because of the presence of regular troops, and the arrangements in progress or concluded with the principal *bhil Naiks* and *cooly* chiefs. The British kept all the principles of the Mahratta police system as they found it. C. J. C.
31-11

Describing the police arrangement in Ahmednagar just before its occupation, Pottinger learnt that there were always stationed at Nagar a body of 150 horse and 300 infantry of which one half were Arabs. About 6 miles from Nagar at Chichundi there were 60 more horse, and at Joonr 2 guns and 150 *sebundies*. These were formerly all under the *subedar* of Ahmednagar. Besides he could always call for assistance from other *gurhees* (police stations), and also count upon the aid of a number of *bhils* in the pay of the government. One can well conjecture that similar arrangements, if not on so elaborate a plan, at least on a smaller scale, must have been

carried out in all the important district towns. It was the custom under the late government to allow the entire military establishment, in times of peace, to be exclusively appropriated to serve with a *Tuppas Nuwis* or head of the police under the *subedar*. The revenue *sebundies* were always kept separate from the others, because Pottinger believed that the efficiency of the system would be greatly improved by the local experience which the people thus employed would acquire in a short time, which they could not if relieved or detached at times to other services.

✓ In all important district towns the new government would not allow any person in the streets of the city after 11 p.m. unless accompanied by a sepoy. Any disobedience of the rule meant confinement for the whole night, and the next day the individual would be taken to the *Adawlut* for investigation. No fire-arms or fireworks to be discharged during the night. A matchlock fired in any of the streets after dark was a signal for the *patrols* to hasten to that spot. There were to be three rounds made every night by the patrol. The first and third were made public with a horn or bugle, the second was to be in secret. The *chowky* guards were relieved every Sunday. The porters at the city gates were to keep a regular daily register of all persons that came from the *mahals*, which was brought and read to the Collector every evening. One patrol was to pass round the outside city walls every night and apprehend any person who was discovered out of his hut.

By 1823 Captain Pottinger like Captain Briggs of Khandesh could write to the government: "I have, I am happy to say, every reason to be satisfied with the general state of the village and district police." The success of the system had been due to the obedient and zealous support of the *bhil Naiks* and their followers. Such good order and tranquillity in Nagar and Khandesh mainly depended on their co-operation and good conduct. I have already stated the ardent and diplomatic efforts of Captain Briggs to win over these unsocial elements in Khandesh, and the success that met his endeavours. Not only were the *bhils* quietened, but a regular *Bhil* corps for

the maintenance of order was eventually enrolled. Captain Pottinger wrote of his treatment of the *bhils*: "I took the occasion to give them so trifling presents of cloths and to pay them different little attentions, such as allowing them to sit on chairs, receiving them in the kutcherry tent and conversing with them before the people assembled about their sports, occupations and domestic circumstances, with which they appeared to be most highly flattered." This led to a very important change, the complete loss of all fear which the people had felt for the *bhils*. In the past no one had dared to bear evidence against them, but people of all classes soon became ready to appear as witnesses on the *bhil* trials as those of any other caste. This was due to the knowledge that all *bhil* *Naiks* were friendly to the new government, and even if they were not, there grew a confidence in the ability of the British to protect the people from any retaliation by such unsocial forces in society. The total expenditure of the police establishment, for instance in the city and district of Nagar, was Rs. 1165 in 1818.

Whatever the general principles of police arrangement for the protection of life and limb, the plan of management differed in its details according to the nature of the region where the protection was to be granted. For instance in the mawuls of the Poona district, Captain Robertson suggested to the Commissioner, that the police *chowkies* should not be near large towns (which ought to have a police of their own) but they should be fixed in the passes of the mountains which separate the valleys of the mawul from each other. Here huts were erected for the police and a carcoon stationed at each *chowky* as a check on the conduct of the men, and to write news. Again the want of police in villages was not new in the western districts, and Robertson wrote that it was very difficult to alter the notions of the villagers themselves regarding the employment of village watchmen where there were none in the past. It was still more useless to endeavour to appoint watchmen in villages in which the *patel* and most of the people were of the *cooly* tribe. In all cases where the region was mountainous and covered with forests, the co-operation

of the people with the government to maintain protection of life and property was very essential. In such parts the villagers were allowed the use of fire-arms, and this permission wrote Pringle "may go far to promote in the ryot a confidence in their own resources, and to revive in the patel those feelings of interest in the protection of his village, which the nature of our revenue system has perhaps in some degree tended to impair."

✓ The prisoners were brought to trial at the earliest possible moment after their apprehension. When the first report of the *mamluḍar* was received about any outrage the Collector heard it and its accompanying confessions and depositions attentively, and made notes of anything that seemed to call for further explanation. A memorandum of the names of witnesses for the evidence at the trial was also prepared. Instructions framed on the notes were despatched as soon as possible, and the witnesses also summoned. This convicted the criminal within a month or fortnight of his arrest.

When the Collector was touring the *pergunnas* he directed that all persons in custody were to be kept at the station of the *mamluḍar* where they had been confined. The Collector would then try them on his arrival there. This plan was considered as very effective and advantageous. It brought the example of confinement and investigation more immediately in contact with the people, it saved the witnesses the journey to the principal district town to give evidence, and in some cases it enabled the scene of crime to be inspected by the Collector. The witnesses came readily for the evidence, was the experience of the Collectors.

The most important personality in the Mahratta administration during the closing years of its history was the famous Ballaji Junnardin or better known as Nana Fadnavis. As prime minister under two successive Peshwas, his talents enabled him to possess himself of the entire power of his sovereign, and direct according to his will the affairs of the state.

“The general sense of the most intelligent natives of the old school” wrote Robertson, “dwell with veneration on the recollection of Nana’s rule, and it is probable that at no period of the rise and progress of their power was the internal government of Poona Mahrattas more correct or vigorous than it became under this statesman.”

Nana was placed in a situation that called forth continued exertion of his talents, and removed from the stupifying influence of security in his high station which might have led him to give himself up to unmanly and degrading pleasures, he was constantly at pains like Napoleon to be at his best. While the degree in which he experienced (in course of years) the stability of his ascendancy may have in a great measure freed his mind from the constant fear of a termination of his power, and thus have allowed the growth of his patriotic and public spirited views more than those of the ephemeral statesmen, whose short lived elevation to power was entirely spent in extortion and cabals. Nana’s strictly political, or his private character, it must be understood, has nothing to do with the above reflections.

During the reign of the great Madhavrao the only dispenser of justice who had any title to be called a regular one, was Ram Shastri a person of great learning and undefiled purity of character. He was called *Nyadish*. All disputes regarding patrimony and succession were carried before him, and these constituted under the Mahrattas some of the most important cases on which it was necessary to give justice. Such cases invariably involved the great men of the state who pressed their affairs with all the influence of their rank and fortune. The scope of Ram Shastri’s duties were thus extended over the great disputes of the whole Empire, and the reputation he acquired did honour to his ability and to the ruler who confided in him.

The *Nyadish* (chief justice) did not unite to his judicial functions any share in the administration of any other department of the state. The jurisdiction of the *Nyadish* extended to criminal as well as civil matters.

Besides the *Nyadish* some *Subedars* resident in and near Poona had an original jurisdiction in virtue of their *mutaligy seal*, and also decided cases referred to them by the government. These *Subedars* were: (I) the Sir Suba of the Konkan; (II) the *Subedar* of Poona over the suba of Poona excluding the city (III) and the *Subedar* of Junere. Other subordinate officers to whom judicial references were made, were the *Subedar* of Kullian, the *Furnavis* of Khandesh, one Ragn Pant Gorbale a *risaladar* and Dalub Set Govindji a mint-master and stationer to government.

The *mutaligy seal* conveyed to the *Subedar* a delegation of so much of the sovereign authority in all its branches as regarded the suba, but always under the control of the supreme power. The chief object of his appointment, wrote Robertson, was fiscal. His jurisdiction, according to the genius of the government, was confided to him so as to enable him to collect his revenue and keep the people in allegiance, than under any view to the maintenance of the rights of an individual.

Besides Ram Shastri there were no persons whose duties were exclusively judicial. The causes of debtors and others were given over by Nana Fadnavis to *mootsuddies* (referers) who heard the petition and referred the matter to one or other of the above mentioned personages. Occasionally persons watched for an opportunity and delivered their petition into Nana's own hands. This reminds one of the scene enacted every day when Cardinal Wolseley left his palace for the hall of justice. These *mootsuddies* could decide small causes with the consent of the parties without any reference to Nana's *Huzoor*. The petitions, answers and all the pleadings were delivered in writing or recorded. It was not usual to carry on by verbal proceedings. Petitions could be time bar, as in the case of a *wuttun* no dispute was possible if one of the claimants could show that he had held it for the last 150 years. A claimant could dispute a *wuttun* within 100 years only. For personal property a good claim was not barred by any specific number of years; but the interest was limited on

money to double, and on grain to the quantity allowed by Hindu law being triple.

The petition after being read was given to the person who was to regulate the inquiry into the dispute. He assembled a *punchayet* at his own house made up of two members selected by each party and an umpire appointed by him. He had the power to reject a member named by either party if he thought the individual dishonest. In many instances on the parties failing to appoint members the government did the needful.

The *punchayet* having assembled, if the parties were not respectable *moochulkas* was taken for their abiding by the decision given by the *punchayet*. The *punchayet* then heard what both the parties had to say, and on being fully acquainted with the point in dispute, they entered on an examination of the papers produced by each disputant. Every case on which it was usual to assemble a *punchayet* was of a civil nature. It was only in the event of there being no papers that witnesses were called upon to authenticate the fact of their signature to a deed* Oral evidence was always unwillingly accepted. Respectable men were not sworn, but a poor man whose honesty was suspected was to give his evidence on oath (*shuput*). A man of rank could write an answer in his defence or send a person who could explain his case to the *punchayet*, but a poor man was summoned in person by a *chobdar* or *jasoos*. It was the same rule in regard to examination of witnesses. A man of position wrote an answer or sent a person to state his evidence. The poor must witness in person. If a witness perjured himself he was fined.

When the *punchayet* had investigated the dispute, if it was one of consequence they submitted their opinion of it to the Peshwa or his minister through the government agent who

*For a detailed account of how the witnesses were summoned, *takeed puttars* issued and how the plaintiff and defendant were to behave, see letter No. 13 of 6th September 1819.

had superintended their sittings. He confirmed the verdict, and the party which lost the case was obliged to give a certificate to the opposite party, of their having lost the cause. If the dispute was not of sufficient importance to require the ratification of the Peshwa or his minister, the superintendent of the *punchayet* confirmed the proceedings in the same way.

✓ The members of the *punchayet* received no reward or fee. If any of them corrupted the case was referred to a fresh *punchayet*, or the corrupt member expelled and a new one appointed in his place. It was not customary to proceed to the proof of corruption. No punishment was inflicted on a corrupt member beyond the disgrace of expulsion. *Punchayets* were at times constituted of persons selected by the officers of government. It was considered an honour to be so selected, and the decisions of such *punchayets* were seldom found at fault. Though it was seldom found necessary to reverse the decision of the *punchayet* their proceedings were frequently given them to revise in consequence of the complaints of one of the suitors. If on revising they made no difference in their verdict the case was decided by their judgment, unless the Peshwa or his minister had a conviction that their judgment was erroneous, in which case the decree was put aside and the opinion of the Prince adopted and acted on.

In cases of *wuttuns* the *deshmook* and *deshpandia* of the district in which the *wuttun* lay were usually called in as arbitrators. In a dispute between shroffs the arbitrators were to be shroffs, and it was so regarding every professional dispute.

The names of the members of a *punchayet* were seldom mentioned in a decree (*sarouash*), and generally speaking never signed. The award and findings of the *punchayet* were written by the judiciary himself in his own hand and formed a part of the decree (*sarouash*). All decisions involving *wuttuns*, valuable property or large sums of money, required the confirmation of the Peshwa to give validity to the acts of justice. It was found that Nana himself noted on the decree

the word "*Deave*" may it be granted; on which the Peshwa Madhavrao superscribed the word "*Deve*" meaning be it granted or to be granted.

The person who gained a cause paid a pecuniary consideration to the government under the name of *herkee*, and the party which lost paid a *gunegary* or a fine. These were not computed in the way of a percentage, but according to the condition of the man and circumstances of the case. They were occasionally altogether remitted on account of poverty, but were otherwise the established regular custom. The *herkee* invariably was one fourth of the debt recovered through the influence of the *sircar* (government).

When *Raj Mundals*, *Sirdars*, *Selladars* and the greater *Ehmandars* were involved in a law suit by a petition to Nana, it was usual to admit such petitions and to address a letter to the party concerned requesting that the matter be settled. Such an order was called a *taked putter*. If the *sirdar* was at a distance, giving the *taked putter* was all that was done for the petitioner. When the *sirdar* was at no great distance his *vakil* was sent for and received orders to make a settlement. In many instances these injunctions were attended to, failing which the *sirdar* incurred the displeasure of the *sircar*. Ram Shastri had seldom such cases to deal with or even the *subedars*. The settlement of disputes of all nature was done expeditiously.

Ram Shastri filled the office of a *Nyadish* for thirty five years. Moro Hari was the first *carbarry* of the Shastri and acted as such for 20 years. During his tenure of office 1,398 suits had come to his *cutcherry*. Some of them were criminal, others civil. It was not customary to take any account of the number of suits decided in a month or even a year.

"These were perhaps" wrote Robertson, "the most usual modes for the settlement of all disputes about property either personal or real in the city of Poona, and in general over the whole Empire. The Hindoo law was referred to where the-

particular custom of a family or caste had not made it a test of secondary consideration."

Criminal justice among the Mahrattas was sometimes summary, and sometimes dispensed only after minute investigation. In the former case despotism was the law; in the latter some attention was paid to the ordinances of the *shaster*.

Where there was doubt it was customary for several government servants to be ordered to sit as a court of inquiry or as a jury on the trial of the criminal. This court of inquiry was not termed a *punchayet*, yet it had all the essential properties of one. This court always consisted of government servants and was never selected from the people. The culprit had no choice respecting them, and had no power either to demand such a mode of trial. It entirely depended on the will of a Prince to grant it or otherwise. The duty of such a court was to give a verdict of "guilty"; of the degree of guilt if the party was guilty; or "not guilty." The punishment was awarded by the Prince. It was usually a fine even for murder, unless the culprit was of a very low caste and unable to pay a fine, in which case his legs and arms being lopped off he was left to perish, or he was blown off a gun.

State criminals were disposed of by the will of the Peshwa. If they were sentenced to death they were blown from the mouth of a cannon or thrown over the hill. Sometimes such individuals were confined in hill forts and forgotten. Many were forgotten and few who went in ever came out. Such was the justice delivered in criminal and civil cases in the days of the Mahrattas.

The dispensation of judicial business became a matter of grave responsibility to British administrators on their occupation of Maharashtra. "Within the last three months" wrote Robertson, "the duties required from the Adawlut establishment far surpass what it is able to execute; and I am surrounded with persons seeking redress the moment I appear in the streets—some call out for my personal decision, and do

not hesitate to tell me that punchayets in league with the Adawlut officers have given a verdict contrary to justice—others say that they have been so many months, days or weeks seeking redress but that they are not heard.” To Robertson the character of the people* was also responsible for making the judicial work ever so heavy: “It may be considered an odd remark, but it certainly is true that the greatness of a citizen of Poona might be ascertained by the number of quarrels he has on his hands, on the principle that a man if he be powerful or rich he must have 5,000 concerns and discussions that no poor man can indulge and fret himself about.” Much as he tried to secure the services of a *shastri* who would shoulder the burden of these suits, he failed; and was in consequence put to much inconvenience by “being taken away from important government duties to watch and be umpire in punchayets on affairs of great consequence.” Deeply angered, he wrote to the Commissioner: “I have really been ashamed to listen to the grievances of sirdars in having lost perhaps a few old sticks, some wretched cloths, or a few pounds of ghee (by their own carelessness perhaps) related in a paper several yards long, and which it would wear out the patience of a judge to listen to if he had other business of real importance to transact.”

Not till 1820 does the judicial business appear to have taken a definite shape. In the meantime the Collectors carried on the management of justice to the best of their abilities. Many a plan was suggested for the temporary dispensation of this important branch of administration. When it eventually shaped it was modelled like all other institutions of the new government closely on the old Mahratta system of justice. But the British precision, order and high moral conduct was sought to be instilled in what was very mediæval in the 19th century.

✓ In trivial cases the authority of the *mamlutdar* was augmented so as to allow of his punishing petty affrays, or

*A very interesting character sketch of the people is given in letter No. 2 of 20th May 1819.

other misdemeanours. For this purpose he was permitted to fine up to ten rupees and to imprison for two days, but he was strictly enjoined to proportion the punishment to the circumstances of the party. The *patel* was also permitted to exercise a similar authority to a limited extent as was requisite to keep up his influence in the village.

In the administration of civil justice the *punchayet* was to continue to be the principal instrument and was to be free from all new forms of interference and regulation. The *patel* was encouraged to settle disputes amicably if he could, or otherwise to refer them to a *punchayet* on the old model. No paper other than the *razinama* (or consent by the parties to arbitration) and *sarouash* (or decision) was required of a *punchayet*. When these two papers were produced the decision was final, unless in case of gross injustice or corruption. When those papers (*razinama* and *sarouash*) were wanting, the cause was considered as still liable to investigation, but no censure was passed on the *punchayet*.

When a *patel* refused to grant a *punchayet* the *mamlutdar* was, on complaint, to direct the *patel* to grant one. If either party objected to a *punchayet* in his own village, the *mamlutdar* was at liberty to order one at his own residence, or at any other village as was the practice under the Mahratta government. But unless both the parties gave their free consent to this proposal the *mamlutdar* after reporting, had to await the orders of a Collector.

Appeals from village *punchayets* were made to the Collector, who, if he thought the *punchayet* had not been freely chosen, or had not fully decided, or was discovered to be corrupt and unjust, could order a new *punchayet* either at the original village or elsewhere. This inquiry the Collector was either to ask the *mamlutdar* or his *amin* to conduct; but no such inquiry, in the conduct of the *punchayet* was to be held, if it was felt that only its decision was at fault. The object of the inquiry was to watch over the purity of the court and not to amend their decision. These appeals were always to be to the

Collector and not to the *mamlutdar*. These rules provided for the adjustment of disputes among villages.

For people residing in towns another plan was adopted. When they belonged to the trading profession the *shaitee* or head of that trade was to perform the functions similar to those of a village *patel*. He was to summon a *punchayet* with the consent of the parties to decide the issue. When these means failed the party could complain to the *mamlutdar*, who, if he failed to accommodate the matter, either by his own mediation, or a *punchayet* agreed to by both parties, must report the matter to the Collector. The Collector was then to authorize another *punchayet* of persons of the same order.

When parties left the nomination of a *punchayet* to the *mamlutdar* he was to be very careful in selecting the members so as to make the attendance as little onerous as possible. Unemployed persons were preferred and the whole to be managed as much on the principle of rotation as the disposition of the parties may admit. Any objection to the members of a *punchayet* by the parties was to be attended to. If they showed a disinclination to the persons proposed by the government agents, they were allowed to choose four respectable people themselves, who were left to choose a fifth as an umpire. If they failed to agree on the choice of an umpire the government officer was to name one.

The very large towns where the superintendence of these *punchayets* was too much for the *mamlutdar* to undertake, *amins* were appointed expressly for the administration of justice. There was to be one *amin* to every *mamlutdar's* district, or one to every two*. There was also a suggestion to appoint, especially at Poona due to heavy judicial business, three native judges with salaries amounting to Rs. 200 each. Besides these, three other judges of inferior rank were to be appointed who were to receive all complaints referred to them

* This was not quite decided. It was felt that wherever the *mamlutdar* could manage, no *amins* should be appointed.

by the Collector. These complaints they were to submit to a *punchayet*, or if both the parties agreed they could decide them themselves. It was the duty of the *amin* to prepare the pleadings, documents and evidence to be placed before the *punchayet*, so that it could decide the case at perhaps one sitting. The *punchayet* could call for more information if not satisfied with what was already placed before them by the *amin*.

When the *amins* at the request of the parties decided a case, the appeal was to lie to the Collector. The Collector then ordered a *punchayet*, to try the case anew. *Amins* were of two classes, those, of the higher class were to try cases involving any amount of money, but the second class of *amins* were limited to trying cases involving a sum up to Rs. 200/- only. The Collector had the right to call up such cases as he thought of great importance to be tried before him or his Assistant.

The *shastris* to each Collector could be *amins* with an additional salary. In each of the large towns (two in each district besides Poona) there were *amins* with powers only to grant *punchayets* when agreed to by both the parties. They could also, as we saw earlier, decide a cause if both the parties requested it in writing. But whenever there was a dispute on the mode of trial, the *amin* was to take his orders from the Collector.

The *amins* in the large towns received Rs. 150 a month, and all the *amins* had a certain addition to their salary for every 20 suits decided by them or by a *punchayet* under their direction. The expenses were defrayed from the fines, but the *amins* were strictly in the dark as regards the source of their allowance.

Just as the Collector received appeals from the *amins* the Commissioner was to receive them from the Collector. The appeals were allowed not with an intention to revise the decision on each case, but it gave the Commissioner an

opportunity of ascertaining that his instructions were acted upon, and that "the custom of the country is not departed from." To complete the administration of justice, reference was allowed on all doubtful questions of Hindu law to the principal *shastris* who received government pensions or *wurshasuns*. The selection for such a reference was left to the Commissioner. It was suggested that a body of such experts on Hindu law may be appointed on a certain salary.

"It is chiefly by this superintendence" wrote Chaplin, "that we can hope to purify and invigorate the native system, so as to convert it from a mere engine of oppression into an instrument for a more extensive dispensation of justice than exists even in our old provinces." It was the Commissioner's express wish that the Collectors were to give audience for at least two hours every day to all ranks, receive complaints viva voce, and grant decisions and orders on *mamludars* as the case required. I had mentioned the importance of the *mamlutdar* in the new administration, and the Commissioner in his circular of 1820 wrote: "the great indulgence and forbearance recommended towards punchayets and patails should have no place towards mamludars, on whose purity and efficiency so much depends, and with whom those qualities can only be preserved by strict discipline." The amounts to be decided on by a *punchayet* were limited to Rs. 150 and by a *mamlutdar* or *amin* without reference to Rs. 1000. Any sum might be referred by the Collector, but all great causes were always done under his superintendence.

The privileged class of Mahratta society was still pampered. Causes in which great *sirdars* were parties were to be reported to the Commissioner who alone was entitled to take steps in the matter. Besides, no claim for a debt incurred during the late government was enforced against this class with more strictness than would have been allowed by Mahratta justice. Above all, the intercourse relating to suits of these *sirdars* were to be conducted according to the practice of former times.

Several other regulations passed may be briefly summarised.

(1) Rules were to be made limiting the period in which a suit could be entertained; twelve years were suggested as a sufficient period for causes of personal property, but a longer period was to be allowed for disputes about land.* (2) A decision of a *punchayet* was always to be received and enforced without the least delay provided both parties had originally agreed to arbitration. (3) Every effort was to be made to encourage private arbitration. (4) The employment of professional *vakils* was to be strictly forbidden, and similar pains were to be taken to guard against professional arbitrators. (5) The Collector was empowered to bestow on members of *punchayets*, on whom attendance was likely to fall hard, a sum of money at his discretion. (6) *Punchayets* were furnished with a peon to summon witnesses and parties. (7) When a complaint was judged as frivolous the *punchayet* was given a right to fine. The fine might be a fourth of the sum under dispute (as it was in the days of the Mahrattas), or according to the new system whether the party was at fault or otherwise, they should pay in shape of costs, fees or stamped paper.† The sums so received might be utilized as payment to the injured party when poor, a part to go to pay the commission allotted to *amins* and the expenses of the members of the *punchayet*. (8) In cases of appeal the appellant was obliged to enter into a bond to pay a particular fine if the complaint proved vexatious. (9) Decrees were to be enforced in the mildest form in use with the Mahrattas. (10) *Tukkasza* was forbidden. (11) The greater jagirdars were allowed to control the police of their villages, but all serious offences were to be reported to the Collector. All offences of the lower order of jagirdars were tried by the Collector, as well as those of people of rank, but not without previous reference to the Commissioner. "At present any violent change" wrote the Commissioner, "would be felt as an oppression by the upper classes, and disapproved as unusual even by the lower."

*No definite period was settled even by 1822.

† No stamped paper was introduced even in 1822.

"Your own humanity" wrote Captain Robertson to his Assistant, "will suggest to you the propriety of adopting whenever you can the tenderest maxims, and the most refined spirit of laws for the administration of criminal justice." That high sense of respect for life so uncommon with oriental methods of criminal justice has been, and continues as one of the blessings of the British rule in India. Robertson instructed his Assistant Mr. Simson, that if the English mode of criminal justice were to be introduced, it was the duty of the presiding judge "to instruct the prisoner how to plead, if we intend to decide on his innocence or guilt according to the rules of evidence of the law, whose forms we impose on him." It was the practice of an English Court to be very backward in receiving and recording a plea of guilt, and always advised the prisoner to retract his statement of guilt "out of tenderness to the life of the subject." "This spirit of our laws," wrote the enlightened Collector, "if we act upon it at all, should not certainly be rejected by us."

As far back as 1821 the following was the law of criminal procedure introduced by the British. Few if any changes appear to have been introduced in the very enlightened approach to criminal trial. A regular record of the crime committed was drawn up by the police bearing the nature of the offence and the name of the parties concerned. The documents recorded in the Magistrate's Court were: (1) an attested copy of complaint; (2) an attested copy of the Prosecutor's oath to the truth of the charge containing an inventory, in the case of a robbery, of the money or property plundered with the amount or computed value of it; (3) a translation of proceedings before the *mamlutdar* or a native police officer in case the charge had been framed in their presence; (4) names of the prisoners; (5) a copy of the further examination of the Prosecutor on oath in cases where any examination may have taken place; (6) list of witnesses for the prosecution; (7) and a list of witnesses for the prisoner. With all this written evidence the committing magistrate was to draw up an indictment to be adopted as the arraignment of the prisoner.

The above documents being perused and considered, the Collector or Political Agent as Judge proceeded to try the prisoner at the bar. The arraignment was first taken in hand which was followed by an examination of the prosecutor and the prosecution witnesses. The accuser and the accused were permitted to put such questions to the witnesses as they may deem proper. And with this the prosecution was closed. The evidence for the prosecution being closed, the prisoner was called upon to state what he could say in his defence. Then followed an examination of the witnesses for the defence with the like permission as aforesaid to the accuser and the accused. The judge having heard and recorded the evidence, called upon the law officer to state his opinion as to the guilt or innocence of the prisoner, and to deliver the law as applicable to the circumstances of the case. After this the judge passed the sentence, but was to suspend the execution of it in cases of capital punishment, till he obtained the final orders of the Governor in Council. Such was the procedure adopted for the trial of all heinous offences. This procedure, though not subject to any change, did lead to a number of queries, for instance on the type of evidence to be admitted, could evidence by proxy be allowed, and so on.

✓ "I am firmly persuaded" wrote Robertson, "that the greater deliberation we shew in administrating either criminal or civil justice, the more will our government be well thought of by all of reflection and observation among the natives, and the more readily shall we mould into a correct form their vague notions of justice, and imbue them with a true feeling of moral propriety."

Captain Briggs of Khandesh and Mr. Thackeray in the Carnatic were of the opinion that under the late Government there were *punchayets* not only for civil but also for criminal trials. Briggs was therefore of opinion that it would be well to always have, if possible, the sentiments of enlightened natives on all judicial matters whether civil or criminal. Mr. Thackeray after suggesting a tentative plan for the introduction of jury in criminal trials wrote: "I would only

propose to appoint criminal juries in cases involving intricate circumstantial evidence without confession or direct testimony." To Mr. Chaplin, then Commissioner, the introduction of a jury in criminal trials was "an innovation not sanctioned by former practice," and that such jury system had never existed under the "native government in the Dekhan." In cases which involved intricate circumstantial evidence, better understood by natives than a European judge, Mr. Chaplin was of opinion that the judge may be empowered in such a case to summon a jury at his discretion. In adopting such a procedure the decision of a jury must be binding on the judge even if his ideas did not accord with those of the jury. Chaplin further agreed with the general opinion that the jury was to be left to form their own judgment without any charge from the judge.

Mr. Newnham, Secretary to the Government of Bombay, informed the Commissioner in 1823 that no hearsay evidence was to be neglected, but should not go on record as it would swell it unnecessarily. In the same way the deposition before the committing magistrate only was to be taken as a guide to the inquiries of the trying judge. Confessions of convicts were never to be admitted as proof against their supposed accomplices, and as the country appeared to be well settled, the Governor in Council requested the Collectors to try all criminal cases of importance since they would now have sufficient time at their disposal.

With the above statement that the country well settled should give the Collectors sufficient time for judicial business, the Commissioner was not in agreement. He wrote early in 1824 that the degree of accuracy of preparation required by government in criminal trials, and the heavy revenue duties of the Collectors compelled him to recommend to government, that the Collectors in the three districts of Poona, Ahmednagar and Khandesh should have their authorities in criminal cases limited. Hereafter, he wrote, the Collectors of the three districts should take cognizance only of the lower order of crimes, of which the penalty was not to exceed two years

imprisonment and hard labour, 500 rupees fine and flogging to the extent of 36 stripes with a rattan. "All persons charged with crimes of magnitude" wrote the Commissioner, "that would incur heavier sentences might be committed by the Collector as magistrates for trial before a criminal judge to be appointed for the purpose."

Since Ahmednagar was the scene of much crime it was decided to make that station the seat of the Criminal Judge. From that place he was to proceed twice a year on circuit to Khandesh and Poona. It was expected from experience that at each of these stations there could not be more than 32 cases. From each of these about one third would be trials whose sentences would have to be confirmed by government. When the judge was on circuit his Assistant would try all cases at Nagar with the exception of those involving capital punishment. On the judge's return the Assistant was to aid him in transacting the general duties of his office.

In order to give a speedy decision to all commitments, it was arranged that the magistrates at Dhulia and Poona, were to send to Nagar all cases that were ready for hearing, in the interval between the Criminal Judge's two circuits. If it were possible the judge could set out earlier on his circuits, and give longer attention to the business of either of the other stations. He was to give due notice of his arrival, so that the Collectors could keep in readiness all witnesses and prosecutors on the day of sessions. The Collectors were empowered with the enforcement of all warrants and other processes of the court of sessions.

An aggrieved party not satisfied with the decision of the magistrate was empowered to appeal to the Criminal Judge. The Judge could then send for the magisterial records of the case in question. In the event of his differing from the magistrate's decision he forwarded the proceedings with his sentiments on the subject to the Commissioner for his final instructions. It was suggested that the proceeding of the Criminal Judge in cases not referable to Government should

be open to the review of the Commissioner. The Commissioner was entitled to bring to the notice of the Government any errors or irregularities that might appear in the Judge's decision.

The Collector was the superintendent of police and had the management of the jail.* It was suggested that this superintendence of the jail may be made subject to the visitation of the Criminal Judge, who was to report on the state of the jail and its discipline to the Commissioner. Dharwar, due to its distance was left out of this plan completely, and since it was felt at this time that at no distant date it would be transferred to the Madras Presidency, all innovations were postponed regarding that district.

Mr. Farish, Secretary to the Government of Bombay, in his letter of 23rd June 1824 to the Commissioner, accepted, under instructions from the Governor in Council, the appointment of a Criminal Judge at Poona, Ahmednagar and Khandesh. All other suggestions were also approved. Mr. Marriott was appointed as the first Criminal Judge. The Government also accepted the powers of the magistrate for the cognizance of lesser offences whose penalty may be 2 years hard labour, 600 rupees fine or 36 stripes and public disgrace. In 1825 some further suggestions regarding the trial of sirdars, arrears of judicial business, and increased payment to *Amíns* were made by the Commissioner, but we are in no position to know whether these were adopted or not by the Government.

Another vexed question of the time was whether capital punishment was inflicted on females or not during the late regime. Opinions of all the Collectors were invited. It was the universal opinion that capital punishment was never inflicted on females during the late regime. "In the best times of the latter powers" wrote Pottinger, "and those of the early Peshwas, females were confined to hill forts and

* Quite a number of letters on jail management and construction are found in the Commissioner's Files, Peshwa Daftar.

dungeons for life, or given in slavery to the friends of those whose death had been caused by their machinations or advice, and in all such instances the sentence virtually amounted to a lingering death."

It was no small task to establish a respect for law and order in a society in which the last Peshwa was himself an embodiment of all that was immoral and bad. During his rule the crime of murder, wrote Pottinger, was unprecedentedly frequent, not merely in distant talukas but even in the city of Poona, "where the most horrible assassinations were nightly committed and expiated by fines." So great was the Collector's surprise when he found that in two distinct cases, since their occupation of Ahmednagar, people had actually sued others in Adawlut to recover blood money, the amount of which had been fixed by the late Government. "Our surprise at these undoubted facts will cease when we learn the dreadful outrages perpetrated" wrote Pottinger, "under the very eyes of the government." At one time Trimbakji had massacred the bhils and their families at Kopergaum after they had received assurances of forgiveness. Such an act Pottinger rightly regarded as the most flagrant breach of public faith. But there were others no less infamous. Only one instance may be recounted as given by Pottinger. "When Bajee Row was on his route to Kopergaum in 1812, his household gods (made of silver) were carried off by the bhils. He was exceedingly annoyed, and sent for Trimbeckjee Dainglia who was then, Tupass Nuwees, or Head of the police of the whole country, and from him he demanded the idols. Trimbeckjee assured him they should be produced, or else the heads of the robbers, and he sent out some horsemen with orders to seize and murder any persons who they should find on the road as they went towards the spot where the robbery had been perpetrated. This atrocious order was fulfilled, and the heads of five or six unfortunate travellers were brought in and reported as those of the bheels to Bajee Row, to whom Trimbeckjee also presented a nuzzur equal to many times the value of the stolen property." Needless to say such a government deserved the punishment that lay in store.

No better appreciation of British rule nor one so richly deserved from the point of view of the establishment of law, peace and order can be written, than the one penned by Henry Pottinger to William Chaplin: "The protection afforded by us to private property; the conciliation of the heels and other wild tribes, from which has resulted the safety of travellers by day and night; the decreased and decreasing number of gang robberies; the pains that have been taken to check private theft; the total abolition of all indefinite claims on the people at large by police officers; the perseverance with which we follow up our investigation into every case of crime...are all calculated to impress the people with surprize and to excite a feeling of strong admiration and thankfulness."

CHAPTER IV.

THE RAJA OF SATTARA AND THE JAGIRDARS OF THE DECCAN

James Grant, the immortal historian of the Mahrattas, became the first British Resident at the Court of the Raja of Sattara. This astute diplomat was required to gain the Raja's good will, to obtain his confidence, to conciliate his family, control their expenses, subdue their extravagant pretensions and at the same time to establish the firm supremacy of the British Government. A task indeed difficult of achievement.

In a secret dispatch* to Elphinstone the able Resident has given us a graphic description of his difficulties in setting about to achieve his mission. The main object was to win the Raja's confidence. "I went on to explain to him" wrote Grant to Elphinstone, "that there could be no true friendship without perfect sincerity and candour, that amongst us even in the common transactions of life, all gentlemen looked with abhorrence on a falsehood, but in a great man or a Prince it was ten times worse, as so much more depended on their word, that unfortunately this was not generally understood amongst the people of this country, especially the brahmins, but that I was most happy to observe the candour which His Highness had shewn on all occasions... that his frankness had greatly prepossessed you in his favour, and that I was persuaded this quality would be the means of his becoming a very wise and a very great Prince." Could any Government fail to achieve its purpose that had the good fortune to possess such an able body of statesmen and diplomats ?

Grant was soon rewarded by the very uncommon degree of candour on the Raja's part in all dealings with the Resident. He was very grateful for what the British had done for him, and Grant believed that the Raja would at all times act "as he may be advised". "After some months intercourse" reported

*See letter No. 14 of 23rd March 1819.

17
Satara 23rd March 1819

Secret

1234

Sir

Having already had the
honour of reporting to you the circumstances
for the fulfilment of several parts of
your instructions, it may now be proper
that I should refer to that very important
part of them which regards the conduct
to be observed towards the Poyas.

The principal point in this
case is to gain the Poyas's aid &
at the same time to establish the
form of supremacy of the British Govt.
to obtain the Poyas's confidence &
consent, had formerly, but this is
suggested by the Poyas's conduct for
the conduct which will be most desirable

Facsimile of the hand-writing of Captain James Grant Duff,
the historian of the Marathas.

Grant, "I found no difficulty in obtaining his confidence, and he has frequently told me things which I should otherwise never have become acquainted with."

I cannot refrain from describing the character of the Raja and his household so excellently drawn by the Resident during his stay at Sattara. "The Raja's whole disposition for a native was remarkably good," wrote Grant. But opposed to his good qualities was his shyness which he mistook for wisdom. Some of the intrigues and tricks he mentioned had been practised during his years of confinement, and he was an adept at dissimulation. Grant forgave him his shortcomings, but unfortunately his early life had instilled in him a taste for intrigue, and this dangerous propensity had become a weakness "in which he is easily flattered." The Raja had certainly, according to Grant, not so much mind as to prefer business to a life of ease and pleasure. He shared with other Princes of his age their weakness and foibles. The Raja's name was Pertabjee.

The name of the elder of his two brothers was Raja Ram, familiarly called Bhow Sahib. He was the best looking of the family, but to Grant he possessed none of the Raja's quickness or intelligence. He dressed well, rode well and had a great turn for show. He was idle and dissipated but he was gentlemanly and spirited. The younger brother was called Sayajee or Appah Sahib. He was an obstinate and ill disposed lad with very low, vicious habits which in spite of all admonitions of the Raja could not be improved or got the better of.

The Rani was a native of Konkan. She was supposed to have entirely disapproved of her mother-in-law's habits and proceedings. The Raja's mother was Anandibai styled in the household as Mai Sahib. She was good looking and her manners were extremely pleasant. Since the death of the Raja's grandmother wrote Grant, she had not only quitted the seclusion proper for Mahratta ladies of rank to observe, but become notorious in her habits. She was a bold, ambitious and intriguing woman, exceedingly violent, vindictive and

obstinate. It was said that she poisoned her husband. Of this there was no proof, but the Resident had reason to believe that some years ago she murdered her infant child, the reputed father of which was Trimbakji Dainglia. Her immediate relations were the most profligate of all the Raja's connexions.

One of the most important reasons for founding a Mahratta state in the dominions of the late Peshwa was to establish a counterpoise to the influence of the former brahmin government. At the time when such an action was thought of, the Peshwa still had a large number of adherents who feared the loss of national independence, and more important, a complete loss of subsistence. Elphinstone wrote to Lord Hastings that if the Peshwa was to be further crippled of power, his soldiery must be made to feel that all avenues of service were not closed. Since their habits and ways of life were not in keeping with their new masters, the dominions of the Raja of Sattara, besides keeping a semblance of the old national aspiration alive, would afford them the necessary military career. The establishment, therefore, of such a native State was considered very politic by British statesmen. Not only would the scheme cripple the Peshwa's army but the new native State would maintain "some of the civil religious orders whom it might be difficult to dispose of under our own direct government." I personally regard the reason given, of founding the State with the intention of affording "an honourable maintenance to the representatives of the ancient Princes of this country," as the poorest; though Elphinstone mentions that as the most important reason for establishing the Sattara state.

To make the new government a success, we have already noted the efforts of Captain Grant to win over the confidence and good-will of the Raja. "Unless these points are secured" wrote Elphinstone to Grant, "the machine which we are setting up will be liable to be turned against us, and the release of the Raja of Sattara may prolong the disturbances occasioned by the Peshwa's treachery." Elphinstone

regarded the immediate situation of the Raja as extremely weak. He was just released from prison, and was about to be placed at the head of a government which was obtained by no effort of his own, but was the spontaneous result of the bounty of the British Government. Grant was therefore requested to make the most of the situation. "He is at present" wrote Elphinstone, "destitute both of power and territory, and depends on us not only for his future establishment, but for his present subsistence." This obvious advantage was marred or likely to be so, by the total inexperience of the Raja and the people about him, their extravagant ideas of their own pretensions, and the facility with which these defects could be exploited by any designing person who might have an interest in disturbing the new order of things.

The Government relied on Captain Grant to overcome by exertion and address these difficulties. The best means appeared to be to take charge of all the Raja's affairs for some time. This was considered quite natural as the settlement at Sattara was being effected with British men and money. But the occupation and control was only to be for a time, till the Raja could manage his administration as he became better acquainted with affairs, as the country became more settled, and as his own means became adequate to the purposes of government. Elphinstone conveyed to the Raja these intentions of the British Government. He also apprized him that the final settlement of his government would in a great measure be regulated by the disposition he evinced during his period of probation.

The personal expenses of the Raja and his family were settled at three lacs of rupees per annum. Captain Grant had great difficulty in persuading the Raja to accept the sum which was considered by him very inadequate. The monthly expense of the household came to about Rs. 26,000. The Raja received about Rs. 15,075, the Rani Rs. 1,152, each of the two brothers Rs. 3,750 and the queen mother Rs. 2,273; the total expense came to a little over Rs. 3 lacs per year. The

penditure of this money was left entirely at the discretion of His Highness.

The rest of the business of government was completely entrusted to the Resident. He was to explain all his proceedings to the Raja, conform where possible to his wishes, and endeavour to give him a taste for the principles and business of government.

The dominions of the Raja were limited by the river Nira on the north, the Kisna and Warna on the South, the Peshwa's frontier on the East and the ghauts on the West. All jagir lands were excepted from this grant. It was expected that His Highness would have received 6 or 7 lacs as revenue. The Jagirdars who were allowed to continue their possessions in the Sattara territory were to hold their lands of the Raja, with the exception of the Patwardhans. Elphinstone wrote that they were bound to consult the Patwardhans before they placed them under any Government but their own.

The inhabitants were to be explained to, that they were the Raja's subjects. Grant was to take pains to impress on the subjects as well as the Raja, that it was not intended to revive, even in name, the Empire of Shivaji, but to create for the Raja a new state. "You will no doubt be careful" wrote Elphinstone, "to do this in a manner least offensive to the Raja's feelings, and least injurious to his dignity". The Raja's flag was to be hoisted in the villages, and even on forts. He was to have credit for all revenue collections.

Captain Grant's instructions on the immediate occupation of the Raja's territories were: (1) To hold the entire country in the name of the British Government; (2) to be administered by officers of Captain Grant's selection; (3) all places to be occupied by sebundies or regular sepoy's in the pay of the British Government; (4) to occupy as much of the country as was possible; (5) to resume the Jagirs of all persons who were still with the Peshwa; (6) to afford protection to those who submitted to the new government; (7) and only those who could

be relied upon to protect the Raja were to be employed about his person.

“The Government of the country” wrote the Commissioner, “is to be conducted on the same principles as those prescribed for that of our own new conquests...No innovations ought to be attempted unless to remedy great abuses or to meet the wishes of the people. Where they are not clearly repugnant to reason and justice, the laws and customs of the country must be implicitly conformed to.” The revenue administration was to run on the lines adopted in all other districts. The Raja was given full authority to deal with criminal offence or any civil cause in which his servants or members of his household were a party. The Raja was to have no intercourse with other Princes or with subjects of foreign States. He was only permitted an intercourse of civility with his relative the Raja of Kolhapur. At all times, wrote Elphinstone, he was to be impressed with the idea that he was to have no intercourse whatever in foreign states but through the medium of the Resident. The notorious Ballaji Punt Nattu* was to assist Grant in his intercourse with all natives.

In the revenue settlement of the district, Grant adopted the ryotwar system. The care and attention to this important item of administration, had resulted in an improved state of revenue, which exceeded that of the preceding year (1819) by a lac and eighty thousand rupees. With the addition of territory lately assigned wrote Mr. Chaplin, the Raja’s actual net receipt would fall little short of fifteen lacs of rupees. In addition to this, Captain Grant expected an additional lac of rupees from extended cultivation. But this addition was in the nature of a speculation and therefore may prove fallacious, felt the Commissioner. Even if the present pure and efficient superintendence were to continue with only moderate gains,

*“I have at your desire left Ballajee Punt Nattoo as your principal native Agent. He has for some time acted in that capacity with me. I have found him zealous and intelligent. I authorise you to allow him 500 rupees a month independent of his pension, and as I intend to propose his receiving a liberal grant of land in the Company’s new possessions as a reward for his services and fidelity, I think I am entitled to expect that he will be free from corruption.” (Elphinstone). Letter No. 13 of 8th April 1818.

Mr. Chaplin was willing to regard that as a very satisfactory progress.

By 1820 the Government showed an inclination to hand over, if not the entire administration of Sattara, at least a few departments to the Raja's care. Mr. Chaplin, the Commissioner, was averse to the Government's suggestion. "The probability" he wrote, "certainly is that under a maharatta chief of little education and less experience, with few or no capable ministers to guide him, the state of affairs must sooner or later become deteriorated." Captain Grant was also of the opinion that the Raja's authority was to be gradually increased on the ground of the perverse influence with which he was surrounded.* It was suggested that the Raja be first entrusted with the management of civil and criminal justice. These departments it was expected would furnish good lessons for the Raja's education; and by the age of 25 it was felt that judicial training would enable him, when he came into his own, to attain proficiency in the art of government. "I have, however," wrote Chaplin, "no such expectations." The learned Commissioner further quoted from the pages of history to support his contention. "Tacitus observes that Claudius having invested himself with the functions of a magistrate, and the decision of law suits, gave occasion to all manner of extortion, and history is full of examples of rapine and oppression which have resulted from Princes personally sitting as Judges." Under the circumstances Chaplin was disinclined to hand over the management of Justice to the Raja. He was even more averse to Captain Grant's suggestion of handing over the management and collection of revenue. "In giving over the revenue" he

* "He has superintended two or three punchayets...in one of them he interfered improperly. I at once told him he was very wrong...This led to a very long conversation in which Dajeeba asked me what was the use of being a Raja if he could not act according to his inclination. To this the Raja turned round suddenly and replied laughing "Dajeeba you're a blockhead-don't you see I may do whatever I like provided I do what is right"—"that is as you may be ordered" was said in a loud whisper by some of the attendants outside, and was succeeded by a tittering, the Raja looked particularly to observe if I noticed this. This may be too trifling for insertion in an official report but it will show what could not be so well explained of the sort of people near the Raja."—(Grant) Letter No. 14 of 23rd March, 1819.

wrote, "we must recollect that we resign the control of the treasury...The police of the country being under the same management as that of the revenue, should I think go hand in hand with it, and when we transfer one, we may safely transfer the other department...The payment and management of troops are also immediately connected with the...exchequer. All these Departments seem to me to constitute links of the same chain, the disjoining of which...would probably be found too speculative for execution without occasioning numberless practical inconveniences."

While Grant was in favour of the gradual transference of power, Chaplin favoured a total transference when the actual time of delivering control arrived. If an able and responsible minister could be found Chaplin was for immediate emancipation of Sattara without delay. He was conscious of the error of keeping the Raja too long in lending strings, lest it defeated the object with which this new State was established. "We must as soon as we safely can" he wrote to Government, "give life to the new chief, who will otherwise, both in his own estimation, and in the eyes of his subjects sink into his former condition of a mere cipher." By long protracting the transfer of power, the magic of reconciling the Mahratta nation by the promise of a new national State would be lost, and the British would, besides, incur the risk of having it imputed, that they had set up a man of straw to serve their own purpose. The Commissioner regarded all the administrative exertions of Captain Grant as very praiseworthy, and was pleased with the local arrangements, revenue, police and relations with subordinate Jagirdars.

In spite of these protests by the Commissioner and the Political Agent on the question of the transference of power to the Raja of Sattara, the Governor in Council requested Captain Grant, "to persevere in the plan of making the Raja and his people acquainted with the affairs of the government, as soon as practicable." But while such a transference was being contemplated, the Resident was to preserve the control, and not give up any of the important powers of administration.

Grant told the Raja the intention of the Government, and in keeping with it, transferred the judicial superintendence to His Highness. It was quite an important task for the Political Agent to enable the youthful Raja to cultivate method and perseverance in public business. It was of the utmost consequence to keep him in such habits so "very unusual among Mahrattas:" and to obviate impatience and disgust, and to preserve his confidence while his actions were controlled.

Grant requested the Raja to let him know what changes he desired to effect in the administration of his State, which was shortly to pass entirely to his keeping. His Highness showed entire satisfaction with the arrangements already made, and said that they were wise and proper. The alterations if any, which he would make rather regarded form than substance.

The Raja proposed that Wittul Punt Furnawis was to be appointed the *Dewan*. Of this individual Captain Grant had written, that he was a man of sound common sense, but with no great depth of understanding. He was reasonable and well disposed, and as a *mamlutdar* had conducted his duties very creditably. His rival Dajiba Opadhia was regarded by the Political Agent as unfit for public business, but being a man of considerable influence, Grant wrote, "it will be prudent to conciliate him." Kishen Rao was to be the head *Duflurdar*, and was styled *Furnavis*. Tattya Abeyankar was to continue as a *Duflurdar*, and the Chitnis' department was to be placed on a more respectable footing.

The members and plan of the *Nyadish* was to continue as it was, but their pay and the pay of the *Sir Subedars* was to be increased. The Raja did not approve of a direct increase of salary to any person except the *Dewan*. He further proposed that the whole of the regulations should be revised in his own and Captain Grant's presence. In keeping with this wish the regulations for the *Huzoor* servants, the imposition of fines on civil suits, and the rules for adoptions were all revised. On

the *Dussera* festival the Raja celebrated with considerable pomp the news of his coming into power.

We may now describe the administration of Sattara on the accession of Raja Pertabjee to power. The important officials of the State were: (a) *the Dewan*; (b) *the Furnis*; (c) *the Dutturdar* and (d) *the Ohitnis*.

It was the duty of the *Dewan* to be acquainted with the contents of all Government correspondence, judicial and administrative. He was responsible for all answers sent to various other officials on behalf of the government. He was to keep a general superintendence over all public servants of the government, including the military. He was to be careful in observing how each official performed his duty, and to remark who was particularly deserving or otherwise. The *Dewan* was to help the *Furnis* in a proper execution of all proclamations issued by the *Sircar*. When the *jummabundy* of the districts was completed the *Dewan* was to inquire into the state of collection and remissions. He was every day to write the amount of the totals in the *Keerd* (daily accounts) of the *Furnis*, and also the *shullukbund* (balance) of the treasury. He was to keep the government reports on the conduct and work of the *Sir Subedars* and *Mamludars*.

The *Furnis* was to write his *Keerd* or daily accounts, compare them with the treasury accounts of payment and receipts, and was also to specify the different kinds of coins in the payments, receipts and balances. Having made the *Dewan* write in his own hand the total amount of the *keerd* every day, he was to give it over to the *Dutturdar* for the purpose of all items being posted under their proper heads in the *Daftar*. The treasury *carcoon* who kept an account of all receipt and disbursement of gold, silver, clothes, etc., was to submit his account at the end of each month to the *Furnis*, who entered the account in his *keerd* of that day. Sums of money received from the district by the treasurer were to be accounted for to the *Daftar* of the *Furnis*; from which account the *keerd* was framed, and the receipts with date and entry prepared by the

Furnis. The *Furnis* was responsible for a speedy preparation of the papers of the *Daftar*, any delay was to be explained by him to the *Sircar*. The *Furnis* was to see that the muster and pay accounts of the *suwars* and *sebundies* were properly made out. The *Daroghas* were to furnish the *Furnis* with a description of the army; and the muster was taken in the presence of the *Furnis* and the payment made under his superintendence. The employment and discharge of public servants by the *Sircar* was written in the *Daftar* of the *Furnis*. All revenue papers and those dealing with *Enams* were to be written from the *Daftar* of the *Furnis*, and having been entered in the *keerd* the *Furnis* was to insert the date. On all papers relative to fines the *Furnis* was to insert the sum, names of the parties and the causes for the levy of those fines. All orders for payment on the treasury were to be written in the *Furnis*' department. The *Furnis* was responsible for inserting the dates on the *yads* held by the *Daroghas* regarding the enlistment, discharges and furloughs of the *suwars* and *sebundies*. Like the *Dewan* the *Furnis* was to keep a close watch on the *Dufterdar*, *Sir Subedar* and *Mamlutdar*. When the *Dufterdar* was absent the *Furnis* was to take over his duty.

The *Dufterdar* was to act under the orders of the *Furnis*. The *Dufterdar* was to help the *Furnis* in the preparation of the daily *keerd*. All the revenue accounts of the districts were to be strictly investigated by the *Dufterdars*. When the *jummabundy* of all the districts was fixed, the *Dufterdar* was to examine the collection, balances and remissions. He was to exert a very strict and active superintendence over all revenue matters. He was responsible for all the *puttis*, whether of the *jumma* or the *khurch*, and all increase and deficiency was to be explained and pointed out by him to the *sircar*. He was to answer all the references of the *Furnis* and when the *Furnis* was absent to perform his duties. At the end of the year all revenue accounts were to be explained by him to the *sircar*.

All papers regarding *wuttuns*, *enams*, *jagirs* and *surunjams* were to be written by the *Ohitnis* after due information from the *Daftar* and explicit instruction from the *sircar*. He was

to write all letters conferring honorary rewards, dresses of honour, letters of condolence, congratulations, etc. He was to write all papers regarding the release or resumption of personal property. All regulations, treaties, kowl on waste lands, passports, and all *taked putters* were to be prepared by the *Ohitnis*. Over and above the preparation of these papers and letters, the *Ohitnis* was to keep all documents regarding settlement of disputes about *wuttuns*, giving *pryuscheet** and for making *gotye*,† and orders to *joshis* and *oopaddeas*. He also kept the *Musab putter*, or papers levying fines. All dispatches received from Jagirdars were read and answered by the *Ohitnis* in the presence of the Raja and the Resident. He had access to all letters from the *mamludars* which he opened, read and answered. The *Ohitnis* was to keep a record of all official correspondence, he was responsible for the dispatch of all letters, and it was his duty to be always present, to give information on all subjects and to make himself thoroughly the master of whatever was told him.

The services of the mang, mhar and ramossees and the whole village establishment were required for the maintenance of peace and order in the country. The *muccadam* assisted by his *chougula* was to keep everyone to his daily and nightly duty. The *kulkurni* was to read and explain the orders sent by government. When any order was imperfectly understood the *patel* and *kulkurni* were to apply to the *shaikdar*, *mamlutdar*, *sir subedar* or the *Huzoor* for a clear explanation. Ignorance was no plea for neglect. Whenever the district ramossee-naik requested the *patel* for his mang, mhar or ramossee *rukhwali*, they had to be immediately sent. The *patel* was duty bound to afford the Naik every aid and information.

The practice of the former government, to make the village inhabitants pay for any robbery committed of the goods of a traveller or merchant, was revived. It had been

*Re-election into the caste of Brahmin.

†Re-election into the caste of Mahrattas.

abolished for some time by the new government, but it was soon found that the villagers became careless and refused to aid the authorities in recovering stolen property. In addition to the watch and ward, a small village had one mhar and larger villages two, to keep a watch on all strangers arriving at the village. The inhabitants were allowed to keep arms in their houses and even travel about with them. When the number of armed villagers in body exceeded 25 they were to apply for a *dustuck* from government. The precaution was against any attempt at plunder or gang robbery.

The *patel* of each village was to cause every night five, ten or fifteen persons, according to the size of the village, to sleep in the *chowry* or temple with arms. In case of any alarm at night they were to repair to that place. This duty was to be taken by rotation. Any intelligence of thieves or robbers was to be immediately sent to the adjoining villages, so that the news may spread over the whole country. A messenger was to be dispatched by the *patel* to the *mamluidar* with a description of the incident carefully drawn by the *kulkurni* without the least exaggeration.

In case of any person wounded or murdered the villagers were to give instant information to the *patel*. The *patel* was to make minute inquiries into the circumstance of the crime. Should any dead body be found, the *patel* accompanied by the *kulkurni* was to examine the body carefully, to write down the position and spot in which found, and any circumstances that appear likely to have occasioned his death. Should the case be one of murder they were to note the exact part of the body where the wound was inflicted, its size, nature and by which instrument caused. In case of death by poison, strangulation and the like, when external marks of violence were less apparent, minute inquiry was to be made.

In investigations of this nature the time, date, persons present when the body was found and persons present when

it was examined were all of utmost importance. The *mamlutdar* or *shaikdar* were to be immediately informed of the incident. The *mamlutdars* were to see that the above rules were very carefully conformed to by the subordinate authorities. Any person who attends a criminal trial in modern times will have the opportunity to see that these very rules laid down a hundred years ago are very closely conformed to even today.

(a) Any person harbouring a murderer or receiving stolen goods was punished severely. (b) There were dangerous persons in certain villages who were closely watched by the *patel*. (c) When criminals were apprehended they were examined and their statements taken down. (d) No corporal punishment was allowed to extort confession. (e) There was to be no delay in committing the prisoner to trial. (f) A monthly list of all crimes had to be sent to the *Huzoor*. (g) When a thief was committed for trial the police were to send all particulars of the prisoner's former conduct, and an account of his property and means of livelihood.

The *mamlutdars* whose districts adjoined States were to be careful to apprehend a criminal before he escaped into the adjoining territory. Should a thief elude the grasp of the *mamlutdar* the pursuit must be carried into the neighbouring State till the criminal was apprehended. When such an offender successfully escaped, his name and description was written in the monthly list of crimes sent to the *Huzoor*, and every opportunity was sought to bring the criminal to justice.

Transmission of intelligence was regarded of great importance to an efficient police. With that end in view there were placed horse *dawks* from Merah, Wai, Buttees, Serala, Nataputa, Nazeera and Bijapur so that *mamlutdars* could easily extend their lines of communication. There were also *dawk* runners from the Tewra ghaut to Sattara. Guard houses in the ghauts had a carcoon and mang or ramossees stationed with them to watch the pass and to prevent gang robbers from assembling. Every facility was given to forward the *dawk* of

the British government. In all villages on the highroads there were *chupprasis* stationed, whose business it was to furnish all articles of supplies and forage to English gentlemen and respectable Indians, at a fixed rate. When troops were passing through the country, the *mamlutdar* was informed of their necessary supplies which were procured by the *chupprasis* at fixed rates.

For the dispensation of civil and criminal justice the Resident had introduced the same principles as adopted in the British owned districts. Arbitration and *punchayets* were encouraged and the *patel* and *mamlutdar* requested to interfere as little as possible in disputes. The powers and functions of the village and district officials were the same as in other districts, and the *punchayet* enjoyed the same privileges and limitation as elsewhere. Only in the case of a *gonahgaree* we learn of the actual percentage levied on the party which lost the suit. It was as follows: on the value of from 100 to 10,000 rupees a *gonahgaree* of 10% was levied. On the value from 10,000 rupees to 20,000 a *gonahgaree* of 8% was to be paid. On the value of 20,000 rupees to one lac a *gonahgaree* of 5% was levied. According to the value of the property in dispute of an *Enamdar* or *Jagirdar* he was to pay on account of *hurkee* and *gonahgaree* a certain percentage. Of this one-third was paid as *hurkee* by the person gaining the cause and the remaining two-thirds was to be paid as *gonahgaree* by the party which lost the cause. A security from both the parties, in all cases, for the *hurkee* and *gonahgaree* was taken before a *punchayet* proceeded to try the cause.

“The Honorable the Governor in Council” wrote Mr Farish, Secretary to the Government of Bombay, on the 2nd August, 1821, “derives great satisfaction from the hope expressed by Captain Grant that the entire powers of internal administration of the Government may be made over to the Raja after the revenue settlement of the current fusslee; and authorizes Captain Grant to put the affairs of the Government in train to be transferred accordingly on the same day of the month of Chetur (April) as that on which the Raj

was placed on his gadee." Thus was the Sattara State established.

John Briggs as British Resident in 1826, nearly five years after the transference of power to the Raja, bore evidence to enthusiasm of the Prince to improve his country. In the last two years His Highness had brought an aqueduct into the town at a considerable expense which supplied the great need of water during the hot weather, where formerly it was difficult to procure. He had within the same time opened several new streets, and was even then about to construct a new road opposite his palace of nearly $\frac{1}{4}$ of a mile in length. The Raja had also resolved to construct a road over the Kuroolsy and Rurtoondy ghauts direct to Par, situated on the brow of the Konkan, and leading direct to Mhar. He had for that purpose already set aside funds, and he was in hope that the British Government would be induced at a future date to cause the Par ghaut to be opened so as to complete the line of communication with the sea.

Some provisions became necessary to secure the goodwill of the the innumerable jagirdars of the late Peshwa, and pay the price of their treachery during the late war. To the jagirdars in the newly created State of Sattara, Elphinstone was willing to grant British protection, provided the jagirdars voluntarily chose to be under British authority. What were the claims of these Mahratta Sirdars on British bounty ?

The *Punt Suoheem** was entitled to particular consideration as he was one of the first who left the Peshwa, on which account Elphinstone promised him his whole jagir, except his claims on the Nizam's country which formed a considerable part of his dominions. He was given the choice of either being under the Raja of Sattara or the British Government. *Shekh Meeran* of *Wye* was likewise entitled to the same consideration for his early submission. His estates were in the Company's dominions but he resided at *Wye*, and it went

* These names are spelt just as they are in the records. Raja of *Manowly*

felt that the Raja ought to give the *Shekh* an indemnity because he was an old adherent. The amount was small wrote Elphinstone.

Although the policy of the Putwurdhuns was wavering and undecided, they soon took the important step of separating from the defeated army. This it appears was done with the Peshwa's permission, and with the intention of keeping up a close connection with him as well as the British. Yet the impression, said Elphinstone, made by this conduct "was nearly the same as that of an open defection." Of the large family of the Putwurdhuns, *Gunput Rao of Tausgaum*, though not included in the British guaranty of Punderpur, was the first who decidedly took part with the British and was therefore according to Elphinstone "entitled to particular attention." General Munro throughout the late campaign had assured all the Putwurdhuns that their condition would be better under the British than it had been under Bajirao. As the war progressed Elphinstone and Munro made an additional promise of "the prospect of a small addition to their lands." The *Kittokur's** conduct was "still more friendly" wrote Elphinstone. He remained at home from the commencement of the war, and though he had a small party of horse with the Peshwa, "he showed much more readiness to act with General Munro" than with the unfortunate Peshwa.

In discussing the manner of rewarding these partisans it appeared to both Munro and Elphinstone that the Putwurdhuns should receive an addition of about Rs. 8,00,000 in all. This sum was to be made up as much as possible of portions of revenue of their jagirs which had been formerly reserved by the Government according to the Mahratta practice. The other alternative was to give additional villages contiguous to their Jagirs "as might be most agreeable to them." This charge, and that of rewarding other British adherents, according to Elphinstone would amount to at least 5 lacs of

in ?s.

of the

Desai of Kittur.

The *Dessye of Kettoor* appeared in the dual form of a Jagirdar and the descendant of an ancient tributary. His ancestors had been petty princes of Kittur until it was conquered by Tipu Sultan. It was ceded again to the Mahrattas by the treaty of 1792, and the Peshwa had employed the present Desai, a descendant of the former princes, as his Collector. The Desai took advantage of the troubles that followed Bajirao's accession to establish his own independence. He was later persuaded by the then British Resident, Sir Barry Close to come to Poona and to agree to pay 1,75,000 rupees for the territory he held. It was at this time that the Peshwa conferred a jagir on his second son for the maintenance of 500 horse. In spite of these favours the Desai's payment had always been irregular, and Bajirao was strongly disposed to resume his territories which were valued at 6,00,000 rupees. Nothing therefore could be expected by the Peshwa of this sirdar on the eve of the fourth Mahratta war.

General Munro and Elphinstone were of opinion that the Desai was to be formally invested with his ancient character of a tributary Prince. His arrears were to be remitted, and his future tribute was to be fixed on a liberal consideration of his ability to pay. On no account was his tribute to exceed what he had been bound to pay to the Peshwa. Some arrangement was also to be made to indemnify him by deductions from his tribute. The Chief of *Ramdroog* had joined General Munro early in the struggle and was entitled to the possession of his lands. He was a petty tributary and could not be classed as a jagirdar.

Appa Dessye had remained with the Peshwa till his defeat by Colonel Adams. This Sirdar had all throughout the struggle kept up communications with General Munro or Elphinstone, he had counselled peace to the Peshwa, and had shown no particular activity against the British during the war. For these reasons Elphinstone was willing to admit *Appa Dessye* to the terms of Punderpur "as far as was consistent with a promise I had made." The promise was to the Raja of Kolhapur that the disputed districts of Chickori and Manowly

would be taken from *Appa Dessye* and handed over to him. The districts were worth from Rs. 3,50,000 to Rs. 4,00,000; excluding these the remainder of *Appa Dessye's* jagirs amounted to Rs. 3,50,000 of which lands valued at Rs. 80,000 were sequestrated and lay with the Nizam. General Munro was requested to promise *Appa Dessye* the restoration of the sequestrated lands, or an indemnity (which was to be paid by the Nizam), and a further promise of favourable consideration "in case of good behaviour." Elphinstone intended this consideration to extend to a grant of land equal to a fourth of the value of Chickori and Manowly, "provided the amount of that portion did not exceed a lac of rupees." Elphinstone was not certain at the time of this recommendation as to how far General Munro considered *Appa Dessye's* conduct to have entitled him to the fulfilment of these intentions.

Elphinstone wrote to Lord Hastings that these Jagirdars were to be governed according to the terms of Punderpur, which were founded on the ancient custom of the Mahratta Empire. They were, therefore, to have the entire management of their own jagirs including the power of life and death, and were not to be interfered with by the government unless in case of very flagrant abuse of power or long continuance of misgovernment. Their contingents could only be called out for general service, but they were to assist in quelling any disturbance in their immediate neighbourhood. When their contingents were called out, one fourth of the stipulated number of horse was to be considered sufficient, for Elphinstone said, that if any stricter rule was observed, "they will be losers by their transfer to our government." These rules, regarding the independent authority of jagirdars, applied more strongly to the *Punt Sucheem*, and still more to *Angria* on whom the late Peshwa seemed to have had no just claim but that of conferring investiture and certain attendant privileges.

The lesser jagirdars had no contingents to furnish, and held their lands like private estates. They were under the authority of the British magistrate, but that authority for

a time, according to Elphinstone, was to be exercised "with caution and consideration for the habits and practice of the mahratta chiefs." These jagirdars were divided into two classes. Persons holding lands for the payment of troops, and those holding lands for their own support. The former class of jagirdars had lands not only for their personal expenses but also for the maintenance of troops. Where these type of jagirdars did not immediately join the British on the declaration of a war with the Peshwa, Elphinstone suggested to the Governor General to leave them only a part of their estates and deprive them completely of all military command. "It is politic and humane" he wrote to Lord Hastings, "to allow a liberal maintenance even to those who have obstinately resisted us, but it is neither required by humanity nor policy to give such persons the command of troops paid from revenues which have fallen into our hands." The individuals whose lands were assigned for personal support alone were allowed to enjoy them, even if they had been in arms against the British during the late war. It would, however, be necessary, felt Elphinstone, that alterations in allotment of Jagirs would have to be undertaken. The allotments were to be strictly done according to desert. Out of a total revenue of Rs. 65,00,000 after deducting all the gifts in lands to the Putwurdhuns, the jagirdars and the Raja of Sattara about Rs. 24,00,000 was all that remained to government, but a very moderate allowance for the falling off of the revenue would even reduce that sum to about 15 lacs.

CHAPTER V.

EFFORTS AT SOCIAL UPLIFT.

It was the aim of all the best British administrators to give India the boon of Western science, lore and education. It was their desire to bring light where they believed was ignorance, superstition and darkness. How far these aims were born of a genuine desire to ameliorate the lot of the common man, or to make the new conquest more homely by the introduction of Western ways and behaviour, is a matter difficult to decide. It cannot be denied in the light of Anglo-Indian history, that few, if any of these foreigners had at heart the moral and material progress of India. The spread of education, the abolition of sati and slavery and quite a host of other social changes that followed in the wake of Anglo-Indian administration has been claimed by some as the gift of the British rule in India. To quite a large number of Indians this social progress was inevitable whether the British had come or not. Moreover, especially in education, it is a popular belief that much would have been gained had Macaulay lost, in other spheres, even such obnoxious customs as the sati and slavery, would have with time died a natural death. It is not our purpose to weigh the effects of the British rule in India. It can well be said for them that much depended on the outlook and intellectual calibre of the people they set forth to enlighten in advanced ways of living, and in certain spheres in a very high sense of moral duty.

In 1820, Mr. Chaplin requested the government of Bombay to allow him to propose the establishment of a Hindu College at Poona. "Independent of its general benefit to the country" he wrote, "this measure would I am satisfied be received with the utmost gratitude and satisfaction at Poona, and would contribute very much to preserve the attachment of the learned bramins." It was the brahmin class that had suffered by a change of government, and it became a policy in the establishment of a new order to pacify a class of people who

had considerable influence "over the feelings and conduct of the people at large."

The college was not only to absorb the most learned shastris of Poona as teachers, but the poorer class of scholars were also to receive a small allowance during the prosecution of their studies. Prizes at the *dukshana* were also proposed for scholars in proportion to their acquirement. To make the institution popular, teachers were to be appointed in almost all branches of learning, although, wrote the Commissioner, "many of them are perhaps worse than useless." No measures were taken to introduce any branch of European science. Only when the complete confidence of the people was gained an attempt would be made to introduce improvements in education. Good government accompanied by education could alone "hope to ameliorate the people's moral condition."

Mr. Chaplin proposed to place the late Peshwa's library and his small Palace of Visrambagh at the disposal of the new College. He was confident of securing the services as teachers of some of the most learned shastris of Poona. With care and superintendence of the government "the establishment will do credit" wrote Chaplin, "to the enlightened and liberal policy of the British Government."

No student was admitted who had not made some progress in the sanskrit language. Such progress alone could enable the individual to study the *shasters* the *vyākurn* (grammar) and *Alunkar* (belles lettres) at the college. The *shasters* were regarded of prime importance, and no amount of the study of *veds* could exempt the students from the study of at least a few *shasters*. The study of *shasters* was regarded as a primary qualification. The other subjects were *Nyayee* (logic and law), *Dhurmshaster* (religion and justice), *Jotish* (astronomy and mathematics), *Vedant* (philosophy and divinity) and *Vydyic* (medicine).

To encourage education all students were admitted gratis, and for the support of such as were badly off an allowance of

five rupees every month was permitted. One hundred poor students drawing Rs. 5 a month were admitted to the college. They were chosen from "amongst the children of poor, respectable and learned men." When a student was 18 years old on his admission he could continue his studies up to 7 years, those at 16 and 17 to 8 years, from 13 to 15 to 9 years and from 10 to 13 to 10 years. At the end of these years of study a student was eligible to any employment under government. Even the *dukshana* was continued. Out of the hundred students seventy studied the *shasters* and the remaining the *veds*. Each professor had ten students.

Examinations were to be held by government officers as often as it was found desirable. Annual examinations were to be held at the time of the *dukshana* on which occasion prizes were to be awarded, and a preference given to such students for employment in government. The award won by a student was to increase yearly according to his merit till it reached the highest rate of *dukshana*. Having received this award the student's education was regarded as complete.

No interference in the choice of a course of study was contemplated. But as formerly mentioned the *shasters* were regarded of greater importance than the *ved*. Such subjects as law, mathematics and medicine were to be more encouraged, and students of these subjects were awarded higher rate of prizes for proficiency than those in other branches. The shastris were to be impressed with the importance of their duty and were to carry them out "with honor and credit to their own character and advantage to the community." The Government would sometimes question the shastris on important points of law "to which the most satisfactory and unbiased answers to be expected." The students and professors were both subject to removal by government for negligence or improper conduct.

Raghoba Achary Ramanoje, a very learned shastri was appointed as *Mookhya Shastri* or Principal of the College. He was to exercise control over both the students and the teachers, a ll of whom were to give him implicit obedience and respect.

Admissions were strictly in the hands of Raghoba Achary. He was to keep a register of admissions, acquirements and progress of each student. He was to conduct their examinations and maintain "a strict discipline and constant surveillance over the whole establishment." His monthly pay was a hundred rupees. Besides him six other pundits were paid Rs. 60 each and two teachers Rs. 41 each. One mohammedan and eight assistant teachers completed the staff. The total expense annually for maintaining the above staff and 100 scholars at Rs. 5 each came to Rs. 14,840.

On the 7th October 1821, Mr. Chaplin gave the following account of the establishment of a Hindu College at Poona to the Chief Secretary to the Government of Bombay: "The Dussera had been fixed upon as a peculiarly fortunate day in the estimation of the natives, and a Public Durbar was held at the Visram Palace, at which all the principal inhabitants attended to witness the ceremony. After I had verbally explained the beneficent intentions of Government, a Mahratta translation was read for general information, and honorary dresses, were presented to the shastrees who had been selected for professors." The plan proposed formerly by Chaplin was accepted by Government. All books in the possession of the Government were handed over to the College, and a further supply was ordered from Calcutta. The Visram Palace housed the scholars as well as the professors.

In 1825, nearly four years after the establishment of the Hindu College, Mr. Chaplin wrote to the Bombay Government that the funds of the *dukshana* applied to the support of the Poona College were not "so beneficially employed as it might be." Nearly one third of these funds were dedicated to the learning of the *Veds*. Excellent as the *veds* are in speculations, in metaphysics and on the attributes of God, the Commissioner felt that the *veds* would be studied even without Government encouragement. "And it does not seem necessary," he wrote, "that we should make them a primary object of our patronage." It was but natural that Government should not omit such an important branch of Hindu learning when the

College was founded. But as modifications were always contemplated, Mr. Chaplin was of the opinion, that a portion of the funds appropriated to the *Veydant* school could with great advantage be gradually transferred to the improvement of those of the *Dhurmsaster* (Justice) and *Jotish* (mathematics and astronomy).

The Commissioner had no reason to be satisfied with the answers to his queries by the College shastris regarding civil and criminal justice. He therefore had, as he wrote, "fewer scruples than I formerly had in respect to the measure of engrafting some European improvements in the Poona College."

The school for medicine could not procure a fit Hindu teacher, and Mr. Chaplin wrote, that it seemed to him a branch of science in which they could with great advantage attempt to introduce an improvement, by extending to it some of the benefits of European science and experience. He was for appointing a European medical officer as Professor of medicine, surgery and chemistry. But such a department was to be separated from the Hindu College. The Professor was to teach all class of natives and half-castes. The school of *Alunkar* (belles lettres) and *Nyayee* (logic) did not appear to have been very useful nor could they ever, felt Chaplin, be rendered so. To Mr. Chaplin no branch of learning at the College could be rendered beneficial until "some European talent qualified for the peculiar task can be found to superintend the College." But in the introduction of any reforms, like Elphinstone, Chaplin suggested great care to convince the people that the Government did not interfere in any way with their religious opinions or prejudices. "Even with these precautions" wrote Chaplin, "it must be confessed there is some risk that European and Brahminical teachers would clash in the Poona College, for the shastrees here are a very bigoted, stiff necked race, exceedingly tenacious of their own dignity and privileges and imbued with much contempt for the learning of any other body but themselves."

In November 1825, the Commissioner was pleased to inform the Government, that the proposal to combine the study of English with Marathī in the Poona College was received favourably by the Principal and Professors. The students had taken so favourably to the proposal that they volunteered to go to Bombay and study English with the intention of acting as teachers on their return. A salary of fifty rupees was recommended for the English master. It was also suggested to pay the students who volunteered to go to Bombay to study English an additional scholarship.

To get an idea of the type of school education in Maharashtra on the advent of the British, we may take into consideration in detail the types of schools, students and teachers in any two of the important districts of the late Peshwa's dominions.*

Leaving out of consideration the number of schools in the city of Poona there were in the district 110 Mahratta schools, averaging 1 school to every 8 villages. The school masters were paid at the rate of 6 to 8 rupees per annum for each student. The better class of ryots often sent their boys (or one of the family) to a neighbouring *puntojee* (teacher) for instruction in reading, writing and arithmetic. The *puntojee* was also free to receive other boys on the ordinary monthly pay. It was even usual for the well-to-do to have private teachers of sanskrit in their family, who at times, taught also the children of the poorer neighbours. Often several families subscribed for a teacher. The great shastris taught gratis at their own houses; the poorer went to the homes of their students, from whom they often received presents.

In the schools of the City of Poona, fifty-one taught *veds*. The pay of the teacher was sixty to forty rupees a month. One teacher taught five to ten boys according to his ability. It took from ten to twenty years for the student to qualify for the *veds*. In ten other schools *Jolish* shaster was studied for a period of eight to ten years. The teachers of these schools were paid fifty to a hundred rupees per month. On the same system the

*Two separate charts are given for Khandesh and Dharwar.

EDUCATION IN KHANDESH — 1825

District	No. of schools	Subjects taught	Masters	Income of the Master	Total no.* of students.
Khandesh ...	198	37 (veds) 17 (Jotish shaster) 6 (medicine) 15 (law and grammar) 104 (maharatta writing and arithmetic) 19 (Persian and some Arabic)	60 were brahmin and others soodras	52½ reas for each student	2022 of these 486 (brahmins) 267 (bayans) 105 (sonars) 112 (simpees) and the rest soodras of various castes

*Remark :—

The number of boys who do not go to school was 34,859, including 4270 bhils, 1836 mussulmans, 2295 mhars, 2022 brahmins, 1395 wanees and the rest soodras of various castes. The number which attended school as compared with those who did not was 18 to 1.

EDUCATION IN DHARWAR — 1825

District	No. of schools	Subjects taught	Masters	Income of the Masters	Total number of students
Dharwar (Carnatic)	150 (In 12 talukas of the Princi- pal Division not including Kittoor)	79 (Marathi) 59 (Kanarese) 7 (both the above languages) 5 (Persian)	161 of which 94 were Marattas and 67 are lingaets.	The average payment to the teachers in the Principal Division was for each pupil 1 gr. and 62 reas ; and to each teacher it came to Rs. 4. 1. 62 per mensem.	2348 of these 1164 (lingaets) 649 (brahmins) 64 (punchal artificers) 99 (Mussulmans) 61 (weavers) 48 (jyors) 65 (mabrattas) and the rest of other castes and occupa- tions.

Remark :—There are in the sub-collectorate south of the Bhima, 86 schools and 1049 students.

In the sub-collectorate of Ranibednore etc., there were 34 schools and 541 students.

The higher branches of Hindu learning were not mentioned. It was explained that brahmins gave instruction as private tutors in the vedas and shasters gratis, or on the receipt of presents of food etc., or service from the boys.

vedant was taught in two schools, the *Mimans* in one, the *Dhurmsaster* in four, *Nyayee* or logic in seven and *Vyakurn* or grammar in ten. The *Alunkar* and *Wyd* were taught in four schools.

There were also in Poona fifty-three Mahratta schools, one master taught twenty-five to forty children and received from two to eight annas a month for each child. There were two *telingee* and one *goozrates* teacher paid at the rate of four to eight annas a student. Persian was also taught by two teachers who charged from one to five rupees a student. One master taught five boys. The boys entered the school at the age of six to eight years and finished their studies in about eight to ten years. In the English school which was supported by the Bombay Education Society thirty-six students attended.

The following were the number of schools in the District which taught chiefly gratis, or with voluntary presents, the various subjects:—

Schools which taught <i>Veds</i>	...	...	38
“ “ „ <i>Shasters</i>	...	...	2
“ “ „ <i>Poorans</i>	...	...	2
“ “ „ <i>Alunkar</i>	...	...	2
“ “ „ <i>Persian</i>	...	...	3
“ “ „ <i>Marathi</i>	...	...	110

Averaging at fifteen students to a school the total number of students in the Poona district came to 2445. Estimating, therefore, the boys in the District from five to fifteen years of age at 60,000 the average numbers instructed were about one in every twenty-five.

The proportion which the number of schools actually bore to the number of villages in the Ahmednagar district was about one to eighteen. But as there were many villages in which

there were several schools it could be assumed that there was only one school in every thirty-five villages throughout this Collectorate. No allowance was granted to the school masters by Government in any of the schools. In all the schools where the *veds*, *shasters* and astrology were studied they were supposed to be taught gratis. The masters may have occasionally received cloths, grain and other presents but they had no fixed allowance. The income of a master therefore averaged about three rupees per month in Ahmednagar. This pittance compelled the *puntojee* to have recourse to other means of livelihood.

In 1824 there were in the city and district of Ahmednagar about one hundred and sixty-one schools in which the following languages etc., were taught:—

Marathi reading, writing and accounts	...	...	114
The <i>shasters</i> , <i>veds</i> and astrology	...	...	35
Persian and Arabic	...	...	8
Telingee	...	...	1
Marwarry	...	...	1
Medicine (Wyd)	...	...	2
			<hr/>
			161
			<hr/>

The total number of boys in the villages where there were schools was about ten thousand of whom two thousand three hundred and thirty nine (2339) attended the schools. Of these more than one half were brahmins, about two-fifths of the remaining were cultivators, one-fifth weavers and goldsmiths, one-fifth marwarris, guzaraties, bunias and goozoors, and the remaining a miscellaneous lot consisting of tailors, oilsellers, peddlers, mussulmans, etc.

The teachers were equal in numbers to the schools which were one hundred and sixty one:—

Brahmins	...	...	...	...	128
Kasts	...	...	...	...	2
Brahmunzyees	...	...	...	...	5
Jungum	...	...	...	...	1
Simpee	...	...	...	...	1
Bunias	...	...	...	...	2
Oilseller	...	...	...	...	1
Marwarry	...	...	...	...	1
Sonars	...	...	...	...	5
Larhs	...	...	...	...	2
Goluks	...	...	...	...	2
Purdesees	...	...	...	...	1
Mahratta mallees	...	...	...	...	2
Mussulmans	...	...	...	...	8
					<hr/>
					161
					<hr/>

Mr. Chaplin in submitting these returns on education in Maharashtra came to the conclusion that as far as the mass of population was concerned, the state of education was at a low ebb, and the remuneration to teachers extremely inadequate.

It was admitted in every report on education that much benefit would ensue from increasing the number of village schools, and placing the masters on a footing of respectability. "The gradual improvement of morals," wrote Chaplin, "by laying the foundation of good principles and the consequent diminution of crime will be the necessary result." There appeared in the Commissioner's opinion an anxious desire for instruction, and nothing in fact was required to encourage and give a proper direction to the impulse, but a pecuniary sacrifice

by the Government, which according to Chaplin, did not exceed 50,000 rupees for the whole of the Deccan. The plan suggested by Colonel Robertson, Collector of Khandesh, combined with the expedient which rendered the income of the master dependent to some extent on the number and proficiency of his students, seemed to Chaplin more likely than any other to promote the great object of extensive education by Government.

The Mahratta custom that parents should pay something to the teacher was to be continued. "Education should not be offered entirely free of expense," wrote Chaplin, "though I am of opinion that it should be diffused as cheaply as possible." The introduction of any scheme was to be gradual as the wealth of the people increased, for the people were to share the burden of education with the Government. Schools were to be established where there was a demand for education, for if schools were instituted where they were not wanted they would merely supersede those that were actually in existence.

In the village schools reading, writing and arithmetic were, said Chaplin, almost the whole of the acquirements to be attended to. They constituted the entire demand, and he apprehended that the demand was not general in a country where the people were agriculturists, and the services of the children from earliest age were required in the fields. If even one member of each family of a respectable ryot had the opportunity of instruction, the example, felt Chaplin, would be attended with good effect. And in course of time the spread of knowledge would doubtless become more general.

Every Collectorate had effected a considerable saving by an inquiry into all unauthorised allowances of *wurshasuns*. It was the suggestion of some of the Collectors to utilise this saving for the opening of more village schools. The Commissioner wrote, that "the saving ought not I think to be connected with the object of education." The village expenses were brought within moderate limits in almost all Districts, and Chaplin was of opinion that an application

of a part of them for the support of schools would be a tax on the revenue. He feared that the liberality of Government would be appropriated for private rather than public benefit.

In order to encourage education, Government had the intention of only employing those who could read and write. But Chaplin wrote that in a country where only a very small proportion of the lower orders got the opportunity for education, it would be very unfair to the people to demand the qualification of reading and writing for government employment. "Such an advancement in knowledge" he wrote, "is not to be expected under a century or two." Even in a place like Scotland, wrote Chaplin, where education was more general than in any other European country, it nearly took a century for the proper spread of education. The beginning of the 20th century, felt Chaplin, was a sufficiently "early period for the commencement of the operation of the suggested rule in India." Little did Chaplin realise that within the first four decades of that century the British rule in India would come to an end. As years followed not only did India become materially poorer and poorer, but even intellectually she continued to sink, till within a hundred years of British rule nearly 95% of her teeming millions could neither read nor write. Her foreign masters desired to educate their new subjects in democratic principles of government, with little or no realization, that such a form of government needs the most enlightened and highly educated public opinion to make it a success. Today, when they are no more with us, we have still to realize that the only salvation of our country is a mass literacy drive. If the power to govern is to rest eventually with the people it is the duty of those in power today to educate the future rulers of India.

The subject of domestic slavery in the Deccan required to be regulated by some legal sanctions when the British occupied the dominions of the Peshwa. The control of slavery had a two-fold aim, on the one hand to prevent the oppression of slaves as well as to check the traffic; and on

the other hand to obviate the injustice that would be occasioned to private property by any interference amounting to an absolute prohibition of the sale of what had hitherto been considered a marketable commodity. From all the queries on the subject of slavery it was observed that it was very prevalent in the Deccan and it had been recognised by the Hindu law and by the custom of the country from time immemorial. It was, however, a very mild and mitigated servitude and it differed essentially in many particulars from the European slave-trade, which to the honour of humanity the stricken conscience of Europe was making an effort at this time to abolish.

Slaves were treated by Hindus with great indulgence and if they behaved well were considered rather as hereditary servants of the family than as menials. In the houses of the upper classes the slaves were treated with affection and allowed to intermarry. The offspring of such connections though deemed base born, if males, were often considered free, but if females they continued to remain slaves. Marriage, however, was equivalent almost to emancipation, because when married, slaves became rather a burden to their owners.

Many respectable brahmins had one or more slave girls and in a Mahratta household of any consequence they were reckoned indispensable. The female slaves were called *loundees* and the offspring of *loundees* by a brahmin were designated as *sindey*. These offspring did not acquire the character of pure Mahratta blood till the third generation, though they called themselves Mahrattas from the first. The children of a Mahratta by a *loundee* took the family name from the father, but the stain of blood was not wiped out till after the expiration of the third generation.

A slave girl could not quit her master without his consent, but the master was obliged to clothe and feed her, and provide for the children whom she might bear him. The master could chastise his slave with moderation, but if death ensued by

maltreatment he was severely punished by fine, or otherwise according to the pleasure of the government. A master could sell his slave, but in the upper classes it was not considered respectable to do so.

A woman of the Mahratta caste found committing adultery or fornication was sometimes condemned to slavery and debtors had sometimes become slaves to their creditors. But the greatest portion of the slaves were reduced to that condition in times of famine, when parents sold their children for the purpose of saving their lives and themselves from starvation.* A few years before the British occupation a great number of slaves had been imported into the Deccan due to previous years of famine. It was the most effective means of alleviating scarcity. One of the greatest evils, especially in Dharwar, was the kidnaping of children for the purpose of selling them in distant countries as slaves. This was commonly practised by the *tumans* and *bringaris*.† The only way in which this practice could be stopped was to keep a close watch on the *bringaris* when they entered the district and when they left it. No children were to be sold of whom a satisfactory account of the manner of procuring them was not given.

In 1819 the Government of India wrote to the Bombay Government :

“The importation of slaves by land or sea and the sale of such slaves are strictly prohibited in the Dominions under the Presidency of Fort William; and His Excellency is not aware of any sufficient objection to the extension of a similar prohibition in the Territories conquered from the late Peshwa, as well as to Dominions under the Presidency of Bombay generally, if it do not already exist in those Dominions.”

It must have been quite some time before the above notification of the Central Government was made effective.

*See the Economic History, p. 295—R. D. Choksey.

See the Period of Transition, p. 220—R. D. Choksey.

† Carriers of goods from district to district.

In 1820 Captain Robertson had to take under his protection some children brought to the Poona market to be sold as slaves by the *lumans*. Many of these children stated that they had been stolen from their parents in the Nizam's dominions. "There now remains" wrote Robertson, "about twenty children and youths of both sexes under my protection, who are fed at the expense of Government until some means shall be found to deliver them back to their parents." This merciful attitude it appears had to be given up within a day or two, for we learn that the Commissioner questioned the wisdom of the Collector in believing the children as being stolen. In keeping with the early British policy of no interference with the established customs of the country, Robertson wrote back: "I have therefore complied with your direction in regard to the light in which they are to be considered by transferring them as slaves to those who had bought them, and shall order their value to be paid to the inland carriers on their return to Poona from their present trip. I have also confirmed the right of the master to hold in slavery those always given up as servants."

Suggestions to control slavery in a variety of ways kept pouring in during the years that followed. In 1825 we have Mr. Robertson, the Collector of Khandesh, suggesting to Mr. Chaplin a regulation to forbid people buying children from the *lumans*, *bringaris* and all other migratory tribes. All disposal of slaves was only to be allowed after the permission of a European authority of that place was procured. In no sale was the parent to be separated from the child till it was 12 years old or the wife from a husband. In times of famine the utmost care was to be taken by the authorities when such transactions of children took place. To provide a check against eluding the regulations, a registry of the slaves in each taluka was suggested. The register was to contain the name of the owner, the name of the slave, the sex, age, height, colour, etc. Any person who having a slave or having bought one and not registered the same was liable to penalty or his claim to the slave was invalidated. The above rules if rigidly followed would defeat even the kidnapping of

children. The entire import and export of slaves would be effectively checked. "Unless the sale of slaves is properly controlled no penalties against kidnapping would be effective," wrote Robertson.

The greatest difficulty was to give effect to the rules prohibiting the import and export of slaves. Intimidated by their possessors the children gave any account of themselves that they were intored to give by their owners. While the custom farmers* considered it their interest to keep on good terms with the *bringaris* and other such traders they would afford but little aid to the wishes of government in respect to such prohibition. Under such circumstances the Register would be the best check as far as the Company's territories were concerned. "Indeed, it will be the principal check at our command" wrote Robertson, "and is therefore indispensable if it be heartily desired to put a stop to the encrease of slavery, and to the evil of kidnapping children". Another means to check this export and import of slaves was to reward the informer on the conviction of the guilty party. And finally when the custom farmer was convicted of knowingly allowing a slave to be imported he should be heavily fined or imprisoned. A committee it appears was at this time (1825) sitting to consider and revise the regulations for the control of slavery in the Deccan.

"Having worshipped the stone (on which the widow steps to ascend the pile) let fruits and flowers be taken in the hands (open). Then walking round the fire three times, let the following invocation be repeated. 'O fire! thou who pervadest and art the essence of every living being; thou who triest all, who alone knowest man, be thou my guide now, that overwhelmed with the sorrow of widowhood, I am about to accompany my husband; and do thou conduct me to wherever he now is. Having consumed my whole body do thou re-embody me again, and thus also do to my husband; and now

* Customs were farmed to the highest bidder, so that Custom farmers had to be on the best of terms with the *lumans*, *bringaris* and such other important carriers of inland trade.

embracing my husband I enter into thee." Such were the prayers offered by a sati before she ascended the funeral pile. The Shasters said: "Saying thus let the widow enter the grass house and with her own hands set it on fire with a blazing firebrand. Then let her children and relations considering her life gone, set fire to the pile on all sides."

"The number of persons assembled was at least five hundred, and the streets leading to the Boodwar Palace were filled with people curious to know the result of the discussions regarding suttees." Thus wrote Captain Robertson, Collector of Poona, to William Chaplin, the Commissioner, on the 10th December 1823. It was the yearly *dukshana* of the *dukshana* and Robertson had taken the opportunity to request the learned assembly to furnish him with a good account of plan of the pile termed in the shaster Trin Cootee", the exact meaning of which was a house of grass. The learned Wamun Shastree Sathey requested the Collector to quote any of the shasters in which a mention was made of any kind of pile. Robertson mentioned to him the name of two books, and "begged he would refer to them either there or at his own house." Robertson was pleased to learn that he was supported by several eminent shastris present in the assembly who told Wamun Sathey that the text referred to by the Collector existed. After an unconnected conversation on various points relating to the sati the assembly broke up under an engagement to meet again and to furnish the Collector with a plan for the construction of the grass pile in which the widow burned according to the intention and meaning of the shaster. Failing to do so the widow had to undergo a penance.

Mr. Chaplin had requested the Collectors in his circular of 27th November 1819 that they were to abstain from all interference in the practice of the sati. Such interference, he felt, would lead to persons feigning a resolution to burn themselves in the hope of being paid for desisting, at the same time it may excite a spirit of fanaticism which may inflame public opinion against the new Government. "You will ^{cc} course instruct the local officers under you" he wrote,

“to leave the sacrifices to take their course without either sanctioning or disapproving of them.” In spite of this early attitude of desisting from all interference with established customs of the country, the Englishmen could not abstain from the temptation of making an effort to persuade the people to give up this abominable practice of the sati. Robertson had observed that the method of burning the unfortunate widow was not in keeping with the doctrines of the shaster. He had reason to believe that these sacrifices were far from voluntary. The pile in which the widow was burnt was purposely constructed by the bigoted brahmin in such a way, that all escape for the unfortunate victim was impossible. No opening was left in the pile and the moment the pile was lighted the supports were cut down by those near the pile so that the entire structure fell and crushed the woman long before the fire consumed her body. Very diplomatically, in keeping with British ability and character, the *nama* Collector at one of the *dukshana* meetings in 1823, called the learned shastris of Poona to enlighten him on the exact nature of a pile described in the shasters in which a widow was to burn.

It was on the 8th of December 1823 that a large assembly of the most learned men gathered at the *Madwar* Palace to discuss the nature of the pile as described in the shasters. There were present *Mulhar Shrotee** the most highly respected of brahmins in the country. *Nilcunt Shastree* *Teuthey* and *Wittul Oopaddea* of *Punderpur* esteemed the most able men, and the most deeply versed in the teachings of the shasters in the whole of the Deccan, and who instructed many young brahmins; *Raghoo Acharya*, an eminent scholar, the Principal of the Hindu College at Poona; *Hur Bhut Casscekur*, a Benarese brahmin of great celebrity; *Chintamur Dixit*, *Gunesh Shastree* of *Rajapur* and many other eminent shastris had all come from various quarters. Such was the gathering that had attracted a large crowd to witness the discussion of these eminent scholars on the sati.

*The names are spelt as they were by the Collector.

The discussion commenced with the Collector's request for the plan of the pile as given in the shasters. Mulhar Shrotee spoke in favour of the practice of burning the sati as it then existed. He admitted that the custom was nowhere described or enjoined in the shasters; but he contended that it was proper to keep it up on the ground that if a particular observance was legal, the most effectual means that could be devised for fulfilling it were also legal. To this Robertson replied that a sati being a voluntary sacrifice of life, compulsion or the imposition of an inability to retract while life remained, altered the nature of the observance altogether, and that therefore the means in this case by accomplishing an end which was illegal, must also be considered illegal. The shastri was then compelled to confess that it was lawful to provide against the want of bravery of some, who, having the courage and the will to commence could not command fortitude to carry them through the trial. Thus the brahmin sought protection for constructing a pile which did not amount to any voluntary sacrifice, but the victim having entered the pile was actually done to death for fear of giving her an opportunity to retract her resolution. Well could Robertson argue that the shastri's contention merely confirmed what he had advanced and showed that he was convinced that the greatest number of those women who went as satsis died involuntarily.

"I then adverted to" wrote Robertson to Chaplin, "the inconsistency of the practice of the present times, and of the arguments of Mulhar Shrotee, not only with the spirit, but with the direct declaration of the shasters. I said that the method of constructing the widow's pile was expressly declared to be in the shape of a *cootee* (a house, or thatched roof or arbour) a word implying an empty space covered at the top and sides, and having an entrance or door to it; and that in one book of high authority this *cootee* was directed to be made of grass: that it was impossible to reconcile the present practice in the construction of the pile with the description, or to allege that the striking away of the pillars of the pile loaded with wood, was according to the intentions of the shasters, in which

though every requisite observance is minutely mentioned this is not."

Robertson was at great pains to convince the assembly that from the description of the ceremony of a sati, it was quite evident that the *cootee* had a door, and this entrance was no doubt a large one, since the widow was enjoined to advance deliberately and slowly and lay herself by the corpse of her husband. It was also evident, said Robertson, to the shastris that the most authoritative works on the sati declared that the widow had the right to retract during any part of the ceremony her decision to die. The penance was to give a cow in charity or to fast for some days.

Much to Robertson's relief Nileunt Shastree and Wittul Oopaddea both supported his contention. The majority, it appeared, had come to be convinced by the Collector's enlightened arguments. "I told the shastrees" wrote Robertson, "on their declaring themselves convinced that I was highly gratified I had not in vain spent the time I should otherwise have devoted to government affairs in begging of them to discover the law of their shaster, and to reform the present practice of constructing piles for the immolation of widows according to it."

The result of the conference was the description by Wittul Oopaddea, of what he thought would be a proper pile for widows, constructed according to the meaning of the shaster. His description of the pile pleased Robertson so much, that with the unanimous consent of all gathered, he declared that widows in his district would only be allowed to burn in piles of that description. The following was the description of the pile. "The foundation of the pile on which the corpse rests, to be as high or as low as the friends or widow chuse to make it. Resting upon this foundation four sticks to be firmly erected at the four corners; and on these cross pieces of wood placed so as to support a roof of sticks; the sides to be composed of grass; and the height of this room to be such that the widow can easily walk in;

at one end a door or entrance which is not to be shut up; and the four supports not to be removed by the bystanders, but the upper part of the pile to be left to fall in on the burning of the props."

Here was now a pile which gave every opportunity to the victim to escape should she fail to bear the agony; while on the other hand it called forth great determination and courage to meet the end. If there was a sati she must be a woman of cool determination and convinced to sacrifice her life. Robertson refrained from requesting the shastris to revive the old law of penances for those who retracted after entering the pile. But he agreed with the shastris that when a woman declared her intention to burn, the new pile was to be minutely described to her. She was to be informed that if she failed to go through it and die, she would be consigned to the outskirts of the town and to the society of chandals (derhs). It was the opinion of every native, wrote the Collector, that not one woman in a thousand of those who otherwise might have sacrificed themselves would under the new regulations dare to burn themselves. Formerly the victim was actually done to death, now the sati would be required to meet her end fully conscious of the fact that no bystanders would dare to meddle with the pile, and she would subject herself to a most agonising death. Robertson felt that few, if any, would dare to attempt such a deliberate death, and while preserving the religious prejudices of the people the obnoxious sight of a sati would be very rare.

Robertson was anxious that this type of pile should be adopted everywhere. He was for requesting the magistrates to consult the shastris of their districts and persuade them to adopt the new regulations. Robertson was convinced that the new pile sanctioned by so numerous and learned a body, on such an occasion as the distribution of the *dukshana* and in the city of Poona would not fail to be adopted by the brahmins in other parts of the Deccan. Those who may choose to oppose it would have to oppose the opinion of some of the most able and learned men of their country. These

new regulations regarding the immolation of widows was approved of by the Government.

Just four months after the new regulation was passed the Collector of Poona was happy to write that six widows "who had declared they would burn with the bodies of their husbands were induced to abandon their resolution." They had requested the Collector to allow them to burn in any other description of pile than that in the form of a grass house. "These women" wrote Robertson, "would not venture the risk of their fortitude failing them." On Robertson's refusal to allow any other mode of a pile than the grass house one of the widows showed such resolution to burn that it was felt by all that she would have shown a practical specimen of the effect of the new pile. Fortunately Robertson's shastri terrified her by intimating to her the dire fate that awaited her if she failed in her venture.

Robertson was very much in favour of modifying this severe arrangement by allowing a sati on escaping from the fire to perform, as every shaster laid down, a slight penance. But the brahmins feared that their women would also surely fail and according to them a penance as laid down in the shaster could hardly balance the disgrace that would fall on the family. "I, in fact, tacitly yielded this point to them" wrote the Collector, "as I saw they were strongly bent on its being admitted, and it must be confessed that however harsh the rule may at first view appear...its severity becomes in some degree its excellence." It was therefore Robertson's opinion that they should rest satisfied, at least for some time, with the introduction of the new construction of the pile.*

A very disappointed Robertson wrote to the Commissioner on 7th June 1825: "I am sorry to have to report to you the successful immolation, yesterday evening of a brahmin widow

*"Mr. Borradaile has with great kindness favored me with a translation of some answers on the subject of suttees by a shastree of Surat to very judicious questions put to him. The answer to the thirteenth question describes a grass room about 18 cubits (allowing 4 cubits for the heap of cow dung and sticks on which the body rests) or 36 feet square to be the pile for the suttee and having a door to the south."

in a pile constructed according to the new model laid down by the shastrees of this place." I need not dwell on the fruitless efforts of the Collector and his friends to persuade this determined widow to give up her resolution to become a sati. A very poignant description of these endeavours are graphically given in Robertson's letter to the Commissioner. It was the first sati in Poona since the September of 1823. The defeated Collector wrote: "No argument, no dread of issuing from the fire and disgracing herself induced her to swerve from her purpose." The efforts of such an eminent shastri like Nilcunt Shastree Thuthey who threw in his weight with the Collector failed to shake the determination of the daring and resolute woman. The Collector was painfully conscious of the fact that any such single incident of a successful sati would put an end to his months of labour to eradicate this evil.

The widow told the shastris that came to persuade her to give up, that the terrors to them of the new pile were to her its beauties. She would show her devotion, her affection and her firmness. She was old enough to know what she could dare, and what she could do. The poor lonely soul pleaded that others were chained to life by some motives. She had no child to cling to her for protection. She had never known the weak tenderness of a mother. She was now an isolated being in the world, without friends, and without an affection that was not centered in her husband. She was positive that she would not like some tremble at the pile; and though fifty years had passed over her, she did not require to be supported to the performance of this last act of her duty and pleasure. Before such resolution even death had lost its sting or grave its victory.

I will not describe the construction of the new pile under the supervision of the Collector himself but will hurry to give the reader the last scene from the pen of Robertson himself:

"The conduct of this extraordinary old woman when preparing for death was characterized by the most determined bravery and coolness. She spoke to everybody, repeated the

invocations and prayers in an audible distinct and fervent tone, and walked her rounds about the pile over rough stones with the most perfect steadiness. Several gentlemen of the cantonment were present, and we once or twice believed that she had a reluctance to enter the pile, from a disposition we thought she evinced to loiter and converse. I, therefore, sent Neelcunt Shastree to her, who explained to her there was no disgrace in then retracting, and that I had requested him to beg her to reconsider what she was undertaking. She only smiled and sent me her blessings.

“After entering the pile and laying herself down an officiating brahin went in to her. I was afraid he was tying her down, but before I had satisfied myself on this head he again came forth and handed a light to the woman, who placing it between her toes lighted the pile at her feet, and then stood up with the light in her right hand, and with the most undaunted courage set fire to the pile in several places over her head. While she was employed in this manner the officiating priests were firing the outside. At first a slight fire was seen in various parts just as we observed the woman lying down by the body of her husband; but almost in an instant afterwards, the fire burst into a sheet of flame, and in about a minute and a half, the grass and the curbey of the sides having been consumed, the satee was seen dead with her right hand in the very position in which it was remarked before the flames enveloped her from our view--

“This event must be deemed unfortunate; but it will not be so much so when it is known that the chief effect it has produced is astonishment at the woman’s boldness and success. . . . The marvellous heroism of the act is the sole theme of comment. No one present at a satee ever witnessed so much coolness displayed. Neelcunth Shastree assured me that he never yet saw any strong young woman support the ceremony without a trembling and faintness that required for her the support of the attendants; but that this grey haired old woman had marched quicker, than he could walk his horse to the pile, without support.”

Before long said Robertson, notwithstanding the real heroism of the last sati, they were sure to have another at Poona. But he was certain that it would possibly be the last. The very fact that in the past the grass piles were given up, the entrance to the pile was closed, the supports of the pile were cut down ere the fire was lighted, all went to prove that the courage and daring of all women could not be trusted. The new pile called forth such resolution, coolness and courage that it could only dawn on a sati who had an abhorrence of life, and who must feel like the late sati the conviction that life had no purpose without her husband. Such souls who despair of all hope are fortunately very rare, and Robertson had hopes that the nine out of ten women who burnt themselves on the old pile would not burn in the new one.

Thomas Coats was the first European surgeon in charge of the medical duty in the city of Poona. He was in charge of an Alms house, an hospital, and was responsible for medical attendance to prisoners. The Alms house was an establishment from the time of the Peshwas. It was there to relieve "much real misery and to keep the streets of the city and the camp clear of many pitiable and disgusting objects." The institution was thought well of by the public, and was spoken of with great respect. Under Dr. Coats in 1819 it had 210 persons blind, lame, leprous or so diseased as to be totally unable to gain a livelihood by labour. The daily allowance to each patient was six pice which was less than three rupees a month. Those who were sick got two pice extra. This allowance though not even sufficient for bare subsistence, Coats was of opinion that it should not be increased, "not only on the score of expense, but that no undue encouragement may be held out to draw persons from a distance."

The establishment consisted of:—

one carcoon	...	...	Rs. 15 per month
a native doctor	...	...	Rs. 25 ,, ,
two servants (each six rupees)	...	...	Rs. 12 ,, ,

The salary of the carcoon was very poor wrote Dr. Coats and there was no sufficient check to the strong temptation to defalcate accounts. He requested special superintendence by either the Collector's surgeon or one Captain Fearon. It would help the establishment if the Collector could visit it occasionally, suggested Dr. Coats. The carcoon had to look after the hospital as well as the prisoners "which perhaps combines too much work for one person." The native doctor's salary of Rs. 25 included his expense for medicines also. He was, therefore, compelled to accept some occasional contributions from the patients, which according to Coats had to be stopped. The native doctor was a mohammedan Syed from Bokhara, and "seemed a well behaved man."

The total expense of this charitable institution came to Rs. 672 for the month of July 1819. This was considered by the surgeon in charge as quite trifling, and he wrote that "it would be cruel for the trifling saving to cramp the operation of this benevolent institution." The patients were housed in some private property which the owner was anxious to have restored to him. Dr. Coats, therefore, requested the *Tope Kauna* in Sukurwar Peth to be the future home of the Alms house.

In 1821 the Collector of Poona suddenly stopped all government aid to the Alms house. The Commissioner was not in the know of the Collector's orders. It was only when the patients one morning suddenly appeared in large numbers at the Commissioner's gate that Chaplin learnt of the Collector's action. He wrote to the Chief Secretary: "I learned with concern that this charitable endowment had been abolished by the Collector in conformity to directions which he had received through the civil Auditor."

The institution was authorised ever since the war by Mr. Elphinstone, and Chaplin wrote that the expense incurred by the new Government, compared with the disbursements on account of similar character by the late Government, were indeed very limited and poor. Chaplin said that the Alms house was not an asylum to idle vagrants, nor to mere invalids who were temporarily

deprived of the means of maintenance, but it was a refuge to such as were wholly blind, incurably lame or desperately diseased. Such an institution, therefore, was "neither exceptional in practice nor wrong in principle." On the contrary it occurred to him that it would be considered wise, if not absolutely incumbent on the British Government to maintain, in as great a degree as was consistent with their financial means, such humane endowments; and that it would at all events be cruel to suddenly turn adrift the miserable objects whose case he now submitted to the consideration of the Honourable the Governor in Council.

To this appeal by Mr. Chaplin, the Secretary Mr. Farish on behalf of the Government informed him that the Governor in Council was pleased to continue the allowance to the Alms house. But as such establishments were not found necessary in any other parts of the Company's possessions, and as the Governor in Council had no intention of introducing them generally, it was considered advisable to gradually reduce the one at Poona. This could best be done by bestowing a small donation, wrote the Government to Mr. Chaplin, to such of the patients as were disposed to return to their families. In the light of such policy the institution must have in course of time ceased to exist.

There was no suitable jail in the city and Dr. Coats suggested the necessity of one. The prisoners numbered about a 150 and were confined in three different parts of the town. About 64 were housed in a part of the Budwar Warra and were considered as well lodged, only four of them were reported sick. About 49 were in an open shed surrounded by a high wall in Bowani Peth, and 37 were in an open room over the gate way of the old Palace. Seventeen of these had fallen sick due to exposure and cold. The problem of housing prisoners was felt not only at Poona but in all the important cities of the districts. A large correspondence regarding not only the construction of prisons but rules and regulations for the maintenance of order among both the staff and the inmates can be found on record.

The daily allowance to each prisoner was 8 pice which was regarded as quite sufficient. Prisoners were allowed, it appears, to maintain their families from the prison allowance. "Three or four of the prisoners" wrote Dr. Coats, "have their families with them depending on them for their food, and complain of its inadequacy to their joint support." Blankets were supplied, and much attention was paid to cleanliness. Prison riots were quite frequent and a large number of reports on the record bear an evidence to such incidents.

Due to the frequent epidemic of cholera there were three hospitals in the city of Poona in the days of the Peshwa. On the British occupation of Poona only one was functioning, but the need of reviving the other two was badly felt. This need for more hospitals became a great necessity in the August of 1819, when Dr. Coats reported: "excepting during the month of January there has been no intermission for more than a few days together of the epidemic in the city since its first appearance at the end of July last year." As the disease was so different from anything a European doctor had experienced in his profession, no judgment could be formed by Dr. Coats of its duration. Several patients were daily brought to the hospital, and many more it was felt remained at home. The proportion of deaths was about one in every eight or nine. There are on record (1815-1826) any number of letters* from all over Maharashtra giving the most appalling account of deaths due to the cholera epidemic. The total number of deaths in Poona in the month of August 1819 were about 80.

The establishment of the Poona hospital consisted of two brahmins who also assisted in vaccination and were paid by Dr. Coats. There were two servants at six rupees each, two boys at rupees four each and a cooly and four bearers who were charged in the Government disbursement. There was besides some small charge for bazaar, medicines,

*See the Period of Transition (1818-1826).—R. D. Choksey.

etc. Besides Dr. Coats there were three other European doctors in the city. They were doctors Anderson, Milne and Robertson. There was a lock hospital in the city, which was under the charge of a surgeon who conducted it with great care and humanity.

In 1822 civil hospitals were established in Poona, Ahmednagar and Surat. In Poona, Captain Robertson wrote, there would hardly be any expense on house rent as the surgeon at the cost of about Rs. 850 could make the necessary changes for the convenience and comfort of the patients in the present hospital. Dr. Warner, who must have succeeded Dr. Coats, attended to the whole of the sick establishment which included the prisoners. The total number looked after were 2440 persons. Some of the patients who required continued attention and medicine were allowed to remain in the hospital. Many poor people in town took advantage of the institution. Gradually the wealthy brahmins also submitted to the restrictions and inconveniences of the hospital to take advantage of the skill of a European physician in alarming cases of illness. Care was taken that no medicines prepared in spirits or any animal diet in the form of soup was given to the brahmins. The number of patients from the town and the surrounding country were estimated at about a 125. Of these a hundred were probably to be fed. Some of these patients were quite capable of supporting themselves, but refused to take advantage of the hospital if they were not fed. The arrangement for feeding the patients cost the pay of six cooks and two puckaulies. The cooks who attended to the needs of the brahmins were themselves high caste brahmins. Every other caste, including the Mohammedans, were to have cooks of their own caste.

The civil hospital was to have a separate set of cooking vessels for each caste and new hospital furniture. Two native doctors, and two assistants were required, one *furash*, one *mehur* and one *mussalchee*. "The expence of the outfit" wrote Robertson, "would certainly not cost 1000 rupees — the monthly expence of the establishment I have stated would be

about rupees 200 per month.' The expense of feeding poor patients was calculated at rupees 200 per month, and of cloth for bandages, country medicines etc., was estimated at about rupees twenty. The monthly expenditure, therefore, of the new civil hospital at Poona was estimated at Rs. 420 to about 450. These civil hospitals at Poona, Ahmednagar and Surat were sanctioned by Government early in 1823.

Mr. Newnham, Secretary to the Government of Bombay, writing on the 17th March 1823 to Mr. Chaplin, informed him of the new resolution by the Governor in Council, that Insane hospitals were to be established at Poona, Ahmednagar and Surat. For accommodating insane patients the Government authorised the civil hospitals to keep reserved two or three small wards and some adjoining house or building. The native assistants and dispensaries already attached to the civil hospitals were to perform the duties of both hospitals. The addition of one male and one female attendant on fifteen rupees per month each, with one ward cooly for each six patients at six rupees each was sanctioned. The patients at the Insane hospital were to be classed, dieted and provided for exactly as the patients of the civil hospital. Articles of personal clothing in case of insane paupers were supplied on indent by the surgeon under the sanction of the magistrate. This hospital was only for insane natives, the Europeans were to be sent to Bombay. In view of these extra duties imposed on the surgeon his salary was raised from fifty to a hundred rupees. Medical officers in charge of such establishments were prohibited from moving on circuit through the districts with the Collector or magistrate, as such a practice would leave the hospitals, jails etc., unattended for weeks together.

Within one year the Civil and Insane hospitals were quite a success. On the recommendation of the Medical Board the Governor was pleased to increase the allowance for each patient of the first class for dieting and all other purposes, from three to four annas per diem.* The surgeon in charge

*Such monetary grants were specified in the Regulations of 4th December, 1822.

was given twenty rupees per month expressly for the supply of bandage cloth and country medicines in consequence of the greater number of patients who applied for relief at the dispensaries.

In 1825 the Collector of Poona reported an "extensive prevalence of venereal disease among the troops in Poona." His suggestion was to establish regular houses and establishments registered with the Police with a list of the women specified in the registry. A medical examination of the women to be held every fortnight by matrons appointed by Government for the purpose. The matrons to be severely punished on taking bribes or concealing the diseased state of any female. The heads of the establishment to be punished on continuing to keep a diseased woman. Each establishment to receive a registry once every three months from the police specifying the names and numbers of the members of the establishment. Every new member to have her name "subjoined to the last ticket being brought for that purpose to the police office". The ticket of registry to be given for a fee of four annas to each establishment exceeding two women, and a fee of two annas for establishments of two or less inmates. No women of pleasure were to be allowed to live in separate houses who refused to conform to the above regulations, "excepting household slaves and women of the *colatnee* and *malzadeeing* castes." Masters who hired out their slave women were responsible for their health. Failure to report a diseased slave meant emancipation of the woman. The expense of feeding such slave women when under treatment in an hospital was to be borne by her master, but medicines and attendance were gratis. Any woman who reported her diseased condition of her own accord was to receive a reward of one rupee on her discharge from the hospital after being cured.

The Government wrote to the Commissioner that though the arrangement to cure diseased females was extremely desirable "it may certainly be doubted whether the proposed regulations are not too strict for a native city." It was,

therefore, suggested by the Government, that for the present the Commanding Officer was to cut off all communications between the Cantonment and the City. In case of absolute necessity in future the proposed regulations would be considered and enforced.

The late Government spent, as already stated, large sums of money as *dukshana* to brahmins. The total charities for such purposes went into lacs under the late Peshwa. The overthrow of the Mahratta government resulted in nearly eight thousand brahmins finding themselves without any subsistence. These shastris applied to the new Government for the continuance of the charitable endowments of Bajirao. Captain Robertson persuaded the petitioners to acknowledge that the greater part of them had not from their infancy depended on Bajirao, and that their subsistence was as precarious as the temper of the Peshwa was capricious. All such *dukshana* was always at the mercy of the Government. The only *dukshana* said Robertson which would be continued was the *shravan mass dukshana*. At this *dukshana* the Peshwa's Government entertained some of the most learned brahmins, whose names were registered at the old Palace. The whole expenditure was about 80,000 to 90,000 rupees. Even Robertson wrote, that "the sums thus disbursed were of real benefit to those to whom they were given." Over and above this expenditure the Peshwa gave trifling sums indiscriminately to a very large assemblage at the Parbutty, and incurred a heavy expense to the Government. Robertson was in favour of continuing the *shravan mass dukshana* because it would do the new Government well to have the learned men for helping them "to revise the laws of the shaster or settling their doubtful and disputed meaning."

The *shravan mass dukshana* was professedly for the encouragement of learning and had existed in a regular form for above seventy years. It was doubtless subject to abuse but was upon the whole fairly applied, and certainly had the effect of encouraging the studies of learned men of Maharashtra. The learned men who received the *dukshana*

were *shastris*, *wyidiks* (readers of the veds), *joshis* (astronomers), *wyds* (doctors of medicine), *shrowtees* (skilled and engaged in sacrifices) and *tupusis* (devotees). The most famous of each of these classes were the patrons of particular students who were attached to their schools. A candidate for a share in the *dukshana* applied to one of the principal professors of the particular subject in which he wished to be examined and if he passed the test his name was inserted in the list. A head shastri was appointed to receive the reports of the patrons on the proficiency of the students who were to be classed for a share of the *dukshana*. A candidate once qualified in a particular subject for a *dukshana* got his award every year without any further examination. If the same candidate passed a further examination in any other subject his share of the *dukshana* was increased. A regular list of these successful candidates was kept by the *furnavis* and lodged in the *daftar*. Examinations of the principal shastris were sometimes held at the Palace by a Council of Pundits. The amount distributed was nearly 80,000 rupees. These were the general rules to qualify for the *dukshana*, but favour was shown to sons of eminent men, the immediate dependents of the Court or followers of great celebrities. The presentation of the *dukshana* was a special occasion at the Palace attended by the Peshwa, the principal shastris and *Oopadeas*.

Under the British a Council of five of the most learned and respectable shastris was appointed. The Council was directed to identify with the aid of the patrons all the brahmins whose names were entered in the former list. They were to hold examinations of all candidates, allot or increase their share of the *dukshana* according to their merits and were allowed to call in the assistance of any learned men they might require in each branch of science. The Council was directed to examine carefully the former lists of candidates for the *dukshana* and to correct any glaring abuses they might discover.

The shastris submitted a list of 2,665 brahmins to whom they assigned *dukshana* to the amount of 75,671 rupees. The

new Government had only allotted 50,000 rupees for the purpose, out of which 5,000 were to be utilised for the establishment of the Hindu College already referred to. For the payment of the *dukshana* only 45,000 rupees remained which was $\frac{3}{5}$ th of the sum put down by the shastris. The total disbursement of the *dukshana* in 1820 came to 45,404 rupees and the recipients were 2,675 brahmins. "I hope these arrangements will meet with the approbation" wrote Chaplin, "of the Hon'ble the Governor in Council, and that I may be authorised to continue a similar disbursement in future".

inhabitants and are the constant dread even
of those who employ them.

13. Darius is a Baron of Holyoke
Loughlin with 200 acres is now at ...
and several other parties are in different
directions in the neighborhood as with a paper
from the enclosed paper of intelligence just
received from ... and it may be expected
that immediately as this force moves to the
Southward that they will attempt to raise
an authority from the villages near ... which it
has been established and ... those that
have submitted to it; his want of resolution
will have the worst effects on the minds of the
people who ... towards us and
consider the attack and dispersion of these
last ... of ...
except. This measure however ...
will not materially interfere with the
arrangement that ...
Bishop has in contemplation that it cannot
be undertaken by the ...
but I beg to call your particular attention
to the subject as early as possible

These matters to be ...
most the most humble servant.

Yours
John Briggs
Chap. Secy. of the ...

Facsimile of the hand-writing of Captain John Briggs,
the first Collector of Khandesh,

SELECT DOCUMENTS FROM THE PESHWA DAFTAR.

ADMINISTRATIVE.*

(1818-1826)

No. 1. Showing the methods and principles of collecting revenue, the village economy and the functions and remuneration of the revenue officials in the Deccan.

From H. D. Robertson

Poona, 9th March 1818.

To M. Elphinstone

Sir,

It became necessary for me to inquire concerning the method and principle of collecting revenue in the Deccan in consequence of your orders to make collections from the villagers round Poona. I therefore submit to you the information I have obtained, as it may be of some use perhaps in directing future inquiries; and in order that you may do me the honor of collecting such parts of it, as you may have authenticated better; by which means I will be enabled to conduct the duties you have so highly honored me by entrusting to my execution in a manner satisfactory to your wishes in every particular.

The villages of the Deccan are the chief sources whence the Government derives its income. As in most other parts of India, a Deccan village contains within itself such a variety of talents, that if we were to suppose it separated from all the rest of the world the people inhabiting it would still possess a (?) comfortable enjoyment of the necessaries of life. The formation of these village societies cannot but appear to the

most common observer to be the consequence of the occupation of the great mass of the inhabitants in agricultural pursuits. The tradesman first in rank is the carpenter; the next to him is the washerman, the 3rd the shoemaker and currier; the 4th the village potter; the fifth the barber; the sixth the pottee; the seventh the ironsmith; the eighth the tope-maker and fanner of grain etc., etc; the ninth the goldsmith; the tenth the gooroo or priest; the eleventh a bhat, josee or astrologer, and reader of the shuster; and the twelfth the moolna, or mahomedan doctor. These are termed the twelve Balootees and are deemed requisite in every village to assist the coonbees or cultivators of the soil, by whom they are supported, and whose orders relating to their avocations they are not entitled to dispute.

Beside the twelve Balootees there are to be found in almost every village a few men who gain a subsistence from other occupations, such as banians, weavers, tailors, etc., but as these men are not considered to belong to the village establishment they are generally paid by the job and not like the balootees always remunerated, and entitled to be so by the year, whether they do any work or not.

It being clear therefore that all the inhabitants of a Deccan village, not cultivators of the soil, are mere dependents, and intended solely for the convenience of those who are, so the greatest part of the revenues of the Deccan government (which I have before stated to be derived from its villages) depends on the labours of the husbandman.

The amount of Government income must therefore be regulated by whatever regards this class of people; their numbers--their conditions; and the nature of the tenures and rights by which they enjoy the possession of their land.

I can give no accurate, indeed I may say not even a vague conception, of the amount of the coonbee population of any part of the Deccan. It is generally believed, however, that it was greater 25 years ago than it is at present, but that it has been on the increase for the last eight years.

The condition of the coonbee population is far from flourishing, although it is also remote from a state of misery. The mahrattas have screwed their exaction to the highest pitch, short of actual ruin to the villagers, who are perhaps in as bad or a worse condition than their ancestors for many generations.

On the nature of the tenures by which the land is held by the Deccan coonbee my enquiries have been more successful—the general division of husbandmen are two - *thulkurees**, or men who cultivate their own fields, and *coolwarrees* or *oopurees* men who labour on land not their own. The thulkurree's tenure is uniform; the occupancy of the coolwarree is of different kinds.

The thulkurree is also called a *mirasdar*. That signifies a field and perhaps the literal meaning of thulkurree is a man belonging to or who labours a field. The term mirasdar is more expressive of the actual condition of the thulkurree. Meeras signifying patrimony, heritage, succession. But whatever arguments could be adduced against the word thulkurree or mirasdar as definitive of the condition of the persons known by these appellations there can be no doubt entertained of what that condition really is; for he is considered and acknowledged by the Government to have the property of the land he cultivates. I am yet uninformed, and perhaps it may never be clearly established, at what period the Deccan landlords acquired their right to property of the soil, by purchasing it from Government, or village; or whether it has always been inherent to them, and that the Government has either usurped their rights in some instances, or broken through a custom of allowing lands laying waste from a deficiency of population, afterwards to become the inheritance of the multiplying discontents of the original number of landed proprietors.

The Deccan landlord is proud of his situation, and is envied among his brethren, who are cultivators of lands not

*All italics are mine.

their own; their feeling of attachment to their fields is remarkably keen: and no consideration but the utmost pecuniary distress will induce them to abandon their rights of proprietorship. These rights are either inherited or purchased - and it is a remarkable circumstance that in the body of the sale, it is invariably usual to record that he who sells his lands has begged of him who buys them to become the purchaser. It would seem that this information is deemed requisite as a safeguard to the buyer, in consequence of the known reluctance of all landlords to part with their lands, to show that no subterfuge was used to force or trick them from the original proprietor... When a thulkurree dies without heirs, or leaves his native country to reside in another, his lands become the property of the village unless the proprietor returns before thirty years.

The lands of the Deccan village are all measured, or supposed to be so. The village accounts are made up by accounting for the disposition of its lands. Every field has a name. The lands are appraised according to their quality of *Ootum*—first rate, *muddhum* middling and *kunisht* or poor land. The thulkurree pays land rent to the Government according to the extent and quality of his land. This land-rent is supposed to admit of no increase.

The coolwarree ought probably to be pronounced cowlwarree which would signify a person holding cowl or permission. The coolwarree whatever be the origin of his name is in fact a farmer. He cultivates lands not his own under different names according to the nature of his agreement.

The koolwaree properly so called obtains a lease of lands according to their extent and quality. The usual terms for *Ootum*, or land of the first rate quality is five years occupancy; for *mudhum*, or lands of a middling soil, seven years, and for *kunisht* lands, or those of a poor soil, nine years occupancy. The rent is generally settled to have a gradual increase every year till the expiration of the lease. I have to

observe that good land is esteemed and valued as *mudhum* when it may have lain long fallow—and that good and middling land, which is overgrown with trees and shrubs and which will require great labor to clear, is let out as *kunisht* or poor land.

The *Wowankuree* is a coonbee inhabiting his own village but having a lease and cultivating the lands within the boundaries of a neighbouring village. His tenure differs in no respect from that of the *koolwarree*.

The *Bhutwala* cultivates village lands for one year only. His agreement regards neither the extent nor quality of the lands, but obliges him to deliver half the produce to the Government—all the cultivators above mentioned almost always pay their dues to the Government in money. The *bhuteivala* pays, or is considered by his agreement to pay, his in kind, but generally on the ripening of the crops, Government, after it is inspected, accepts its share of the produce at a valuation in money rather than be at the trouble of storing and selling the grain. Although the agreement of the *bhuteivala* is never for more than one year, there are said to be instances of this class of cultivators having continued to cultivate the same lands for several generations. This fact was accounted for to me as being occasioned by the attachment which a man gains for a field even of the worst description if he has labored in it for several years. This tenure is at present very rare.

Those lands for which no cultivation can be obtained on tenures of *koolwarrees* or *bhuteivalas*, are let out in *okhtee* or *mukhte* to any cultivator who offers to accept them. An *okhtukenee* may therefore be a *thulkuree*, a *koolwarree* or a *bhuteivala* in regard to other fields. He has always as much to do in one of the above capacities as he can perform, and the land accepted by him in *okhte* is paid for according to his calculation of the time he can spare from his other fields to cultivate it. Lands let in *oktee*, therefore, only yield the Government from a third to a half of what would

have been obtained from them if let out to men who would devote their whole time to cultivate them, either as koolwarrees or bhuteivalas. The okhtukuree occupies the land only for one year, and pays his revenue in cash. Lands cultivated by okhtukuree are at present more common in the Deccan than 20 years ago in consequence of the coonbee population.

The *Tuggywala* is a cultivator who farms village lands precisely as the koolwarree for a certain number of years, but, who being a poor man would be unable to enter into such an agreement, unless accommodated with a capital in loan. Government therefore gives him *Tuggye* or an advance of money to enable him to acquire all the requisites of husbandry, and he is bound over to discharge at certain periods of his lease without interest the whole sum so advanced to him.

Sometimes when the late Government was at a loss to obtain even okhtukurees to cultivate the untenanted lands, the thulkurees of the village were invited to a repast by the Government agent on the spot, and requested to bring their ploughs to plough certain fields. As far as I can learn, the time and labor of the landlords were never asked or given for more than one day, but as every landlord in the village lends his help, a considerable piece of ground is ploughed up. The bullocks are regaled with the choicest food as well as their masters. After the field is ploughed and sown, it requires very little care to preserve the grain during its advance to maturity, and the whole of the grain after paying the expenses of watching and reaping it, is sent by the Government agent to the *kutchery*, or sold by him as his orders may be. This produce of the land is termed *sircarka bhutee* in contradistinction to that received from the bhuteivala which is called *bhutee coonbee ka*. The *sircar ka bhutee* crops are always very scarce, for the lands on which they are produced being very little labored and receiving no manure.

Besides these cultivators there are coonbees employed by the Government in cultivating its own fields. These fields

are termed *sheyree* and the right of Government to the proprietorship in them is clear and admitted. The coonbee receive wages, and the whole produce belongs to Government.

These are the names, tenures and rights of the agriculturists of this part of the Deccan. But I am afraid the Mahratta government only acknowledged the titles without permitting the rights. The tenures I have described were binding on the ryots (?) but broken through by Baji Rao's Government whenever it was found convenient. It might perhaps be supposed that as the basis of the settlement of the village revenue continued to remain on the measurement of the lands, all the ground as assessed according to its cultivation and the nature of the tenure of the cultivator - and that if by any chance a field once cultivated by a farmer could not be again rented out, the total amount of the revenue of the village would have been decreased as much as that field was farmed for. But this was not the case. If no new tenant presented himself and the field lay waste, the revenues derivable from it became a burden to the rest of the villagers, who were obliged to assemble and divide it equally among them. The statement of the measurement and appropriation of the land therefore rendered to the Government on the annual settlement of accounts was really of no manner of use in Bajee Rao's time. With all the appearance on paper therefore of an upright system, the late Mahratta government has in reality adopted the worst part of every system because it found most pecuniary advantage to arise from doing so.

To this cause perhaps, is to be attributed the custom which has been lately established in respect to the condition in which a farmer, whose lease has expired, is obliged to leave his lands. The villagers on such an occasion insist on his ploughing them up and leaving them in a state inviting to a new farmer. By this means they often succeed in escaping the imposition of increased revenue which they would have been called upon to pay had the lands been waste. It may have been found necessary perhaps by the

Mahrattas, on displacing the agency of the patells, to make it common interest of the villagers to keep up their population to prevent it from withdrawing from the country under the feelings of aversion which must have attended the measures of Government.

All *kooruns* or grass and pasture lands are the property of the sircar, and all hidden treasures discovered in the earth by accident and for which no claimant presents himself are the property of the Government. I have not ascertained accurately the property in rivers.

The *muccadam* or *patail* of a village is the chief person in it. He is selected and appointed by the Government, and his office is hereditary. He receives a small portion of land in *Enam* on his investiture. If it were desired to establish a new village, or to repopulate an old one the numbers of which had all disappeared Government appoints the *patail* and the *balootees*. The *patell* can sell his situation and the rights of his office, but with the consent of the Government only.

But though the *patail* is a Government servant he is really much more the servant of the village, and some villagers insist that he is so entirely, but they are unquestionably wrong. The duty of the *patail* is especially to attend to the prosperity of the village. He invites cultivation, and in an assembly of the community lets out the *koolwarry* lands to farmers, attending to the suggestion of the villagers in regard to the terms. He can in the same way sell *koolwarree* lands. The price given is appropriated for the maintenance of public works such as repairs and erection of pagodas, *dhurumsallas* etc. Besides this the community derives no benefit and sustains no loss (I do not speak of *Baji Rao's* system) from the *koolwarree* lands being cultivated or laying waste. The *patail* is therefore not responsible to the community for bringing these lands into cultivation, he is only so to the government. The reason of his assembling the villagers on granting a lease is to shew the farmers of his dealings.

The patail has an assistant who is exclusively the servant of the government. He keeps the accounts between the village and the government. His title is *putwarry*, *pania* or *koolkurnee*. He records all that the patells do, and assists them as a kind of authorized councillor. He receives in general 6 paheeleys of grain of the whole quantity produced on one *suzganny* (?). He seldom has any land. His office is hereditary, and when it becomes vacant it is filled up by the Government through the *Deshpandia*. He collects in conjunction with the patell the revenue of the village and places it in the hands of the village goldsmith, until it is brought to the kutcherry.

The *chowgulla* is a coonbee servant of the whole village, and is especially so if the patell is regulating the internal village affairs. He is sent to summon all whom it may be requisite to call etc. The patells and kulkurnees always receive a *shella* and *turban*, and the chowgullas of the Poona sonbah are also said to have been so favored, though the chowgullas in other parts of the country are I believe not. These presents are made after the collection of the revenue for the year.

Every Zillah is furnished with a *Deshmukh* and a *Deshpandia*. They always reside at the chief station of the Zillah, or as it is called a *Praunt*. The *Deshmook* is a coonbee, the *Deshpandia* a bramin; the first may be considered the chief of all the patells of the Praunt, the second the head of the koolkurnees. Their appointments are in the gift of the government, and are hereditary. Their duties are to examine the accounts of the koolkurnees, and to keep a register of the measurement and appropriation of the lands of the Praunt. They keep books of accounts called *Zoomar* or accounts of the revenues fixed for the year - and a *wasala* or the amount realized, and the dates of it being paid into the Government treasury. The books contain an account of every species of income derived from the Praunt including the taxes of its cities, etc. They also assemble the patells and putwarries to the kutchery for the settlement of the revenue, and their summons always

accompanied the order of the sircar in a separate note. They possess what is termed *Hug* or rights on the amounts of land revenue, or what is termed *tankha*. The Deshmookh generally, though not always, at the rate of 2 per cent and the Deshpandia of 1 per cent. This percentage is taken from the village over and above the land revenue. These men receive no pay from the government, but at the end of the season obtain presents in value from two to five hundred rupees according to whatever has become usual. They have in the Poona desh two villages in Enam instead of a percentage on the tankha. They receive a fixed sum from each village of from 20 to 60 and 70 rupees according to the size of the village. They sometimes enjoy enams of grain and in some places they have a right ——— (this right exists in the Poona sooba) of exacting in kind a portion of the labor of workmen, etc., such as a pair of shoes from the shoemaker of each village, a *gongra* of grain from the farmer of grain, etc. On particular occasions, and holidays, they also obtain prerequisites such as Til Gur on the *Mukur Sunkerant*, two rupees worth of ghee from each village in the *Shradpukhsh* etc. This burden on the villagers will not be felt under our Government, and as Bajee Row, no doubt continued these prerequisites after dispensing with the services of the Deshmooks, more from a fear of the bad effects of doing them away than from any intention of showing kindness to the Deshmooks and Deshpandias, it would perhaps be equally unpopular measure in us to abolish them. And if this be the case, it may be as well to employ these men, and since they would be so well paid for doing nothing, I beg to be favored with your sentiments on this subject.

The usual periods for assembling the patells and koolkurnees for the settlement of their revenues are on the ripening of the crops. There are three crops—the first or the *Toosar shists* is very insignificant. It occurs in the rains and just as they cease. The grains produced are raley, savey, bhadlee, teel, oorood, moong. The sum collected on the toosar crop scarcely amounts to one seventh of the whole annual

revenue, but it is more or less of course according to the nature or capability of the soil for producing toosar crops.

The *Khureef shist* occurs in the months of Aswin and Cartic. The grains are sown in the rains, and require no well water to bring them to maturity. The grains of this crop are bajerry, bhandey (?), toora, peeley, jvarry and tamba joondrey, but a fourth part of the whole revenue is collected on this crop.

The *Rubbee crop* is sown between the end of October and the middle of December, it is the most valuable in point of revenue and is cherished by dew and by irrigation. The rubbee shist comes on in Mag and Phalgoon and during its continuance the balance of revenue whatever it may be is realized.

The revenues of the shists are paid by instalments called *Huftes*. These instalments are fixed according to circumstances. They seldom exceed four, at 8 or 10 days interval for the toosar crop. The khureef payments are usually made in six Huftes and the rubbee in eight and sometimes ten.

The revenue is termed *jumma* and is collected under two general heads. The *jumma* and the *Servac Jumma*. The standard of land measure is not uniform. It requires to be regulated and fixed. I beg to be favored at some period hereafter with orders on this subject.

No. 2. Settlement of the conquered territories of the Peshwa, and the rewards and punishment of the Jagirdars according to the part played by each during the War with the Peshwa. Settlement with the Nizam, Raja of Kolhapur and Holkar. Also suggestions for the civil administration of the new acquisition.

From M. Elphinstone

Camp near Poona, 18th June 1818.

To Lord Hastings.

My Lord,

I have hitherto been prevented by want of information and want of leisure for enquiry from submitting to your

Excellency any general view of the measures adopted for the settlement of the Peshwa's late country, or any suggestions on the plans which seem best suited to the completion of that object. I cannot even now furnish a complete report, but I shall offer such facts and observations as seem particularly to require your Excellency's attention.

In entering on the state of this extensive country, it is necessary to distinguish the different great divisions into which it naturally falls, when that is done, the objects necessary for the settlement of the whole can be considered, and afterwards the best means of attaining those objects. The Divisions are:— The Carnatic between the Kisna and Toombundra, 2nd. The Maratta Country, 3rd. The Conkan, and 4th. Candeish. The whole of the three first Divisions may be considered as completely reduced for if there are any forts still non-occupied they are of no note beyond their own neighbourhood, and will probably surrender as soon as summoned. The Carnatic is practically inhabited by Canarese who are averse to the Maratta Government, and will probably remain submissive to us if they continue to be wisely governed. The name of the Maratta Country shows that we have more to apprehend from it. The whole population are Marattas and also have some attachment to their nation and feel some interest on its greatness, but the common people are devoted to husbandry and are likely to submit to any Government that will protect them and secure the fruits of their industry. The gentry who suffer the consequence, and the soldiery who are thrown out of employment, must however be discontented and desirous of a change, and there are some of both classes in almost every village. The Bramins must everywhere be greatly discontented, though at present, they show no sign of dissatisfaction, and at all times they are more likely to interfere than to try any open mode of hostility; they are very unpopular with the bulk of the people. The hill-tribes of bheels, coolies and ramossees are to be considered as distinct from other inhabitants: all are of predatory dispositions, and the bheels once created troublesome insurrection, but I think that by good usage and occasional severity they will easily be kept quiet. The

Concan though inhabited by Marattas differs from the rest of the country. The inhabitants are peaceful; there are no Jageers nor any horse. Candeish is the only part of the country that is unsettled. The bulk of the people there are Marattas, but seem wearied of misgovernment of the Bramins, and the tyranny of the Arabs and heartily disposed to receive our Government. There are still some of the Peshwa's forts to take, and some Arabs to expel who have occupied the strongholds of the country. The bheels on the mountains with whom the province is surrounded are to be restrained from plundering the plains, and all the numerous military classes are to be broken of the lawless habits they have acquired during a whole period of tumult and disorder. The difficulty of accomplishing these objects must be increased by the vicinity and intermixture of Scindia's territories.

Next to maintaining such a force as shall prevent all thoughts of rebellion, the best means of securing the tranquillity of the conquered country is to conciliate the people. The Marattas by setting up the Rajah of Sattara and by liberality to Jageerdars; the Bramins by keeping up their pensions and religious institutions; both castes by finding employment for the civil and military servants of the former Princes; and by all just and good government. It is however to be remembered that even just government will not be a blessing if at variance with the habits and character of the nation.

These being the objects in view, the means of attaining them are next to be considered, and as they depend on the application of our pecuniary means it is necessary before they are discussed to enter on an examination of the probable revenue of our conquests.

The Paishwa's whole revenue before the last treaty amounted to 2,15,00,000 of which 95,00,000 was paid into the treasury and 120,00,000 allotted to Jageerdars, of this last sum 26,50,000 was produced by lands in Hindostan which had

greatly declined in value and from which the Paishwa derived no benefit whatever.

This last 26,50,000 with 32,00,000 of the amount of payable into the treasury was ceded by the treaty of Poona concluded in June last. The real state of the revenue therefore stood thus at breaking out of the war:

Paid into the treasury	...	...	...	63,00,000
Allotted to the Jageerdars	...	...	...	93,50,000
				1,56,50,000
			Total	1,56,50,000

The Revenue paid into the treasury has however declined from over assessment and threatens further decline; that of the Jageerdars has suffered from the same cause and it was besides overrated at first on assigning it to those chiefs, so that it falls much below its nominal value than that paid to the treasury. We may therefore reckon them.

Paid to the treasury	...	...	...	50,00,000
Jageerdars	...	...	...	65,00,000
				1,15,00,000
			Total	1,15,00,000

The first demand on this revenue is a provision for the Raja of Sattara. Your Excellency's instructions left me the choice of giving him a Jageer or a small sovereignty and I was inclined to adopt the latter course for various reasons. At the time when I had to decide, the Marattas showed no disposition whatever to quit the Paishwa's standard, and it appeared not improbable that the dread of complete extinction of their national independence, etc., still more that of the entire loss of their subsistence from the want of a government likely to employ them, would induce them to adhere to Bajee Row with an obstinacy that would never have been produced by affection for his person, or interest in his cause. It therefore seemed expedient to remove those grounds

of alarm by the establishment of a separate government. Your Excellency will have observed from Brig. General Munro's letter of the ——— the opinion of that experienced officer, that a State like that of Mysoor should be formed for the Rajah, and although I did not think myself at liberty to act on this plan to its full extent, I was deeply impressed with the same arguments that had occurred to General Munro on the importance of leaving for part of the Paishwa's subjects a Government which would afford them service in their way; some part of the revenue must necessarily have been sacrificed to the maintenance of these classes, and by adding a portion of the revenue so sacrificed to that designed for the support of the Rajah, I expected to keep many in employment, and more in hopes that would otherwise have remained disaffected and ready to join in every scheme for disturbing the Government or laying waste the country.

For these reasons I thought it would be desirable to assign to the Rajah the territory bounded by the Neera on the north, the Warna and Kisna on the south, the Ghauts on the west and the Nizam's frontiers on the east with the exception of the Jageers of the Putwardhuns and such others as Your Excellency may think proper to exclude. I found it necessary to give the Rajah an outline of the establishment I meant to propose for him, that I might put bounds to his extravagant expectations on the one hand and prevent disappointment and disgust on the other, but by the mode of my communication I retained for Your Excellency the power of circumscribing the grant within moderate limits if you thought it politic, and of altering the grounds of it entirely if the Rajah's conduct should render him unworthy of your liberality. By withholding all the lands that were in jageer at the breaking out of the war Your Excellency would reduce the Rajah's revenue to thirteen lacks of rupees, which might be further lessened by requiring him to pay for a regiment of Infantry to protect his country; and by granting him the lands of the Jageerdars forfeited since that period, and placing under him the Jageer within his limits (with the exception of those of the Putwardhuns) you would make his direct revenue upwards of 18,00,000 and that

held of him by independent chiefs about 4,00,000 additional. This is on a supposition that his eastern boundry was to be the Beema, but a further addition might be made by giving him Solapoor and other places south of the Neera, but beyond the Nizam's frontiers. In this would also be included the Jageer of the Rajah of Akulcote, and as the connection would be agreeable to both parties this arrangement would be rather politic: that regarding Solapoor is more doubtful.

To conclude the subject of the Rajah's limits I beg to observe that his conduct has been perfectly satisfactory, and that the object of establishing his Government would probably be best effected by fixing his territory on a liberal scale. With respect to the mode of his Government, it must long be under the immediate control of the British agent. The Raja is young and totally inexperienced, and the people about him are those who shared his misfortunes, as ignorant as himself without being as intelligent or as well disposed. The Government ought however to be emancipated as soon as circumstances will admit of it, and to be placed on the same footing of independence as other allies. The Raja is desirous of having a treaty concluded with him, but there is no urgency in the case, and I shall therefore await Your Excellency's instructions regarding it. It will indeed be of advantage to delay the conclusion of it until experience shall have shown the terms fit to be imposed. Whenever a treaty is concluded, the Rajah's dignity should be scrupulously observed, while his total separation from all former dependents of his nominal State should be explicitly declared. One of the grand advantages of the deposition of the Paishwa is, that it dissolves the Maratta confederacy by destroying the common point of attraction. An article may be required to compel the Raja to keep up for a time at least the proportion of troops which his revenue can bear.

Some provisions may be necessary to secure the Jageerdars who are under him from being worse off than they were under the Paishwa but if they should voluntarily prefer his Government to that of the British, they would have no

claim to this protection and it probably would be for our interest to withhold it. The Punt Sucheem is entitled to particular consideration as he was one of the first, who left the Paishwa, on which account I promised him his whole Jageer except his claims on the Nizam's country which form a considerable part of it. He may be allowed his choice to be put under the British Government or the Raja. Shekh Meerian of Wye is likewise entitled to the same consideration for his early submission. His lands lie on the Company's share but he resides at Wye, and he is an old adherent of the Raja who ought therefore to be required to give him an indemnity. The amount is small.

The next object is to provide for the Jageerdars, and these may be divided into several classes by themselves. Although the policy of the Putwardhuns was wavering and undecided, they soon took the important step of separating from the army, and although this was done by the Paishwa's permission, and with the intention of keeping up a close connection with him as well as with us, the impression made by their conduct was nearly the same as that of an open defection. Gunpat Rao of Tausgaum though not included in our guarantee of Punderpoor was the first who decidedly took part with the British Government, and is therefore entitled to particular attention. General Munro has repeatedly assured the Putwardhuns that their condition shall be better than it was under Bajee Row; and latterly both he and I have distinctly held out the prospect of a small addition to their lands. The Kettookur's conduct was still more friendly, he remained at home from the commencement of the war, and though he may have had a small party of horse with the Paishwa, he showed much more readiness to act with General Munro than with that Prince.

In discussing the manner of rewarding these partizans with General Munro, it appeared to us both that the Putwardhuns ought to receive an addition of about 3,00,000 in all, made up as much as possible of portions of revenue of their Jageers which were formerly reserved by the

Government according to the Maratta practice, or of Government villages interspersed through their Jageers, the sum to be completed if more were required by the addition of such contiguous villages as might be most agreeable to themselves. This charge and that of rewarding our other adherents will amount to 5 lacks at least.

The Dessye of Kettoor appears in the double form of a Jageedar and the descendant of an ancient tributary. His ancestors were petty princes of Kettoor until that country was conquered by Tippoo Sultan. It was ceded to the Marattas by the treaty of 1792, and the Paishwa employed this descendent of the ancient princes as his collector. This person took advantage of the troubles that followed Baji Row's accession to establish his own independence. He was afterwards induced by the persuasion of Sir B. Close to come to Poona, and to agree to pay 1,75,000 Rupees for his country. At the same time the Paishwa conferred a Jageer on his second son for the maintenance of 500 horse. Since that time his payments have been irregular, and the Paishwa was strongly disposed to resume his hold on lands, which are valued at 6,00,000 Rs. General Munro and I concurred in opinion that this chief ought to be formally invested with his ancient character of a tributary Prince, that his arrears ought to be remitted, and that his future tribute ought to be fixed on a liberal consideration of his ability to pay, but on no account to exceed what he was bound to pay to the Paishwa.

Some arrangement must likewise be made to indemnify him, by deductions from his tribute, or otherwise for the great part of the Jageer granted to a member of his family, which is composed of vexatious claims on the lands of the Putwardhuns and ought to be renounced. His tribute is not included in the 50,00,000 of rupees at which I have estimated the Paishwa's revenue. The Chief of Ramdroog having early joined General Munro is likewise entitled to retain all his lands and privileges, but I possess little information regarding the nature of them. I believe he is a petty tributary and ought not properly to be classed with Jageedars.

Appa Dessye ought to belong to the class of Jageerdars which is next to follow as he remained with the Paishwa until after his defeat by Colonel Adams, but as he always kept up a negotiation with General Munro or with me, as he certainly always counselled peace, and as he showed no particular activity against us during the war, it appeared only reasonable liberality to admit him to the terms of Punderpoor as far as was consistent with a promise I had made to reward the zeal and fidelity of the Raja of Colapoor by a grant of the long disputed districts of Chickori and Manowly for which he has always manifested the utmost anxiety. These districts are worth from 3,50,000 to 4,00,000 Rupees, and the remainder of Appa Dessye's Jageer is not more than 3,50,000 of which 80,000 consists of rights on the Nizam's lands now sequestered. I have requested General Munro to promise Appa Dessye the restoration of these claims or an indemnity (which I think ought to be paid by the Nizam) and likewise to promise further favorable considerations in case of good behaviour. I intended this consideration to extent to a grant of land equal to a fourth of the value of Chickori and Manowlee, provided the amount of that portion did not exceed a lack of rupees. I am not certain whether General Munro considered Appa Dessye's conduct in his late negotiations to have entitled him to the fulfilment of these intentions.

These Jageerdars must by our agreement with them continue to be governed according to the terms of Punderpoor, which are founded on the ancient custom of the Maratta empire. They must therefore have the entire management of their own Jageers including the power of life and death, and must not be interfered with by the Government unless in case of very flagrant abuse of power or long continuance of misgovernment. Their contingents ought only to be called out for general service, but they ought to assist in quelling any disturbance in their immediate neighbourhood. When their contingent is called out it ought not to be strictly mustered, and one fourth of the stipulated number of horse ought to be considered sufficient; if any stricter rule is

observed they will be losers by their transfer to our Government.

The rules regarding the independent authority of the Jageerdars apply more strongly to the Punt Susheem if he comes under us, and still more so to Angria on whom the Paishwa seems to have had no just claim but that of conferring investiture with its attendant privileges.

The Jageerdars next to be mentioned will have no contingents to furnish, and will hold their lands like private estates under the authority of the British Magistrate, but that authority must for a time at least be exercised with caution and consideration for the habits and practice of the Maratha Chiefs.

These Jageerdars may be divided into persons holding lands for the payment of troops, and persons holding lands for their own support. The former class have lands for their personal expenses as well as for those of their troops, and in cases where the Jageerdars did not come in on my first proclamation, I would propose to leave them only the first part and to resume the second. It is politic and humane to allow a liberal maintenance even to those who have obstinately resisted us, but is neither required by humanity nor policy to give such persons the command of troops paid from revenues which have fallen into our hands.

The individuals whose lands are assigned for personal support alone must, I think be allowed to enjoy them, even if they had been in arms against us, but as most of them are civic ministers and generally those of former days, I do not think this will be the case in many instances. It may however be necessary to make alterations in the allotment of their lands, as well as those belonging to military chiefs so as to make distinctions according to desert and to leave some fund to provide for persons similarly situated who may not have derived their support from grants of land.

After deducting from the sum of 65,00,000, the Jageers of the Putwardhuns and other Jageerdars who retain their lands, the personal Jageers and those which fall to the Raja about 24,00,000 nominal revenue will remain to Government, but the most moderate allowance for the falling off of the revenue will reduce this sum to 15 lacks.

The preservation of religious establishments is always necessary in a conquered country, but more particularly so in one where the bramins have so long possessed the temporal power. The Paishwa's charities and other religious expenses amounted to nearly 15,00,000 besides those of the wealthy persons in employment under his Government. It would be absurd to imitate this prodigality, but many expenses of this nature are rendered necessary by the proclamation of Sattarra, and it would be worthy of a liberal government to supply the place of the Paishwa's indiscriminate charities by instituting a Hindoo College at one or both of the sacred towns of Nassick and Wye. For this and other religious expenses we may allow 2,00,000, the rest of the necessary religious and charitable establishments, not defrayed in the districts independent of the net revenue, may be supported by the Raja of Sattara, whom it would probably be impossible to restrain from this sort of expense even if it were necessary.

I now come to one of the most important subjects connected with a revolution like the present, the employment of the civil and military servants of the old Government. This has been found a difficult question to dispose of even in our former partial conquests, and it must be much more so in this case as this is perhaps the first Native Government of which we have annexed almost the whole territory at once to our possessions, while any portion of the old State is left there is always a retreat open for those who are dissatisfied with our arrangements, but when the whole is brought under our dominions many must remain within our territories who are dissatisfied with their own loss of profit, and consequently disgusted with the novelty of our institutions and manners. This would leave

many malcontents even if we had no enemies besides the Paishwa and his army, but our late war was not with him alone, but with all the predatory part of the troops driven from the ranks of Holcar, the Raja of Berar, and the Pindarees. By far the greater part of these armies was no doubt melted into the mass of the population, but the most obstinate and untractable portion joined the Paishwa and replaced the Maratta cultivators who long since began to quit his army. I have not heard of the adventurers returning to their own country, they must therefore be either provided for as irregular horse, or extirpated as plunderers. Independent of those villagers in the Maratta country, Candeish swarms with horsemen who were permanently or occasionally employed by Bajee Row and his Jageerdars, and who sent some of each family to serve Scindia and Holcar and the Raja of Berar, while others occasionally joined the Pendaries, and many in Candeish at last found constant employment in the destruction of the country.

The whole of the horse employed in the Paishwa's country during the late war may have amounted to from 25,000 to 30,000. The greater portion of these may be allowed to find provision for themselves, but a part must be taken into pay directly or indirectly by government. The auxiliary horse appear to afford a place for this description of soldiery, but the present composition of that corps unluckily does not fit it for that object. They were first raised at the commencement of the Pindaree war when the Paishwa's recruiting was at its height. It was then and still more after the war broke out an object to get men, and it was of little consequence from what part of the country they came, 2,000 were raised in the Nizam's country, near 1,000 in Gujerat, 500 were recruited at Nagpore, 500 at Poona, and 500 were raised from people connected with the subsidiary force who embarked their money in the purchase of horses for the auxiliaries, although not originally of the military profession. After the numbers originally intended was nearly complete there arrived a body of about 1800 recruited from the wreck of Holcar's army and about 500 from the

North of Hindostan making a total of 7,000 men, of which only 500 are strictly of the description required.

I propose to gradually reduce the numbers of these troops. First, by discharging all bad men and horses and men not of the military class, then by dismissing all such foreigners as are likely to find employment or subsistence elsewhere, and finally by reducing the pay of those who remain...* Some of the Auxiliaries must be kept up for three years; part because they have embarked their property in the purchase of horses in the hope of long employment, a part because they have been explicitly promised service for that length of time, and the discharge of the rest must be gradual and can scarcely be in any forwardness before the opening of the next cold season; up to that time I shall entertain none of the horse of the country. They could do no harm during the monsoon even if their horses were not exhausted by their late fatigues. The want of employment and of plunder will drive back to their old profession all who were not originally soldiers, and a door may be gradually opened in the dry season to those who have no other means of subsistence. The persons of this description in the late Paishwa's territory cannot be less than 5,000. Half of these ought to be disposed off with the Raja of Sattarra and among the Jageerdars, and the remainder with such of the auxiliary horse as cannot be reduced will form a body of irregular cavalry well adapted to maintaining tranquility in a new and unsettled country. The expense of the whole ought to be kept within the amount ceded by the Paishwa for their payment, and in the course of the next year I think they may be so reduced in numbers and pay as to leave half the sum disposable for other purposes.

The Paishwa's infantry was much more numerous than his cavalry. Their pay is however much less and they will more easily find employment either as sebundies or as revenue peons. The only part who are difficult to dispose of are

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the Arabs whose high pay and their habits of insubordination render it impossible to entertain them. Many of these it is to be hoped will return to Arabia and others may find employment with the remaining Native States, but there is still ground to expect disturbance from them before they are settled or expelled.

The principal officers of the Paishwa's army were Jageerdars and enough is done for them by leaving them their personal Jageers. The few not so provided for must be pensioned on moderate sums.

The number of great civil officers is small from the mode of administration pursued by the late Paishwa, which threw most of the administration of Government into the hands of farmers, often men of low birth, and bad character who have no claims on Government either from their own merit or their influence with the people of the respectable part, some hold personal Jageers which should be continued to them during their lives at least, and others that cannot find employment under the new Government must receive pensions. In addition to this I would grant pensions to some of the old ministers of the State reduced to poverty by the persecution of Bajee Row, a sort of bounty that would be more popular than the provisions for the prince's own ministers.

In calculating the provisions for these persons I do not think it necessary to include those who remained with Bajee Row to the last. They are generally low men, the ministers of his pleasures who have no claim on the State, and whom he will probably be disposed to retain about his person. The only respectable men with him were the Jageerdars who will retain their personal lands. The whole of these pensions will probably not exceed 2,00,000 Rupees a year, and they will continually diminish as the holders die off. I shall endeavour to provide for as many as possible of these persons in the public offices, to prevent their being absolutely a burden on the government.

The pension to 'Bajee Row is to be reckoned among the expenses of this country's eight lacks, though wisely bestowed in purchasing the submission of that prince appears quite as much as it is politic to allow him to command. I shall therefore put down no addition to that sum.

Chimnaje Appa ought I think to be allowed 3 lacks and 2 more may be allowed for unexpected claims of the same kind which cannot now be foreseen. The extent of this sum renders it unnecessary to make any separate charge for a pension to Gungadhar Shastery's family which, as Your Excellency proposed it to the Paishwa, you might think it reasonable to grant now from the revenue which he formerly possessed.

These are all the pecuniary payment that will fall on this new territory, but there are some territorial claims which require consideration. That of the Raja of Colapore has already been settled without any charge on the Government. The districts ceded by the Paishwa in Hindostan have gone to reward our adherents in that quarter, the cessions of the last year and perhaps an exemption from his tribute would be amply sufficient for the Guickwar, and there only remains to consider the claims of his Highness the Nizam. His Highness's fidelity and exertions during the late war are doubtless worthy of an ample reward, but convenience appears to require that he should be put in possession of even more than the most liberal consideration would entitle him to claim. It is reasonable that some remuneration should be made to the British Government for the excess of these cessions above what the Nizam ought in justice to have received. The amount of the Paishwa's choute and other dues in the Nizam's country actually enjoyed by him was charged in his accounts at 23,84,283. It is reckoned that much of this amount is embezzled by the collectors, or expended in the charges of management as reaches the treasury. The amount actually paid by the Nizam may therefore be reckoned at 12,00,000. In addition to this the Paishwa has a claim on the Nizam of

upwards of 18 lacks per annum, which was disputed by the latter prince on very insufficient grounds, and to all this is to be added his claim to arrears for many years for the whole of the sums disputed or withheld. An officer had been appointed to investigate these claims, who was only prevented commencing by the Paishwa's plots against the British Government, and if the matter had come to an investigation, it seemed almost impossible that the sum to be paid in addition to that actually received by the Paishwa, could by any remissions or abatements have been brought below 10,00,000 Rupees. It may therefore be fairly reckoned that the Nizam's Government gains at least 20 lacks of rupees by its exemption from the claims of the Paishwa. The lands intermixed with the Nizam's territory which are distinct from choute and other dues amount also to 3 lacks of rupees; and if the Nizam receives Holcar's possessions within his limits and the Raja of Berar's under Gawileghur, his whole gain cannot be less than 30 lacks of rupees, and by the Maratta accounts it would be 57 lacks, without counting the Paishwa's arrears. If this appears to be more than His Highness's proportion of the clear profit of the war, the excess might be advantageously compensated by a cession of the trust between the Toombuddra and Kisna, which if annexed to our new possessions in the Carnatic would unite them in the most convenient manner to the ceded districts. The Nizam's country between the Seena and Beema would also form a desirable possession, either in addition to the country just mentioned or in lieu of it, as the revenue may prove to be greater or less than we are entitled to claim. I should think we might expect to receive at least ten lacks of net revenue.

I will now proceed to show in one view the amount of the Paishwa's revenues, the expenditure I have above mentioned, and the balance remaining. In this I assure that the Nizam is at least to make compensation for the money which reached the treasury from the choute and the lands included within his frontier:

Jageerdars

Amount of Jageer after deducting those in Hindostan and those continued to the Patwardhans and Appa Dessye			60,80,000
Deduct Choute on the Nizam's country	5,90,000		
The Jageer between the Neera & Kisna assigned to the Raja of Sattarra	17,80,000		
Personal allowances to officers, civil & military	11,20,000		
Lands which it may prove unjust to resume	2,00,000	36,40,000	
Remaining with the Government		24,40,000	
Deduct for defalcation		9,40,000	
Real produce of the Government		15,00,000	

Government Revenue

Total Revenue		50,00,000	
Assigned to the Raja	12,00,000		
Reward to the Patwardhans	5,00,000		
Religious expenses	2,00,000		
Pensions to Civil and Military officers }	2,00,000		
Pension to Baji Rao	8,00,000		
Pension to Chimnaje	8,00,000		
Other Pensions	2,00,000	34,00,000	
		16,00,000	
Add amount of Jageerdars resumed		15,00,000	
Total Net Revenue		31,00,000	

This gives a prospect of a clear revenue of 31 lacks supposing that the civil expenses do not exceed those of Bajee Row, and that the military expenses are covered by the cessions of Basseen and Poona. This last expectation may be confidently entertained, it may indeed be expected that the diminution of expenses of the auxiliary horse will set free 18,00,000 or 20,00,000 additional and leave 50,00,000 of clear revenue by the end of the next year. These estimates however are so fallacious that they ought not to induce us to relax in the most rigid economy in all our establishments connected with the Peshwa's country.

The revenue of Holcar's share of Candeish is not included in the above statement, but it must, I imagine, be very small, and the present revenue, with that addition, will still fall short of 40 lacks. Candeish is however the most improvable part of the whole of the conquered territory. Should the amount above mentioned be thought insufficient to meet the purposes to which Your Excellency may intend to allot it, the following addition may be made to it. Rastia's and Gokla's Jageer lands between the Neera and Kistna may not be returned. The pensions to the Civil and Military officers may be recovered by resumption from the personal Jageers. The Gykwar's tribute may be exacted, Holcar's lands may be withheld and less favourable terms be granted to the Nizam. The two last items cannot be exactly calculated but the others would give the following additions:—

Rastias and Gokhlas lands	...	...	4,50,000
Pensions saved	...	...	4,00,000
Gykwar's tribute	...	...	4,00,000
			<hr/>
			12,50,000
			<hr/>

I would recommend retrenching the Raja's revenue, and enforcing demands on foreign States rather than lessening the pensions, but many of these last are for life and the others may be made also, although with respect to old military

Jageerdars I would by no means recommend the resumption of their lands on the death of the individuals. Those of civil officers or new Jageerdars may more properly be lessened or entirely resumed.

I have next to mention the civil administration of these acquisitions. The system at present in force is sufficiently explained by my instructions to the officers employed in that department. The main principles of those instructions were to consider everything subservient to the conduct of the war and scrupulously to avoid all innovations. This last rule I am still anxious to enforce, and to endeavour to show the people that they are to expect no change but in the better administration of their former laws.

✓ No body of regulations could indeed be introduced into a State, the component parts of which are at present so unsettled, and at all times so complicated, and so imperfectly known; everything even in the details of civil administration must be done on a general view of all its bearings, and improvements can only be made by degrees after a separate consideration of each individual measure.

In considering the arrangements to be hereafter adopted, the first question is that pointed out in Your Excellency's instructions regarding the Presidency under which each part of the conquered territory is to fall, I think there can be no doubt that the country to the south of the Raja of Sattara's Dominions ought to be assigned to Madras, and that to the North of the same tract to Bombay; but there is no local circumstance to determine whether the political connection with the Raja of Sattara should remain under the supreme Government or to be assigned to one of the subordinate Presidencies. If the troops can be furnished with nearly equal facility from both establishments, those for the protection of Sattara ought to be from Bombay, from whence the possession of southern Concan and the neighbourhood of the sea will give great facilities in supplying them. If the political control remains with the supreme Government, the Raja's dominions ought to remain a separate command.

The time when these territories can be made over to the different Governments can scarcely be fixed as yet. The reduction of Candeish, which will complete the conquest of the country, will probably be effected before the end of this year, and by that time it will be obvious whether any insurrections are likely to occur. Until that period the continuance of the present provincial government will probably be necessary, on account of the advantage derived from unity of authority in quelling any attempts at revolt.

The Southern Concan however, the conquest of which has been effected entirely under the immediate orders of the Government of Bombay, will best remain under that Government. Few of the difficulties to be apprehended in the Deekan exist there, and the Right Hon'ble the Governor will doubtlessly issue all the orders necessary for conciliating the prejudices of the people, and for giving a maintenance to those who have lost their former employment.

With respect to the territories above the ghauts our ordinary administration ought not to be immediately introduced even when they are made over to the Governments to which they are to belong. Even if they could be quietly imposed, it is a question whether our regulations would be beneficial to the people in their present state, and it is very doubtful how they could be received. Many novelties must accompany every revolution, and if to these we voluntarily add an entire change in the laws, it is easy to conceive the odium and prejudices we shall raise up against us. The probability of disgust is increased where there are so many intermixed authorities of foreign States, of dependent princes, of old and privileged feudatories, and of half subdued hill chiefs; while the number of unemployed soldiers and the various seeds of disorder that lie scarcely concealed, both in the country itself and in its connection with the other Marrattas, point out the extended disaffection and convulsions which would be the result of an unsuccessful experiment; on the other hand the present system is probably not bad in itself as the country has prospered under it, notwithstanding the

feebleness and corruptness with which it was administered. At all events it is generally known and understood. It suits the people whom indeed it has helped to form, and it probably is capable of being made tolerably perfect by gradual improvements introduced as they appear to be called for. There seems no ground for fearing that we shall be remiss in introducing our own system, and it is better that it should gradually encroach on the institutions of the country, than that it should overwhelm them at once, and leave the inhabitants without any known objects by which they could direct their course.

On these principles I would long have the Collectors to administer the Government without the restraint of any regulations but those which they find established. They would require to be well supplied with the assistance of European gentlemen. Their Mamlatdars would collect the revenue from the villages through the Patails as is now usual. The Patails might settle village disputes by Village Panchayets (arbitrations). The Mamlatdars would superintend the trial of more important causes by Panchayets of the most respectable people within their divisions, while those of greater magnitude and all appeals would come before the Collector himself assisted also by Panchayets and by Hindoo lawyers. Criminal justice would be conducted in the same manner, with the exception of the Panchayet, which though it might be found useful even in such cases, would be too new to be hastily introduced. In places where the lands remain to small Jageerdars, these persons would administer justice instead of the Mamlatdars and would be treated by the Collector with more or less consideration according to their rank and character. Some of the greatest the Vinchoorkur, Poorunderee etc. might be left for the present with little interference on our part unless in cases of great injustice.

The great Jageerdars to the southward who are entitled to govern their lands as formerly, would be best managed by the Collector of the Carnatic as Political Agent for Government

in which character he ought to receive a distinct salary, and have a separate office. The same officer ought to take charge of our affairs at Colapore, and on this plan I shall proceed till further orders. It seems an easy arrangement to place the management of these chiefs under the Political Agent at Sattara, but besides the inter-mixture of the land with the Company's in the Carnatic, it is an object not to make them look to Sattara as their Head Quarters or keep their Vakeels assembled at that Court.

The numerous Beel chiefs in the province, and the intermixture of Scindia's and Holcar's authority, will render a similar appointment in Candeish necessary, but any treaty that could remove that intermixture by exchanges or otherwise would contribute more than almost any other arrangement to the settlement and prosperity of the country. The bad effects of such an intermixture is less felt in an old possession than in a province which is still in confusion, where occasional disturbance and constant example prevent men from acquiring the habits of regularity and tranquility that are essential to the prosperity of a country. On this grounds I would strongly dissuade the cession to Holcar alluded to in Mr. Adam's letter to Sir J. Malcolm dated April 9th. The loss by such a cession to the British Government would be thrice the gain to Holcar, as he would only receive the scanty tribute now drawn from a ruined district, while we should give up the hopes of the full revenue not only of the tract ceded, but of the neighbouring districts where all improvement would be prevented by the neighbourhood of a Government like that of Holcar.

An arrangement with our own Jageerdars for a consolidation, similar to that just proposed for foreign States, is one of the very few innovations which I think it would be desirable to adopt. Even that I should postpone if the occasion were not particularly favorable. The Jageers of the greater part of the Jageerdars are already resumed, and as their personal lands will be restored as a favor, it will be easy to accompany the grant with a condition of exchanging the objectionable right for lands either for a convenient piece of land or for

a pecuniary payment. A similar agreement may be made with the Putwardhuns when they receive the proposed addition to their lands, and with Appa Dessye in settling his claims on the Nizam and the eventual addition to his lands. The Punt Suchem has already been warned that this cession would be expected, and all the other Jageerdars are in a predicament first alluded to.

The only remaining class of inhabitants are the Bheels and other hill-tribes to whom I would restore the allowances formerly given by the Marratta Government on condition of their protecting the roads. I would even make some addition to secure their good conduct, and this with a regular persevering pursuit of any chiefs that continue their habits of depredation would, I imagine, render them perfectly inoffensive.

I have said nothing in this report on the military arrangements requisite for the country..... I have only to observe that the force on no account to be diminished during the approaching fair season. Whatever precautions we may take there will remain many persons discontented and many unemployed. The number of these classes formed the strength of Dhoondia after the conquest of Tipoo's country, and of Holcar after the Marratta War in 1803. The same causes may be expected to lead again to the same result. At present the military classes are worn out with their late fatigues, the combination of which Baji Row was the centre is dissolved and new one formed, and all ranks are stupified by the blow that has fallen on them, and scarcely sensible of the full effects of the revolution. When the season opens for military operations, when people have had time to feel their loss and communicate their regrets, when the soldiery begin to miss the accustomed call for their service, and when Appa Saheb of Nagpore and other adventurers who still remain in arms commence their operations, it may be expected that some tumult will arise in the country, likewise these can only be quelled by the speedy application of an overwhelming force, and even if no rebellion should break out, the presence

of the troops will not be destitute of important and desirable results, nothing has so powerful an effect in settling the minds of men as a consciousness in the disaffected, that resistance is hopeless, and a feeling among the peaceable part of the community that the country is secure even from partial disturbances. I shall endeavour to keep all the pecuniary arrangements ... open until I receive Your Excellency's command, but it would be advantageous to have them all arranged as soon as it may be convenient to decide on them.

No. 3. Revenue officials, and methods of revenue settlement, and collection under the Mahratta Government. Village officials and their functions. The description of how a village was established.

From H. D. Robertson

Poona, November 1818

To M. Elphinstone

Sir,

The country of the Paishwa's was in former times divided into greater or less portions and managed by men of influence and ability bearing the title of *soobedars* and *sirsoobas*. These officers were Magistrates, Judges and Collectors in the tract assigned them. Their duties corresponded as nearly as possible with those performed by the gentlemen now under your orders. The extent of the country under a Sirsooba however entitles him to be compared to a Governor of a Province. It was not incumbent on the Soobedar or Sirsooba to be at the seat of his Government. The management of affairs was usually entrusted to an able confidential adherent on whom all the power and authority of the office devolved.

On the appointment of a Soobedar he was furnished with an estimate of the revenue of his district. This was prepared by the *Dafterdaurs* of the state under the eye of the Paishwa or his minister. The *Kamul* or fixed assessment always formed the ground work. From it was deducted all authorized and fixed payments for the support of the pagodas etc. The actual condition of the country was then considered and a reasonable allowance added or deducted on account of the increase or decrease of its prosperity. This was easily ascertained from the accounts and realizations of the preceding year. The Soobedar's salary and establishments were next fixed and the amount deducted - and the balance which was left was divided into several sums which were required to be paid at stated periods of the year into the Government treasury at Poona.

When the year of accounts was closed the Soobedar was obliged to furnish a detail account of his realizations, and if it appeared that he had collected more than had been estimated, he was called upon to pay the over plus. If any deficiency had arisen, and if there existed no reason to believe that his accounts were false, or his management negligent, he was not obliged to make it good.

The Soobedar of former times was therefore a government agent whose chief duties and responsibilities in times of tranquility were to collect the revenues. Though he was also a judge and magistrate, he was so only because he was a collector.

When the Soobedar or his proxy arrived in his Sooba, it was his first care to ascertain with precision how much land had been brought into cultivation, or was likely to be so in the course of the year. For this purpose he deputed local managers in every direction. Those sent to superintend Turnfs, Purgannas or Mahals were termed *Mamlatdaurs*, and those who had the charge of a few villages under *Mamlatdaurs* were called *Kumavisdaurs* - others were simply named carcoons. These men were employed in framing

an account for actual inspection aided by the patails and coolcurnees of the quantity of land belonging to Enamdaurs and others; of the quantity of assessable land laying waste; and of the quantity and quality in general of that which had been cultivated. After this survey the revenue of each village for the year was estimated by the assessable land cultivated being valued at a certain general and sometimes fixed rate proportioned to its average quality. This estimate was not the actual settlement for the year. It was only the ground work for fixing the dates of paying certain sums until it should be ascertained at the end of the year what revenue it was really proper to take. From this estimate were deducted all established allowances to *hugdaurs*, and all charges under the head of *Gaum Khurch* which had become permanent—and also all contingent charges which the Soobedaur thought proper to allow under the same head. This estimate was always so near the due assessment, that it was considered sufficiently satisfactory to insert its amount in the *ruzeenama* (†) which was taken from the patail of each village for the payment of the revenue.

It was usual for the Soobedaur to pay a visit to each turuf, mahal or purgunna when the inspectors of the cultivation were ready to submit (†) to (†). The patails of the turuf repaired to their cutcherry and having given a bond for the payment of the revenue stated in the estimates and received a counterpart of it from the Soobedaur himself, they returned to their villages to commence their collections.

It was expressly understood that the patail was purely a Government agent in these duties, and that neither he nor the Coolcurnee were entitled to any advantage beyond their established huqs or rights. They were therefore also exempted from bearing the burden of any defalcation. It should seem that the bond taken from the patails was thus rendered nugatory by the relation in which they stood to the collector, but when the influence which they possess in the little society over which they preside is taken into consideration, we must conclude that it would not fail to be attended with good effect

to remind them that the whole exertion of their influence was expected from them for the benefit of Government. Having granted such a bond also furnished the patail with an argument for inducing the ryuts to comply readily with his demands for money.

As the money was paid to the Soobedaur he granted receipts, and when the year of accounts was at end these receipts were resumed, and a statement furnished to the patail shewing the real amount of revenue, and only then fixed the dates of its realization and the balance (if any) outstanding. This statement was rectified by the Soobedaur in the usual way.

The appointment of Soobedaur was continued or taken away from him who had held it according to his interest at Court. Some Soobedaurs were allowed to remain only one year, but they generally had address sufficient to retain a Soobedarry for several years after they once acquired it. Some Soobedaurs let out in farm a few of their mahals. The persons to whom these were given were termed *mukhte mamlutdaurs* and they possessed in their own person all the power of magistrate vested in the Soobedaurs, but they could not sentence to death nor award the punishment due to heinous offences.

When the year was expired it was incumbent on the patail to continue the performance of the duties of his station with spirit without any orders from the Soobedaur. It was of no consequence to him whether the former Soobedaur was continued in office or not, and sometimes two or three months at the beginning and the year of accounts would elapse before he knew who was to be his immediate superior for the ensuing year. This rule was on every account indispensable, because when the removal of a Soobedaur occurred, it usually happened at that period of the year when if the patails were not obliged, without orders, to use their utmost exertions in stimulating the cultivator to industry, the country would from the supineness of the Soobedaur about to be ejected remain unimproved; or if

he were removed at the very commencement of the ploughing season this important consideration might escape the new Soobedaur till the year was too far gone to rectify the mistake occasioned by his inexperience.

The land already in cultivation was generally easy to bring into cultivation again. Famine, war and pestilence were the only obstacles the patail had to oppose. Those who had once cultivated a field were always willing to do so again, so long as they had, or were able to support the requisite establishment of cattle etc. The patail's chief care at the beginning of the year, therefore, was to encourage the ambition of his old villagers to plough up and to expend their little gains in taking new lands; to endeavour to obtain new cultivators for arable land not in cultivation; and to assist old cultivators in extricating themselves from pecuniary difficulties, to prevent their being forced to sell their cattle and effects, or to remove to a distant part of the country. He could generally perform the latter duty by interfering between the debtor and creditor, and by persuading the creditor of the possibility of his debts being discharged if the energies of the debtor were not cramped; or he would promise to represent his case so strongly to the Soobedaur that he would be furnished with *Tuggye*, or an advance of costs to enable him to go on with his cultivation. The former duties he accomplished by holding out prospects of gain from the terms on which he should let the unploughed land. These terms were a gradual increase of rent for a certain number of years until the greatest estimated rent of the land should be paid in the last year. They were understood under the term *Istava* and they admit of being explained by general rules, though in particular places either from particular customs or from the nature of the country there are exceptions to them.

Land which had lain waste for 15 years was offered by the patail for ten years certain occupancy. This is I believe the longest period ever offered, and if excessive labor were required to clear the land a (†) rate consideration was allowed in the terms of the rent. Where labor was not very great a

written *cowl* or *istava* for ten years was granted to this effect. No rent to be paid for the first year. The second year, the ninth part of the full assessment of the field (which would for instance be 5 rupees on a field that would produce 45 rupees). The third year two-ninths of the full assessment. The fourth year three-ninths, and so on till the full assessment was realized in the tenth year.

Land which had been uncultivated from above six to under fifteen years was offered on a lease of six years. The terms of the lease were the first year no rent; the second year the fifth part of the full rent of the whole land, the third year two-fifths and so on.

Land which had lain waste less than six and more than two years was given in lease for four years. The terms of the first year were a small rent. In the second year somewhat more than a third of the full assessment and so on till the fourth year, when the full rent was paid.

Cultivators holding *cowls* or *istava* are exempted from all contributions raised from villagers in general which it is considered incumbent on them as a society to pay, such as donations to holy men and especially *goseeyes*. Contributions raised to give to tumblers and musicians for the gratification of seeing them perform their feats and hearing them play etc. They are also suffered to enjoy, if they wish it, the fields they have brought into cultivation for two or three years after the *cowl* or *istava* has expired, and it is also expected by the *patails* that they will not desert them for that period at least. The rent paid during these years is the same as that paid in the last year of the *cowl*, and the cultivators are then liable to all extra expenses which fall on the other villages.

Exclusive of the settlement for the *Jummabundy* it was the duty of the *patail* to recover all articles established to be paid to Government by the village in kind - and also all the *buqs* of the *buqdaurs* of the *turnf* and of the village. The mode of realizing these *buqs* was different in different places.

But the most general rule was that they were exacted over and above the Jummabundy of the village. The articles paid to Government were termed their *Phur* and *Phurmaish*. They were distinctly mentioned as separate from the Jummabundy in the estimate framed by the Soobedaur from the reports of his inspecting carcoons. They were usually appraised, and the value of them taken in money; but this appraisal occurred every year, and the greatest care was always taken that it should not become a part of the Jummabundy by fixing its amount. The reason for this is probably connected with some prejudices regarding the original assessment of the country, or perhaps the patails have found by experience that though the *Phur* *Phurmaish* were at one time included in the Jummabundy it might be received at some future period in kind after the knowledge of its having been consolidated with the Jummabundy was forgotten, and therefore without any corresponding reduction in the Jummabundy being made.

When the season was advanced the Soobedaur furnished the patail with a peon to aid him in the collection of the revenues. This peon was sent by the Soobedaur and was a distinct person from the chowgulla or village peon whose functions I have adverted to in a former report. The Desh of the village also gave his assistance.

The process of collection after the amount to be paid at the time by each cultivator was intimated to him, it was for the patail to require the money paid to be taken without delay to the village goldsmith, whose duty it was to examine it, and if good, to stamp with an iron instrument. The money so attested was then received by the patail, who after giving a receipt or not as might be the custom of his village, either himself set out with it without delay or sends a relation or friend in whom he had entire confidence to convey it to the mamlutdar, but whoever took it in charge the money was always given into the hands of the village mbar, who alone was the proper channel for its reaching the officers of Government. This procedure shows how scrupulously exact our new subjects are in official forms.

When the money was brought to the Mamlutdar's cutcherry it was again examined by a shroff, and if any of it was found bad, the goldsmith was obliged to change it. When the money was accepted a receipt was passed for it by the Soobedaur who received it at the end of the year when he gave a single receipt for the whole of the collection for the year.

It sometimes happened that a cultivator would either refuse, or evade the payment of his revenue. When the patail was unable to persuade him of the impropriety of his conduct he requested the Government peon to interfere. The peon was authorized to hear the ryut's representation and if he thought the patail was doing an act of injustice, or that the ryut either was or had become from fortuitous circumstances unable to comply with the patail's demands, he took the man to the Soobedaur, who if he had reason to be satisfied with the excuses given ordered a remission in part or wholly of the demand against him. But if the peon saw no good reason on the part of the ryut for refusing to pay his revenue, he had power to punish him by making him sit in the sun, by not allowing him to be fed or by placing him in durance in the chowry. If this treatment should have no effect the peon took him to the Mamlutdar who if he pleased inflicted slight corporal punishment, not in a regular way but by what might be termed handling him roughly, by pulling and pushing him forcibly backwards and forwards, and by giving him thumps on the sides and back. Should he still continue obstreperous he was reported to the Soobedaur who ordered his bullocks and property to be attached, and if after selling them the debt was not cleared he was thrown into prison with fetters on his legs until it was fully ascertained that he had no other resources, when he was again set at liberty.

In cases where patails themselves were refractory and refused to attend a summons from the local officer, the Soobedaur sent a peon or horseman to the village with a written order to the patail to pay him a certain sum every day proportioned to his ability or contumacious behaviour; but the

exaction was never less than one, nor more than fifty rupees. If he persisted in not obeying the summons and also in refusing to pay the fine, sebundies were sent to seize him and to bring him by force, and he was then fined.

The patail was bound to recover in the same year all advances which the Soobedaur had given in Tuggye or Tuccavee. These advances were never made to the ryuts but through the patail and at his request - and though the persons to whom they were given should still be in a state of insolvency and require for the succeeding year some further support from Government, the money was invariably resumed, and a new advance, if the Soobedaur chose, was given for the new year. The patail frequently furnished such cultivators with the means of recovering themselves by lending them the money to pay back. But if the cultivator was unworthy of this indulgence and had failed in restoring his Tuggye, Government came upon the patail for the whole of it.

These customs continued to be prevalent in the Deccan during the late Paishwa's sovereignty, excepting in particular instances where they were found to be incompatible with the farming system. They may therefore as far as I can learn be looked on as the fixed customs of the country. The deviations from them were merely the consequences of oppression and were highly disliked by the people.

The Gaum khurch which the Soobedaur had no right to alter consisted of expenses established for the worship of the village gods. They are charged to Government, under the terms *gram Devatee Martee etc.*, *Nevel Deep Aradna*, *Nourature Oochew*, *Kartiq Oochew*, *Sunkerant Oochao*, *Sheemga Khurch*, *Goondu Dookvat* - the coolurnees pay etc. The patail advances the money for these expenses till it be brought to account and recovered from Government. There is also a contingent expense which the Soobedaur could not object to if he were satisfied that the patails had given the least they could. This was a donation to naked *goseyus* who occasionally arrive at a village in large bodies. The *goseyees* usually demand 100 or

200 rupees and the villagers generally succeed in getting them to depart satisfied with 10 or 15 rupees.

All other charges under the head of *gaum khurch* were carefully scrutinised by the *Soobedaur*, and were admitted or not as he thought proper.

From the revenues of some villages was annually paid a sum under the term *Dhurmadao* and *Wurshasun* to certain people. But it was not in the power of the *patail* to pay such allowances or introduce the charge in his accounts without an express order from the Government every year. These allowances were paid between the months of *Cartiq* and *Phalagoon* (November †).

In the oppressions practised under the farming system the *patails* had resort to a practice to meet the exorbitant demands of the farmers which was highly detrimental to the general prosperity of the country. This practice was known in former times, but its occurrence then was rare in comparison of what it was during *Bajee Row's* sovereignty. When a *patail* was told that he must pay so much for his *Jummabundy*, and he found it expedient either from actual or pretended necessity to realize the amount required from him from some other than his only legitimate and reasonable source, he contracted with any one willing to lend him the money he wanted to give him up in *Enam* a certain portion of the village land. This transfer was termed a *gaum nisbut Enam*, and where the person lending the money had doubts of the possibility of the village ever recovering itself so far as to be able to reimburse him, he insisted on the *patail* using all his influence to have the *Enam* ratified by Government. If he saw a prospect of suffering no loss he would take the land at the hazard of being ejected should the *patailship* of the village go to a distant relation who did not care for the engagements of his predecessor.

Gaum Nisbut Enams were not allowed to affect the *Jummabundy* payable by the village. In former times when they were granted the *patail* was obliged to pay rent for them,

the same as for other fields brought into cultivation; and in later times when the demand for Jummabundy did not depend on so reasonable an argument as the amount of produce, the hardship was more heavy. The custom of the country resolves itself perhaps into this - that so long as the patail pays to Government a due assessment on all village lands brought into cultivation, it is not a question with Government how he fulfils his engagement, beyond seeing that he does not oppress individuals; and that if the patail chooses to borrow money and transfer the village land in mortgage for it, it is purely a private illegitimate contract (unless it be ratified by Government) which if the patail's successor, or the patail himself should refuse to acknowledge, the holder of the mortgage must lose the whole of his money and the land also.

It would be attended with some advantage if the different Collectors were when more at leisure to submit their sentiments on Gaum Nisbut Enams. Notwithstanding the strong inducements to the patails during the last administration to mortgage lands in this way, I believe there are very few monied men who have speculated in such mortgages, and that there are not many Gaum Nisbut Enams in the country, though there are many Enams confirmed by Government which have originated in such mortgages. With the latter we can do nothing further than to ascertain whether any rent was paid by the Enamdaurs or patails, and should now be exacted by us - but for the former there might be some general rule framed founded on the customs of the country.

The patail sometimes appropriates a small piece of ground for toolsee, plantations of mango trees, and for bramins who take on themselves the entertainment and lodgement of other travelling bramins. These donations of land are also termed Gaum Nisbut Enam - but the patail is obliged to have them confirmed by Government, otherwise they are liable to be resumed and the patail punished for bestowing them. Government seldom if ever refuses to admit such appropriations and transfers.

I now beg leave to submit an enumeration of the village members called Ballootees which is more exact than that given in my letter dated the 9th of March. Their appointment being ultimately connected with the formation of a village, it may not be deemed irrelevant to mention the process of doing so from the commencement.

When it is determined to establish a new village the person who is entrusted with the duty on the part of Government, or whoever has thought proper of being at the expense of so good a work, appoints a patail who proceeds to the spot, and with his own hand clears a piece of ground. He then collects a few cultivators and marking out spots for them gives them cowls of istava. He sets the example of ploughing the field he had previously cleared, and enters on a conversation with his companions on the necessity they are under of having houses, of not being obliged to go to a distance for the purposes of being shaved, of getting their clothes washed or their implements of husbandry mended, and ends it by suggesting that he should petition the founder of the village to grant them Ballootees and to order the foundation of a village. These twelve persons are assembled: 1st Josee; 2nd A sootar or carpenter; 3rd A lohar or ironsmith; 4th a chummar or carrier; 5th A mhar; 6th A moola; 7th A coombar or potter; 8th A nauwee or barber; 9th A pureet or washerman; 10th A gooroo or priest; 11th A mang; 12th A cooley.

Of all these persons the first and most important is the Josee, and it is sometimes extremely difficult to persuade one to undertake the task of founding a village. Those who do so are generally old men, and it is remarkable that few survive the duty many days. When a Josee is obtained the other persons soon accede to be the members of the new institution. When the whole are ready the effigy of a man as large as life is made up of the straw of rice, and an image of the *Wastoo Deo* or genius of the village is made of the wood of the Omrey tree (*Firus Indicus*) about 2 feet in length. A square hole is then dug in the centre of the bounds about to be marked out for the village. This is filled up with wood, and by the side

of it is placed a quantity of *bullee* or an offering to the Gods of food.

Exactly at midnight the Josee and his companions commence their operations. They start from the S.W. point of the circle they are to traverse (and which is to be considered the boundary line of the new society), making the most hideous cries and noises. The Josee goes first pulling after him by the feet the effigy of straw, and when they have described the circle they burn the effigy at a distance outside of it. They then purify themselves by bathing, and proceed to the centre of the new village where the hole had been dug and commence the Hōm or sacrifice, with all the incantations enjoined by the Hindoo faith. If it is intended that the village shall be small 108 hands full of the bullee or meat offering, is thrown into the fire; if of a middle size, 1008, and if it is contemplated that it will be a very large village, it is necessary to throw into the fire 12,008 hands full. It is considered a very unlucky circumstance if the fire of the burnt offering continues to burn little after the break of day; and the village must be occupied by some of the new residents the moment the ceremony is over, otherwise the village will never thrive. He who risks himself and family is particularly careful that they shall not hear the hideous cries of the bullootee, for such a misfortune is supposed to be followed by certain destruction. He therefore takes with him all sorts of loud musical instruments and stands surrounded by them till it be time to enter the bounds of the new village. When arrived near the centre he immediately erects a small house or hut and resides in it until he can build a better. Afterwards the people who had been induced to remove to the new village flock in by degrees, and the business is finished.

The Wastoo Deo is taken to the N.E. angle of the village and after being worshipped by the Josee and his companions is buried. A tutelary god of the village is then made. It has no particular name, and bears the general appellation of *gaum Deveta*. It is carried to the nearest and best tree and there placed with an injunction to stay there, to be contented,

and to preserve the village from harm. The Gram Devetea requires to be worshipped only once a year, and if its worship be then neglected, it is believed that some serious misfortune will ensue from the effects of its indignation. When a traveller arrives at a village, if a devout person, he will always go to the N.E. corner of it and on finding out the spot where the Wastoo Deo is interred he will do reverence to the spot, and propitiates the Deo by leaving some rice covered with red powder.

The Enams and huqs of the patail and Balootees are all settled immediately after the ceremony of founding the village is over. The patail receives the field especially which he first ploughed in Enam. He is enjoined by the founder of the village to be always active in promoting the prosperity of the village, that he will be severely brought to task should he neglect to do so, and indeed that nothing short of taking from him his honorable office will be the consequence of any supineness in duty, or insubordination to the ruling power. The coolurnee at the same time has his salary fixed according to the size the village is expected to be. In my division his salary is never less than 12 rupees nor more than 100. It is defrayed by Government, and is a permanent charge on the gaum khurch. The coolurnee also receives a certain fixed quantity of grain from each villager. The patails also receive grains. In some villages the coolurnees' share of grain is greater than that of the patails. In the Patna taruf of my district the patails receive more than the coolurnees. In Sandus, the Havelly and Kurry Pathar the coolurnees' share is the largest. In some of the villages under me the patails receive no grain at all, but in every village the coolurnee does. Coolurnees have no Enam lands and the patails pay a miras puttee for theirs, some every year and some every two years but none are exempt to the third year.

The bullootees are so termed most probably from the words bull or bullee food and looty a plunderer in contradistinction to the alootees or no-plunderers. The bullootees on

the ripening of the grain proceed to the fields and take their sheafs more as plunderers than as people entitled to take them. Alootees who are not permitted to do this but who receive their salary in cash, or in grain, as regular servants are the soonar or goldsmith, the tambolee or the seller of paun and the ramooses. The bullootees on the formation of village also eat up the remainder of grain which is brought as a sacrifice offering, and as bullee more particularly applies to food presented to gods than to common food, their name may perhaps have originated in something connected with the ceremony after their first assemblage.

The duties of all the balootees and allootees have already been described... Their names indeed in general imply their occupations. The ramoossee however requires some further remark.

✓ The village rukwallee ramoossee is responsible in his own person to the patail and to Government in conjunction with the patail, for any robbery connected within the bounds of his village, and for the apprehension of any robber who may have traced into and whom he cannot trace out of the bounds of his village. The ramoossee on discovering and apprehending the robber, obliges him either to restore the property or give security for the value of it, and if he cannot discover him he is obliged to become answerable to the patail in his own person for the value.

When a robbery occurs the patail sends for the ramoossee and enjoins him in the strongest terms to discover the robber. Should the ramoossee fail in doing so, and object to give security for the value of the property stolen, the patail sets out with him to the Mamlutdnar who impresses on the ramoossee the necessity of exerting himself to find out the robber, and threatens him with punishment if he neither does so, nor stands security for the payment of the value of what may have been robbed. The ramoossee then generally comes to an understanding with the patail (who is at all times his bail to

Government) and grants the Mamlatdaur a bond, that if the ramossee does not discover the robbery he himself will pay the amount of it within a certain period. The patail then restores the ramossee to his usual duties by which means he has an opportunity of making inquiries, and of tracing the robbers, but the patail takes care to attach the whole of his property until the robbers are caught. Should the ramossee fail in the discovery of the robbery, the patail assembles the whole of the villagers and according to their ability requests them to pay a contribution to make up the value of the property stolen. They always do so without discussion, and generally accede at once to the sum the patail mentions as proper for them to give. A discussion then ensues on the merits of the ramossee, and if it be believed that he has been remiss in his search, or at all connected with the robbers, he is dismissed from his office, and another appointed; but if his diligence and honesty are apparent, he gets the greatest part of his little property which had been secured by the patail restored to him, and is reinstated in office.

In my report of the 9th March I expressed a doubt of the mode on which *Miras* or *Thulkuree* land came to be acquired. I have since ascertained that any cultivator may become a mirasdar with the consent of the patail and deshmoorkh of the division to which he belongs. If a cultivator who had been invited from another country or village, or who had sought of his own free will for employment had performed the terms of his istava cowl faithfully, and expressed a wish to continue in possession of the fields he had laboured, he could become the proprietor of them by obtaining a writing constituting him their owner from the Deshmookh and Deshpanday. He was obliged to present these persons and the patail of the village with a shella and turban each. His rights to the fields, thus given him, it was impossible for the patail or the agents of Government, to annul so long as he paid the annual field assessment on the condition of which he became their owner. He was, however, bound to keep the whole of this land, which thenceforward assumed the name of Sostee or

Chalee Zumeen in cultivation; at least if he did not, Government allowed of no deduction in his *Jummabundy* for what part of it he might leave uncultivated. Should he fail in making good the whole rent his rights as a *Thulkuree*, or owner of *sostee* land immediately ceased, and the land was let out to another cultivator on the best terms the *patail* could obtain, and remained as village land until it was again similarly given up to the proprietorship of an individual.

The rights of the *Thulkaree* or *Mirasdar* of the *Deccan* therefore are simply these, that so long as he fulfils his agreement by paying his rent, neither the government nor the *patail* can eject him from his lands, but the moment he fails in doing so he loses his right of inheriting it and the land is taken from him.

For this reason when Government wishes to bestow a piece of land in *Enam* it cannot give away the land of a *Thulkuree*, but it gives land which has no individual proprietor (if the *Thulkaree's* rights be tantamount to a proprietorship) and this is generally mentioned in the *sunnud* to prevent future discussions.

In so far as I have yet learnt there are no particular exceptions to any of the customs mentioned in this letter in any part of my division excepting in the *turufs* of *Pown Mahwul* under *Mahwul*, *Nana Mahwul* and *Powar Khore*... This custom has arisen from the nature of the country in these districts which is succession of hill and dale, mountain and valley. ...

(*N.B.*—The letter is unfinished).

No. 4. On the subject of village debts and how contracted under the late Government. How loans were raised and rates of interest calculated. Various types of debts contracted by the ryots and the village officials. Suggestions for the payment of these debts by Government, and the necessity of controlling all rates of interest in future dealings.

From William Chaplin

Poona, 5th January 1820.

To Mr. Chief Secretary Warden.

Sir,

In the final report furnished by His Excellency to the Governor General, by the Hon'ble the late Commissioner, allusion is made to the subject of the village debts contracted during the late Government. This very important question which is intimately connected with the future dispensation of justice, and with the prosperity of the moneyed interest as well as of the cultivating classes, remaining to be discussed and decided, I beg leave to submit to you to be laid before the Hon'ble the Governor in Council, the information however imperfect, which my inquiries have enabled me to procure. . .

Almost every village throughout the Mahratta country is involved in debts, which have arisen either out of improvidence and extravagance of the village managers, or what is more commonly the case out of the exactions of the officers of the late Government. These debts are contracted with Sahoo-kars or Bankers, or with Suraffs or others, composing the moneyed interest, and they are actually paid by extra assessment upon the village which were imposed under various denominations of *Khurch puttee* or *Noogsan puttee* or under the more general and indefinite head of *Sadiroarid*, or contingent charges. It is difficult to form anything like an estimate of the extent of these debts...their amount if it could be ascertained, would probably be found to exceed the means of the country to discharge them.

On the change of Government the practice of making extra levies upon the villages...having been restrained, the fund by which these public debts were from time to time partially discharged became closed... These debts have as may be supposed formed a fertile subject of complaint to the Collectors, and many of them have been struck with the magnitude of the evil, as well as embarrassed how to avoid the denial of justice... In this delicate and perplexing dilemma, almost all suits of this nature have been suspended... It is however a question which involves a number of combinations, and cannot be reduced to the compass of any one general rule... Many of these debts are unquestionably founded on collusive arguments by which Bankers have become established public creditors... Many are founded on forced contributions, and in plurality of cases they have their origin in arbitrary impositions levied from the ryot beyond his ability to pay... but it must in the meantime be admitted that a large portion of them are bonafide engagements; and as the late Government considered them binding the obvious principles of justice prescribe that the British Government should consider its faith equally pledged to ensure as far as possible their fulfilment...

An apparently easy remedy would be for Government to discharge these debts, but...the intricate and perplexing investigation which would be previously requisite...and which could only be accomplished by a Commission...constitute a well founded objection to such a measure.

To leave things as they are without...resort to extra assessment for the discharge of the debt, and without restoring the powers...of coercion formerly in the hands of the creditors... such a procedure might...be considered an act of tacit injustice...

To restore these arbitrary practices would subject the ryot to many of the oppressions...and individually to the caprice and tyranny of every...avaricious creditor. A middle course would enable the creditor to harass the ryot, without ever procuring full payment to himself...

The only course therefore appears to be to leave those questions to the ordinary courts of justice... This is certainly objectionable, in as much as it will be likely to promote a spirit of litigation and clog our judicial tribunals with a number of suits...difficult to bring to a final adjustment. A previous general investigation...might be useful in facilitating judicial decisions, but it might, and would probably have, the effect of reviving endless claims..

The danger however of embarrassing our courts...will be greatly obviated by a general classification of these debts under different heads by previously determining which of them shall or shall not be deemed actionable, and with whom the responsibility of liquidating them shall rest. Where there is great fraud in the transaction, it must be set aside, and when the debts are really due, all usurious accumulation of interest will of course be deducted.

Previously to any attempt...upon a classification of these village debts, an enquiry into the rates of interest...seems to be an essential preliminary...

The rates of interest...are always fluctuating and variable, partly in proportion to the redundancy of money in the market, and partly to the risk incurred by the lender... The medium rates, where the security is unexceptionable, are extremely high compared with those of Europe. There the profits of trade are low and the rate of interest keeps on the same level...

Bankers with whom deposits of cash are entrusted, which are either payable on demand, or at a short date, allow an interest of from 3 to 6 percent per annum.

On loans between bankers themselves, the usual rate of interest is from 6 to 7½ percent per annum.

Petty traders who borrow from bankers pay an interest which varies according to circumstances from 12 to 24 percent.

Persons who have fixed employ...and people of the cultivating classes can seldom raise money at less than 24 percent, and it often rises as high as 48. On the average however its fluctuation will be found to be between 24 to 30 percent.

A class of petty money dealers *warkars* (!) who frequent the weekly markets, are of all descriptions of jobbers, the greatest usurpers. Their dealings are confined to the most necessitous classes, and the hazard they run of losing the capital altogether justifies perhaps the exorbitancy of their transactions. Their loan seldom exceeds $\frac{1}{2}$ a rupee, though they sometimes rise as high as 30. The rate of interest is commonly one pice per rupee payable weekly, which gives an annual interest of 120 percent. In some places this rate is even exceeded the interest being one pice per week upon a loan of 16 pice which raise the annual profit to 300 percent.

Another species of loan is common amongst the rynt who borrow money of Sahoo-kars for the payment of their kists at a discount of 25 per cent, engaging to repay the full amount upon the gathering in of their crops. These loans are generally taken up about 3 months before the crops arrive to maturity. Money is also taken up a fortnight or three weeks before the crops are cut, on an engagement to repay it at the future selling price of grain with the addition of 2 to 4 seers worth for each rupee borrowed. Besides interest, a premium is often paid for loans of from 2 to 4 percent, which fluctuates of course in proportion to the necessities, as well as to the character of the parties.

On loans of grain borrowed during that part of the year, when prices are generally highest, and payable in kind at harvest time, an additional return per candy of from $\frac{1}{4}$ to $\frac{3}{4}$ or even a whole candy is frequently exacted. The period of these loans seldom exceeds 7 months, and the interest would therefore appear to be immoderate. The frequent failure of the rynts however, either partially or entirely in fulfilling their engagements, renders the hazard very considerable,

and this circumstance in some measures accounts for the exorbitancy of such transactions.

On purchases of cloth upon credit no interest is charged, but the seller raises the price of the article in proportion to the risk, and to the extent of the period during which he is likely to remain out of his money. The same remark will apply to the sale of cattle.

In all the different dealings...bonds are either taken, or the transaction is entered in the merchants' books, or it rests entirely upon the verbal agreement of the parties... On the occurrence of any dispute the affair is referred to a Panchayet, who decide upon it according to its merit...

I shall now, with a view to facilitate the future investigation of them, endeavour to class the most common description of debts which...are likely to constitute the principal sources of dispute and litigation...

The first and chief class is that of village debts, or debts due from Mookuddims... With reference to village debts it often includes one or more principal rynts, and occasionally even the whole of the rynts of a village who sometimes enter into a bond to discharge such loans...

So under the native system the periods at which the first kists are payable precede the time of reaping the harvest it becomes necessary for Mookuddims to make arrangements for liquidating these demands..... The Patels, kurnums and perhaps a few of the principal cultivators accordingly having pledged their individual security, the Sahoo kar paid the revenue to the Government officers... Many of such debts contracted during the late Government are now due from villages to Sahoo kars, and the heads of villages, when called upon for payment acknowledge the justness of the demands, but state that they have no means of discharging them but by resorting to the old practice of levying an extra imposition upon the rights, which being of course incompatible with the rules now established... The balances are now irrecoverable.

With regard to bonafide loans of this nature there is no doubt that where the Mookuddim only have entered into the engagement without concert or communication with the rynts, they alone according to the practice of the country are individually responsible for their payment to the extent of their means... What cannot be realized from the Mookuddims, must in my opinion be deemed irrecoverable.

In some villages debts of this nature have been distributed in detail amongst the whole body of rynts, whose vouchers having been taken in the names of the Mookuddims for their respective portions of it, the Mookuddims have given to sahookars their personal bonds for the amount. The sahookars now of course claim their balances from the Mookuddims... As such debts have been contracted... upon the confidence of the Mookuddims responsibility, they ought I think to be made liable... The Mookuddims... having the security of the rynts would in such cases be permitted to recover the debt due by each individual, and whatever deficiency remained, either from death or failure of individuals to be realized, would be assessible generally upon the Patels, Kurnums, and such of the rynts who were party to the village loan, and for whose general benefit it was contracted. Those who may have subsequently to the transaction taken up their abode in the village, would of course not be answerable for any part of the debt. If the whole of the old inhabitants were in such low circumstances as to preclude the possibility of their liquidating the debt, the sahookar had to look solely to the Mookuddims for payment, and in the event of their being bankrupt the recovery of the money was considered hopeless. The same principle might now be applied to the liquidation of such demands, under such limitations, as might be best calculated to prevent the abuse so likely to arise from all extra assessments.

In a few villages it will be found that the heads of villages have procured in the name of the sahookars, the bonds of each rynt for his portion of the aggregate debt... In such cases the personal security of each rynt being pledged, they of course

and not the Mookuddims are liable, and where the death or insolvency of individuals is the case...the debt...now I think to be deemed irrecoverable.

Where sahookars have taken collateral security for their loans, the security will naturally be held responsible. He will of course have his lien upon the ryuts under the limitations and conditions proposed...

The above mentioned debts may be classed amongst the bonafide transactions. Those which I shall next mention are equally so, but they are contracted under different circumstances. Those are debts arising out of *Dunds* or forced contributions under various titles. *Ghas Dana* or forage money. *Nuzur puttee* or impositions for presents. *Khasgee puttee*, or mamlutdar's privy purse. *Luggun puttee* or assessment for marriage, or other ceremony by the public officers. *Durbar Khurch*, or bribes to those functionaries, and a variety of other heads which might be enumerated. To satisfy these demands, sahookars have in like manner come forward, and all the requisite vouchers having been exchanged their claims are in many instances unquestionable... On a close enquiry however, it will frequently be discovered, that those bonds have been taken by sahookars who have been in partnerships with the Revenue Contractors, and wherever this is ascertained to be the fact there need be no hesitation in declaring them null and void, as having their origin in fraud and extortion. But this is not the character of all such debts. Inability to support torture has often induced the Mookuddims to seek assistance from sahookars, who under such circumstances will doubtlessly be as much entitled to recover, as if the loan had been contracted for the legitimate purpose of paying the just dues of the Government.

Many debts have been contracted on the faith of the Mookuddims for advance of Tuckawee either for the purchase of seed, grain or cattle, or for the mere subsistence of the ryut. The Mookuddims now resist those demands on the plea that they are not village debts. The principles on which it

is recommended that other good debts shall be settled will equally apply to these cases.

I come now to a description of debts into which any enquiry further than what may be necessary to ascertain their real character, seems quite inexpedient. These originate in loans contracted by moamlutdars from sahookars for their own private use and benefit. They have often been granted on cheap terms by the sahookar to secure the favor and protection of the moamlutdar...the recovery of such debt must have been always extremely precarious. On the approaching removal of the moamlutdar, the sahookar demanded payment, and in default of it, usually obtained in his own name bonds procured by moamlutdar's arbitrary authority from the villagers in lieu of balances alleged to be due by the inhabitants. The heads of villages naturally object to liquidating debts which they had really no hand in contracting, and such bonds in a plurality of cases being for sums unjustly imposed upon the villages under the denomination of some extra *Dund* ought in my opinion to be considered entirely invalid...and ought I think to be deemed of no more force than waste paper.

There is another sort of bond which is equally founded in inequity. These are exorted by moamlutdars from heads of villages in lieu of pretended advances to Government for *Durbar-Khurch* or other purposes. These bonds are taken not in their own name, but in that of some sahookar, to whom they are afterwards transferred, and who now claims the full amount... These bonds are prima facie, as good as any others and are often supported by collateral security. The Patels however...disclaim any knowledge of the bond holder and protest altogether against the transaction. Our tribunals... would not consider the production of such vouchers sufficient evidence of the justice of the claims. It is superfluous to add that such bonds ought, in my opinion, to be at once rejected whatever the real character of them is ascertained.

I shall now proceed to advert to debts of sahookars for which the Government fields under the title of *Gam-Nisbul*

Enams are mortgaged, the villagers agreeing to pay the rent of them to Government until the debt is liquidated, when it is stipulated that they are to revert to the sirkar. The cultivation of such fields is in general, fraudulently concealed by the kurnums..... The sahookar of course seeks redress which the villagers cannot give him. The general rule however, which has been already established is that the sahookar shall enjoy the land till the debts shall have been liquidated...is perhaps a sufficient indulgence. It might perhaps with advantage be made more definite, by prescribing that the field if recently acquired should be relinquished on the proceeds amounting with a reasonable interest to the sum of the debt, or if the possession be of long standing that the receipt of double the amount of the debt should cancel it. This, as it would be consistent with the custom of the country, would probably be an equitable regulation.

The foregoing remarks apply exclusively to what may be termed public debt. Those which the ryut contracts with sahookars of a private nature, upon their own individual responsibility must be decided before our judicial tribunals upon their respective merits. These debts are incurred for various purposes... The interest as already stated varies from 24 to 48 percent. Where advantage has been taken of the urgent necessities of the ryut to exact above 24 percent, the excess of interest above the sum ought perhaps to be struck off as usurious and exorbitant, and in case of immediate inability to liquidate the debt some compromise might take place... The interest agreeably to the custom of the country ought never to be allowed to exceed the sum of the principal.

This rule however is frequently avoided by sahookars who by closing the account periodically and adding the interest to the principal take a new bond for the amount. Whenever this fact is established, it will perhaps be sufficient to decree the payment of such bond without any interest that may have subsequently accrued upon it.

In many parts of the country the ryuts pay the whole of their rents through sahookars. This system is extremely pernicious to the ryut himself, who from his ignorance of accounts is forever involved in his banker's books; and as it enables the moamludars, by means of this immediate agency to commit great abuses with a certainty almost of impunity, it ought to be discouraged as much as possible... Under this system the ryut agrees to give up the whole of his crops to the sahookar, who tho' he receives it nominally at the current price of the day, always takes advantage of the market to over-reach the ryut, to whom upon all advances of cash he charges an interest, which varies from $12\frac{1}{2}$ to 25 percent. Everything required for his disbursement being advanced by the sahookar the ryut becomes in process of time from the accumulation of interest irretrievably involved, and at length reduced to the condition of a menial slave. In the event of suits being preferred for debts of this nature, no tribunal is so capable of deciding them as a Panchayet, who alone are qualified to judge of the manner in which such accounts ought to be adjusted, and the disputes compromised. It may be necessary...to state that various other modes of taking advantage of the ryuts' necessities are practised by these bankers. Loans of grain are advanced to them payable at the end of a few months with 30 or 50 percent addition, and as such loans frequently remain unpaid, an opportunity when the selling price is highest, is taken to exact a bond for the pecuniary value. In adjusting disputes of this nature care must be taken to strike off all interest on such transactions which may exceed treble the quantity of grain advanced, it being an established principle, that the delivery of three times the original quantity discharges a debt of however long-standing.

It is sometimes agreed that these advances of cash shall be payable in grain at harvest time according to the selling prices of the period when the advance is made. At the time of receiving the advance, a deduction of 25 percent is made by the sahookar, that is to say, for every rupee which the ryut engages to pay $3\frac{1}{4}$ of a rupee only are really lent. This is a

species of gambling speculation, the quantity of grain to be repaid being fixed whatever alteration may in the meantime have taken place in the state of the market. In default of payment in kind, the custom of the country would authorize a charge of 24 percent interest upon the transaction. A practice nearly similar is when a ryot agrees to pay for every rupee advanced a rupee's worth of grain, with a surplus of four seers in addition to the original quantity.

Another subject of dispute, being of frequent occurrence, some observations respecting it may not be superfluous. It is that of Enamdars such as Desaees, Despandees, Potels, Kurnums and others, who have mortgaged their lands on which an annual quit rent is payable to Government, the Enamdar still engaging to pay such rent. His resources failing, the officers of Government, with a view to secure public dues, take the Enam into their own immediate management. The same circumstances occur with regard to houses subject to professional taxes. In both these cases the mortgagee ought to be allowed to hold the land or houses on his engaging to satisfy the Government demands upon them as long as may be necessary to discharge the debt with a reasonable interest.

One of the most difficult questions of debt is that which relates to loans contracted by great sirdars during the late Government. Many of these sirdars are now deprived of the means which they formerly possessed of discharging these debts, and at no time did the lender possess any certain means of enforcing payment. These sirdars being now less capable than ever of performing their engagements, it would be obviously unjust to place the creditors upon a better footing than they were at the time the transaction occurred, by using more strictness with the debtors than would have permitted by the late Government. Many of these sirdars however avail themselves of the plea of the change of Government to withhold payment altogether, although possessed of the means of satisfying the just demands of their creditors... The difficulty however, will be to distinguish personal loans from loans

granted in payment of their troops for which the sirdars have become responsible. The latter are of course irrecoverable... In regard to the private debts of sirdars, if these sirdars were not amenable for their discharge to some court of justice or public authority, any suits preferred on such account must clearly be excluded from our cognizance; but where the debts are due by chiefs whose authority was not independent, the suits must either be left to take their course, according to the native system of *Tugaza*, or if that mode of recovering balances is deemed exceptional, recourse must be had to Panchayets for their adjustment*.

The present rates of interest prevalent in the Mahratta country are much too high, and might certainly be reduced within reasonable limits. One of the chief reasons for such high interest, namely the hazard of losing the principal from the channels of justice being shut up, no longer obtains; and on this ground I think some regulation to check the continuance of the old usurious practice immediately requisite, not in reference to past dealings, but with respect to future pecuniary negotiations.

No. 5. Powers and functions of District officials like the Deshpandia, Deshmook etc., under the Mahratta Government. What were the rights and duties of the Zamindars, and what attitude the British were to adopt towards them.

From William Chaplin

Poona, 18th November 1820.

To Mr. Chief Secretary Warden

Sir,

I have the honor to acknowledge the receipt of Mr. Secretary Farish's letter...desiring me to state the native

* Writing further on the time limit for admitting claims for old debts, Mr. Chaplin suggested 24 years as probably sufficient to meet the ends of justice. But he suggested a longer period according to the custom of the country for claims founded on mortgage of *wutluns* or other lands—the general feeling according to him suggested a period that extended as far back as 70 years.

ideas regarding the rights and duties of Zumindars together with my own opinion on the plan recommended by Mr. Marriott for regenerating this class of functionaries.

The principal zumindars are denominated *Deshmooks* or *Dessayeys*, *Despandies* or *Deskoolcurnees*. It has not been possible to ascertain the era at which the office was instituted, nor have I succeeded in procuring any sunnuds of a sufficiently early date to furnish any light on the point. Mr. I. Grant in his elaborate survey of the Northern Sirkars ascribes the first establishment of the Desmook under the appellation of *Croree* to the Moghul Emperor Akbar about the year 1582 during the second administration of the famous financier Tudur or Toornall Mull—but I have met with no satisfactory evidence to confirm this testimony, and should be rather disposed to refer the origin of the institution to a more remote epoch. The most intelligent natives whom I have consulted, seem to think that the Desmookhs were established in the early time of the Moomumedan conquest, when the country had been reduced by frequent wars and by the dearth and necessary consequence of wars to a very low ebb in point of population and resources. The office being constituted on a principle calculated to confer upon the holder a permanent interest in the improvement of the country, it was thought likely to secure the just rights of the cultivators and the dues of the ruling power. The Desmookh was to be a fixed hereditary officer constantly residing in the Province placed under his superintendence, and as he was not like the temporary managers of Districts, such as Soobedars or Mamlatdars liable to removal from office with every change of dynasty or of ministry. He had abundant opportunity of making himself intimately acquainted with the resources of the country under his charge. As his income also founded on the mode in which he was remunerated increased with the revenue of the District, it concerned him to promote their prosperity, and he had less temptation to conceal or appropriate the collections to his own private emolument. He formed an useful check upon the moamlutdar or district manager, and as long as his trust was executed with integrity and efficiency he afforded equal protection to the rights of the

sovereign and of the subject. His situation enabled him to communicate the most complete information to the Government of the capabilities of the Province, and of any abuses tending to the detriment of the property or liberty of the cultivating peasantry.

The Desmookhs had the general control and management, whilst the province of the Despande or District Register, whose office is similar to that of the Qanoogo in some parts of India, was limited to the keeping of the official records of the District. They acted in communication with each other subordinately however to the mamlutdar, who stood appointed on the part of Government. It behoved them to submit full and accurate accounts of the state of the country, the extent of land under tillage and of the increase or decrease of the population. They were the immediate agents in forming the annual settlement between Government and the ryot, and were held responsible that the assessment was equitable for both the parties. They arbitrated differences regarding succession to Wuttuns, or disputed boundaries to villages. They superintended the Police, and were to a certain extent answerable for keeping it in a state of efficiency. All transfers, sales or mortgages of meeras land were conducted with their privacy, and the transaction registered in the Despande's Dufdar. No alienations of Government lands was permitted but with their knowledge, nor recognized by them except upon sufficient sannuds being produced; and the responsibility of reannexing to the sicar lands, lands that had escheated to the state on failure of heirs rested with them.

The confirmation of the villages held as benefices, and of Enam or free lands depended mainly upon their certificates as to the right and title of the owners, and to the antiquity of the possession ascertained by their vouchers. In default of family to succeed to Patelships, or to the office of the Koolenree the duty of discharging the functions of the post devolved upon them, and in some cases they succeeded to the permanent possession of the emoluments of the offices in question on paying a Nuzzur to the ruling authority. The

vacancies, however, were more usually filled up by the immediate officers of Government. On the removal or change of moamludars, a statement of the collection and balances of revenue was furnished by the zamindars, whose accounts formed the ground work of the adjustment that was concluded with the farmers or Potels of the village.

The official income and perquisites of the office of Desmookh or Desae usually exceeded by at least 50 percent those of the Despande, but the relative proportions varied of course according to the bounty of the ruling authority. They had either the whole or part of the revenue of the whole villages allotted to them, which were denominated *Isafrut* (?) villages, and lands or fields besides were often assigned in different parts of the province, most likely with a view to give them a proprietary interest that should occasionally call them to distant quarter of the country under their management. They had also a part paid by fees which were usually a given percentage on the collections, a mode of remuneration which incited them to augment the public revenue as much as possible. Other fees were occasionally exacted under different names, some of them fixed and defined, but others levied only on occasions of marriages in the Zamindar's families. They sometimes likewise received a contribution in grain, being a fixed quantity from each village, or from each individual rynt, or from each beega of cultivated land, or it was the proportion of the estimated produce, or a fixed quantity from each plough according to whatever might be the established usage. These fees went by various names which as they differ in different parts of the country, it is needless to specify.

The Zamindars had also assigned for their maintenance a share of the custom revenue, either a fixed amount of the collections or a given sum collected upon each bullock load of commodities subject to payment of customs. Other little perquisites paid either in money or in kind were received at the *Dusera* and other festivals. These however and all other emoluments constituting their income were no where generally

uniform, but varied in proportion to their authority and influence.

The original institution of the Zamindars, could it have been secured in its primitive purity and efficiency, would unquestionably have been alike beneficial to the State and the community, but it has like all other institutions been perverted from its original purposes and principles. They often extended their authority and successfully resisting that of Government's officers became independent Chiefs. The rynts observing the consequent weakness of the Moamltdars naturally attached themselves to the Zamindars whose protection it was their interest to seek in proportion as it became necessary to submit to their power. They consequently looked up to them as their only masters, and no account of the cultivation or the produce of the Districts were furnished to Government except such as it pleased the Zamindar to render. This connivance and collusion between the Zamindars and the villagers necessarily led to defalcation of the revenue, the Jumabundee being paid according to their pleasure and any attempt of the moamltdar to defeat the combination of these officers was baffled by fraud and evasion.. or petty insurrection.... The incapacity of the Moamltdars to overcome this insubordination compelled them to the adoption of palliative and conciliatory measures with these refractory functionaries, who by these means confirmed themselves in the possession of powers which reduced the public revenue in the same proportion that they contributed to augment their private income. The same consequence frequently ensured a combination between the Zamindar and Moamltdar who played into each others hands. The exactions and oppression that followed may be easily conceived. The rynts dared not complain and had no remedy but in flight or submission...

The occasional vigour of the native government however caused frequent revolutions amongst the Zamindars, and in many parts of the country effectually reduced them to obedience. Some have been entirely extinguished, whilst others have been deprived of all power and influence...

In many parts of the Deccan both the Desmookhs and Despandes continue in concert with the Mamlutdar to discharge some at least of the duties of these offices, the Despande keeping up his duftur in which are entered accounts of all lands whether cultivated or otherwise, and all particulars of receipts and disbursements of their Districts, and the Desmookh still assisting in making the settlement and distributing it among the individual cultivators. Their *Bhogola* or certificates of possession or enjoyment are still taken, and considered of some use as testimony in enquiring into the validity of titles to Enams villages, or lands, or to pecuniary assignments from the revenue.

They are expected to furnish information regarding all customs and usages of the District, and as to the amount of rent assessable upon the lands of all villages...and last tho' not least to sit upon Panchayets in which duty they may still be made eminently useful.

The *Sardesmooks* or *Sardesaees*, as their offices were in no respect different from those of the lower degrees, it will not be necessary for me to say anything, except that the extent of their charge and their estates were more considerable... The petty zamindar as the *Surpotel*, *Sur nar Gour* or *Nargeer* stood in the same relation to a whole talook or pergunna as an ordinary potel does to a village. Their province was one of general superintendence . . as regarded the cultivation of lands. . Their emoluments . . were fixed on a small scale in the same manner as those of the higher classes of zumindars. . but the office has become pretty nearly a sinecure.

I have already had occasion to state the cause that has led to frequent revolutions in the situation of the zamindars. . Portions of their *wuttuns* have passed by sale through many hands, have been transferred as dowries to daughters on their marriages, or have been assigned as voluntary gifts or grants to other families. Portions have also been held for generations by *gomashtas* or agents of the original owners, or having been temporarily transferred in mortgage have been

since alienated in default of its redemption. Many of these wuttuns escheating to Government on failure of posterity have been regranted to new families. Others have been resumed altogether, but, have been allowed to remain in the hands of the family on their paying the rent with some deduction for their subsistence. . .

I would prefer leaving the zameendars to enjoy their present rights without entrusting them with any power which might give them the licence to plunder... I would also forbear from very rigidly exacting any duties but those which we know they can easily execute with advantage to Government. I have defined some of their functions, and I think it will be easy to render them at the same time easy of performance, and in some respects advantageous to the country. But to constitute the zameendars managers of districts by giving them the farm of all mahals for five years with a view to a single advantage of bringing the waste under cultivation, is an expedient of which the policy seems very questionable, since whatever may be the benefits expected to result from it, they are not likely to compensate for the loss of our authority and influence. . .*

The only remaining office to be discussed is that of the *Mujmoodar*. In the Dekhun he was not strictly an hereditary officer, nor did he hold any lands.. He was a ministerial servant of the Government paid a monthly salary and vested with the charge of the official accounts of a district. He was appointed as a check upon the Mamlutdar and seems not materially to have differed from the *Serishtdar* or the *Furnaveese*... In the Dekhun the revival of such an office, where the establishment of revenue servants is sufficiently complete, does not appear to be necessary.

*Regarding the *Khote* Chaplin wrote that such an officer or tenure was known only in the Konkan. To the best of his knowledge nothing was known of such tenure in the Deccan: He described the *Khote*: "The *Khote* of the Southern Konkan is an hereditary village officer, a *Wuttundar* as much as a *Patel* or *Koolcurnee*. He is a sort of contractor for the whole village, being answerable to Government for the amount of the *Jumabundee* which used to be fixed once in perhaps six or eight years."

In respect to the office of *Desaee* it appears in Guzerat, as well as elsewhere, to have lost much of its original use, and in some cases the power and influence acquired by this class of functionaries has been applied to the support rather than the prevention of abuses in revenue. . .

No. 6. A plan for the establishment of a Hindu College in Poona.

From William Chaplin

Poona, 24th November, 1820.

To Mr. Chief Secretary Warden.

Sir,

It having been the intention of the Hon'ble the late Commissioner to establish a College for the encouragement and improvement of the useful parts of Hindoo learning, and also to introduce as far as possible the means of communicating to our new subjects such branches of European knowledge as they may be able and willing to receive, I have the honor to submit to Government a sketch of the plan which I propose for the establishment of a Hindoo College at Poona.

Independent of its general benefit to the country the measure would, I am satisfied, be received with the utmost gratitude and satisfaction at Poona, and would contribute very much to preserve the attachment of the learned bramins; a class of people who have suffered most severely by the change of Government, and whose influence has a very considerable effect over the feelings and conduct of the people at large.

As I conceive that the establishment of teachers only will not be a sufficient encouragement to the poorer classes of scholars, I have proposed making a small allowance for the support of a certain number during the prosecution of their

studies in the College, as well as granting prizes at the Dukshana in proportion to their acquirements.

In order to ensure as far as possible the popularity of this establishment with the Hindoo community, I have proposed the appointment of teachers in almost all their branches of learning, altho' many of them are perhaps worse than useless. I have not yet taken any measures towards the actual introduction of any branch of European science. I have, however, endeavoured to direct the attention of the College principally to such part of their own shaster, as are not only more useful in themselves, but will best prepare their minds for the general reception of more valuable instruction at a future time. When we have once secured their confidence, but not till then, will be the timē to attempt the cautious and judicious introduction of those improvements in the education of our Hindoo subjects by which alone, joined with good Government, we can hope to ameliorate their moral condition.

The allowances I have suggested are I believe on as low a scale as is consistent with respectability and efficiency of the establishment, and I would propose allotting for its use the library of the late Paishwa, and the small Palace of Visrambagh in Poona, neither of which in my opinion be applied to better purposes.

I have no doubt of being able to fill all the situations of teachers with Shastrees of learning and merit, and I trust that with a little care and superintendence on our part, the establishment will do credit to the enlightened and liberal policy of the British Government.

I shall await the instructions of Government before carrying the plan into effect, and I hope to be favored with such detail orders for the foundation and regulation of the Institution, as will I doubt not be suggested by the superior experience of the Honorable the Governor in Council.

*Sketch of the general plan proposed to be published in the
Native Language.*

With a view of preserving the ancient literature of the Hindoos, the British Government has resolved on establishing a Hindoo College at Poona on the following Principles.

It is peculiarly the object of Government that whatever is taught and learnt in this College shall be fully understood, and not merely repeated by rote without any knowledge of its meaning; to ensure this object no scholar will be admitted who has not already made some progress in the study of Sanscrit language, so as to enable him at once to commence the easier parts of some of the *Shasters*, the *Vyakurn* and *Alunkar*. The study of the *Veds* will be provided for and duly encouraged, but being held secondary to that of the *Shasters* no scholar will be permitted to devote his exclusive attention to the *Veds*, but every one who may choose to study any of the *Veds* must also study some of the *Shasters*, which latter will be held his primary qualification. *Shastrees* will be appointed to each of the following *shasters* viz.,

- Vyakurn (grammar)
- Alunkar (belles lettres)
- Nyayee (logic, law)
- Dhurmsbaster (religion, justice)
- Jyotish (Mathematics and Astronomy)
- Vedant (philosophy, divinity)
- Vydyie (medicine)

Also three *Wyediks* to teach the *Veds* viz., two for *Yejoorved*, and one for the *Roogved**(1).

In order to encourage learning, all scholars qualified as above will be admitted to the College gratis, and for the support of such as are in want, an allowance of 5 rupees per month will be made by Government to one hundred poor scholars to be admitted from amongst the children of poor, respectable and learned men, who may be desirous of initiating them in the literature of their ancestors.

*It is doubtful whether it is "Roogved" or "Aoojved".

Examinations of the scholars will be held by the officers of Government as often as may be found desirable, and special annual examinations shall be held at the time of the Dukshuna every year, on which occasion prizes will be awarded to the scholars, and a preference will be given to them over all other candidates of equal acquirements. These prizes will be increased with the progress of the scholars from year to year until they reach a certain sum, which will be fixed as the highest rate of Dukshuna; having attained this degree of proficiency the education of the student will be considered completed, and he will no longer be entitled to any monthly allowance from the school, but will continue to receive such Dukshuna as Government may think fit to determine.

It is not intended to interfere with the particular course of study, of which individuals may choose to make their selection, except in regard to the pre-eminence of the Shasters over the Veds, as before noticed, and that the study of law, mathematic and medicine shall be particularly encouraged by the distribution of a higher rate of prizes for proficiency in those branches, than for equal acquirements in any other science.

The shastrees must be duly impressed with the confidence reposed in them by Government in committing such important duties to their charge, and must strive in every way to discharge their duty to the satisfaction of Government, with honor and credit to their own character and advantage to the community. They will be considered as a committee to whom important questions connected with the laws of the Hindoos will be submitted by Government, to which the most satisfactory and unbiassed answers will be expected.

The scholars must also keep in mind the favor and liberality of the Government, and that they will be subject to expulsion and disgrace for negligence or improper conduct, and such as may appear from natural defects incapable of improvement, or for inattention, or neglectful of their duties, will after a fair trial be dismissed.

Raghoba Achary Ramanoje is, from a knowledge of his high acquirements and general character, appointed *Mookhya Shastree* and Principal of the College, he will exercise due control both over the teachers and scholars, all of whom must render him implicit obedience and respect. It will be his special duty to examine all candidates for admission, and report the circumstances to Government. He will also keep a Register of the admission, acquirements and future studies and progress of each scholar. He will hold occasional examinations of them, and will maintain a strict discipline and constant surveillance over the whole establishment.

Proposed Establishment for the Hindoo College

	monthly	Annually
Ragho Acharya (Nyayee) ...	100	1200
1. Vyakurn	} 6 pundits at 60 Rs. each.	4,320
1. Alunkar		
1. Vedaunt		
1. Dhurmshaster		
1. Vydye		
1. Jotish		
Wyedicks		
1. Roogved	} 2 teachers at 41½ Rs. each.	1000
1. Apustumba (?)		
1. Madheandeen at 33.5 ...	33.5	400
8 Assistant teachers at 20 Rs. each per month	160	1920
100 Scholars at 5 Rs. each per month	500	6000
	<hr/> 1235.5	<hr/> 14,840
Sundry servants & house expenses	70.8	846
	<hr/> Rs. 1,306.18	<hr/> 15,686

No. 7 A very important letter that seeks to educate the newly arrived European officials of the necessity of treating their Indian subjects with consideration and cordiality.

From William Chaplin,

Poona, 28th May, 1823.

To Capt. H. D. Robertson,

Capt. H. Pottinger,

Major Robertson,

Mr. Thackeray,

Sir,

Having recently received a dispatch from Government in the course of which, the Hon'ble the Governor in Council expresses the high sense he entertains of the importance of paying proper attention to natives of rank, and under the conviction that no branch of their public duty has a stronger claim to their observance, avails himself of the occasion to request that particular pains may be taken to explain to the public functionaries in the Deekan his anxiety that they should endeavour to conciliate the gentry of the country. I have now the honor to convey to you the wishes of Government on this subject.

Your own experience, added to the instructions at different times issued on this topic, supersedes the necessity of enlarging upon it to you personally; but as it cannot be too forcibly impressed upon the minds of your assistants, I beg leave to recall their attention to the valuable advice contained in the printed notes by Sir John Malcolm, which have been already circulated for the use of your office.

The great but almost universal error which young men of little experience in India are apt to fall into is to think too much of themselves, and very little of the natives. This assumption of superiority often leads to a haughty and supercilious demeanour, extremely offensive to all classes, and productive

of great injury to the public service; for it is only by an unreserved communication with all description of persons, that a knowledge of abuses is to be obtained, and the local ministerial officers kept within the line of their duty. The good sense, however, of the great majority of well educated young men, who now come out to this country, enables them very soon to perceive that in many of the most important branches of the service, they are extremely helpless without the assistance of intelligent natives; while they at the same time observe that almost all those public officers, who have most distinguished themselves, have been remarkable for having freely consulted and conversed with all classes, whose opinion and information, although they have been implicitly governed by none, have been mainly instrumental in contributing to their eminence and advancement.

Besides the personal benefit to be derived from observing the line of conduct here indicated, nothing perhaps, would conduce more to reconcile the higher classes of natives to the change of rulers than an unreserved personal intercourse with them. The advantages to all parties would be very great. We should acquire a better knowledge of their character and habits, and be enabled to appreciate their good qualities. We should also obtain a degree of popularity which would be highly beneficial to government. They, on the other hand, would be gainers by a better acquaintance with our natural character and the principles of our administration, and by a more intimate observation of the effects of an advancement in general sciences and civilization, would conceive a taste for improvements from which the most important results might be anticipated.

Although the maintenance of such an intercourse, as I have described, was strongly recommended by the Hon'ble the late Commissioner, yet I am led to believe, that sufficient consideration has hardly yet been given to the subject. When on circuit, the visits of the gentlemen of the country should always be received and encouraged as much as possible, due attention being shown to the grades of precedency and honors

formerly enjoyed by them and founded on long and received custom. To refuse them these common attentions to ceremonial is to do them a serious injury, because it is equivalent to an expression of contempt and ill will, and tends to degrade them in the eyes of their own people. Although we may attach little importance to their forms, yet we ought to recollect the influence which ceremonies, however vain and empty, have on the minds of all natives, and what fatal consequences a deviation from established practice in this particular has sometimes produced. We have only to look back to History to find various instances in which revolutions have been brought about by discontents engendered by less considerable causes. Representing Government, we should, therefore, always keep in mind that our conduct, when we do not conform to the spirit of the people, reflects upon the national character, which has hitherto been considered invariably tolerant of all native habits and prejudices, whether they relate to religion, morals, or manners.

This toleration is the more requisite when we consider the relation that subsists between them as a conquered people and us as foreigners. If it be just to suppose that a government of strangers, who have come from a distance of half the globe, notwithstanding every wish to conciliate attachment, must still be felt as irksome if not degrading. Our own interests, if not those of humanity should dictate to us the propriety of contributing all we can towards maintaining that empire of opinion, which, as far as respects our power, our justice and our moderation is acknowledged to be the main support of our administration. Every individual has it in his power to strengthen this tie which unites the conquered to the conquerors, by adhering to the humanizing policy which I am endeavouring to inculcate. It is a trite but a just observation, that it is as necessary to leave to a subjected people their manners, as to let them enjoy their own laws. It is in a great degree by these means that we must hope to preserve their fidelity and allegiance, and thereby cement the widely disjointed, but not dissimilar parts of our Indian sovereignty. I am fully aware of the personal sacrifices required, of the want

of leisure, and, above all, of the difficulty we must experience in associating with the native gentry or assimilating with their very opposite customs, but although complete success is not attainable, yet by giving up some of our own prejudices much may be effected towards being reconciled to native manners and institutions.

In attending to the usual forms of civility to which the natives have been accustomed, it is better to err on the safe side by yielding more or less to etiquette, than they are entitled to. I do not mean by this concession that the dignity of the European character should be any wise compromised, but I am convinced that dignity is best maintained by not standing up stiffly and arrogantly in matters of little moment. It may be recollected that since the change of government has inevitably deprived the native gentry of much of their consequence, it is more incumbent on us to continue to them the forms of civil intercourse, and that although we may be apt to consider them far beneath us, nothing can be more injurious and cruel than to evince this opinion, either by wilful neglect or wanton disregard of established usages. There are many peculiar circumstances of character that must prove an insuperable bar to any cordial interchange of sentiment, and some obvious defects and vicious propensities that will often provoke contempt, but, when the motives are sufficiently strong, we know that it is in the power of every one to govern his temper. In dealing with all classes no one quality will stand us in more stead than patience. It has been well observed by a modern writer in England that many a man would rather you heard his story than granted his request. Those, who had much experience, will readily acknowledge the applicability of the remark to the natives of this country.

So much has been on former occasions said on this head that it would be unnecessary occupation of your time to dilate further upon it. It will not however be useless, I hope, to request your constant attention to the object of impressing on those who are placed under your authority, the solicitude

which the Hon'ble the Governor in Council has manifested that this primary part of their duty may not be neglected.

No. 8. A conference of the learned Shastris to discuss with the Collector the right type of pile for the immolation of widows. The efforts of the new Government to discourage immolation of widows on their husband's death.

From H. D. Robertson

Poona, 10th December, 1823

To William Chaplin

Sir,

The discussion regarding sutties which I had the honor to inform you in my letter . . . was my intention to enter into during the convention at Poona of bramins from all quarters on account of *Ducshuna*, took place on the 3rd and 8th instants.

On the 3rd of December I requested to be furnished with a good account or plan of the pile termed in the Shaster *Trin Cootee*, the exact meaning of which words is a *house of grass*. Wamun Shastree Sathey observed that it would be satisfactory to the bramins that I should in the first place prove there was any passage in the Shasters in which mention was made of this kind of pile. I mentioned to him the name of two books, and begged he would refer to them, either there or at his own house, and that I had no doubt he would find in them the passage alluded to. Several of the most learned shastrees then assured Wamun Shastree that the text existed, and that they would shew it to him. After an unconnected conversation on various points relating to suttee, the assembly broke up under an engagement to meet again and to furnish me with a plan for the construction of the grass pile, according to the intention and meaning of the shaster. I was promised a definite answer also in regard to the penance for women withdrawing from the pile after once entering it.

I met the shastrees again on the 8th instant. There were present Mulhar Shrotee the most highly respected bramin in the country; Nileunt Shastree Thuthey and Wittul Oopaddea of Punderpoor esteemed the most able men, and the most deeply versed in the learning of the shasters in the whole of the Deccan, and who have instructed and still instruct many young bramins; Ragho Acharya, an eminent scholar, the Principal of the College at Poona; Hur Bhut Caseekur, a Benares bramin of great celebrity; Chintamun Dixit, Gunesh Shastree of Rajapoor; and many other eminent shastrees from all quarters. The number of persons assembled was at least five hundred, and the streets leading to the *Boodwaur Palace* were filled with people curious to know the result of the discussions regarding suttees, and the right of sonars to perform certain brahminical ceremonies, which last was also a question appointed to be determined in that meeting.

The conversation commenced by my requesting the plan of the Pile. Mulhar Shrowtee spoke in favour of the present custom of the country. He admitted that the custom was nowhere described or enjoined in the shasters; but he contended that it was proper to keep it up on the general grounds that if a particular observance is legal, the most effectual means that can be devised for fulfilling it are also legal. I argued that this reasoning was not applicable to the case in point. That a suttee being a voluntary sacrifice of life, compulsion, or the imposition of an inability to retract while life remained, altered the nature of the observance altogether, and that therefore the means in this case by accomplishing an end which was illegal, must also be deemed illegal. Mulhar Shrowtee then contended that it was lawful to provide against the want of bravery of some, who, having the courage and the will to commence, could not command fortitude sufficient to carry them through the trial. I replied that this argument merely confirmed what I had advanced, and shewed that he was convinced that the greatest number of those women who went as suttees did involuntarily. I then adverted to the inconsistency of the practice of the present times and of the arguments of Mulhar Shrowtee, not only with the spirit, but with the direct

declarations of the shasters. I said that the method of constructing the widow's pile was expressly declared to be in the shape of a *cootee* (a house, or thatched roof, or arbour) a word implying an empty space covered at top and sides, and having an entrance or door to it; and that in one book of high authority the *cootee* was directed to be made of grass; that it was impossible to reconcile the present practice in the construction of the pile with the description, or to allege that the striking away the pillars of the pile loaded with wood was according to the intentions of the shasters, in which though every requisite observance is minutely mentioned, this is not: that from the description of the ceremonies of *suttee* it was also quite evident that the *cootee*, or house, had a door, or opening, at which the woman entered and that this entrance was no doubt a large one, since the widow is enjoined not to go quickly (which she could not do if the entrance was a small one) but to advance deliberately and slowly, and lay herself down by the corpse of her husband: that it was equally evident that the authors of the *Smutyurtsar*, the *Neernay-Sindhoo*, and *Meetaashuree* (†), who have declared the act of *suttee* proper, also contemplated the power of the woman to retract during *any part* of the ceremony, for that if she had not the power, that is if the entrance into the *cootee* or house had been contemplated by the authors of these books to have been closed up, whether by shutting it up or letting down a heavy roof of wood, they never would have promulgated those rules which their books contain declaring the penance to be undergone by a woman who should separate herself (*bruhushh*) from the fire.

The assembly had evidently come prepared to hear and to be convinced by such arguments; and the readiness with which Nilcunt Shastree, Wittul Oopaddeo coincided with me, not only relieved me from the fear of strong opposition which I at first entertained on hearing Mulhar Shrowtee's speech, but satisfied me, as I hope it will the government and yourself. The feeling of the people is entirely in unison with my proceedings, and controversy on religious subjects is bad enough when Government takes no share in the discussion.

The demon of fanaticism is very easily roused, and when Government venture to enter his haunts they must submit to the irksomeness of treading on tiptoe circumspectly and cautiously and of assuming the guise of mendicants. I told the shastrees on their declaring themselves convinced, that I was highly gratified I had not in vain spent the time I should otherwise have devoted to Government affairs in begging of them to discover the law of their shaster, and to reform the present practice of constructing piles for the immolation of widows according to it. They returned my compliment by declaring that they themselves would never have taken the trouble of ascertaining what was proper, and that they were all much more indebted to me than I was to them.

The result of these good feelings was the description by Wittul Oopades of what he thought would be a proper pile for widows constructed according to the meaning of the shaster. His description having been unanimously pronounced to be excellent, I declared that piles upon that model would for the future be the only ones allowed in this district. The following is what was thus declared to be allowable. The foundation of the pile on which the corpse rests, to be as high or as low as the friends or widows chuse to make it. Resting upon this foundation four sticks to be firmly erected at the four corners; and on these cross pieces of wood placed so as to support a roof of sticks; the sides to be composed of grass, and the height of this room to be such as the widow can easily walk in; at one end a door or entrance which is not to be shut up; and the four supporters not to be removed by the bystanders, but the upper part of the pile to be left to fall in on the burning of the props.

I did not think it wise to request the shastrees to revive the old law regarding penances for those who retracted after entering the pile: for I consider the law they wished to establish a positive check to women attempting to burn themselves. We have therefore agreed that when a woman declares she intends to burn, the pile shall be minutely described to her, and her relations ordered to give her no

combustible materials; that if she preserves in saying she will attempt the sacrifice, she is to be informed that if she does not go through it and die, she will be consigned to the outskirts of the town and to the society of chandals (derks). The penance ordained by the shaster is to give a cow in charity, or to fast for some days.

It is the opinion of every native that not one woman of one thousand of those who otherwise might have devoted themselves, will under those regulations, attempt to burn.

The following are translations of the passages relating to the cootee upon which my argument rests.

From the *Shooder Myok*

“Having worshipped the stone (on which the widow steps to ascend the pile) let fruits and flowers be taken in the hands (open). Then walking round the fire three times, let the following invocation be repeated. “O fire thou who pervadest and art the essence of every living being; thou who triest all, who alone knowest man, be thou my guide, now, that overwhelmed with the sorrows of widowhood, I am about to accompany my husband; and do thou conduct me to wherever he now is. Having consumed my whole body do thou reimbody me again, and thus also do to my husband; and now embracing my husband I enter into thee.” Saying thus let the widow enter the grass house and with her own hand set it on fire with a blazing fire-brand. Then let her children and relations, considering her life gone, set fire to the pile on all sides”.

From the *Anunt Bhutee Pryog*.

“Let the widow’s children and relations light the pile, and then let her walk round it three times. After which let her worship the stone, and then, having stepped upon it, let her take in her hands fruits and flowers and thus invoke the fire. “O fire ! thou who pervadest, and art the cause of the existence of every living being; thou who provest all; who alone comprehendest man, him whom no other does comprehend;

guide me on this occasion, when oppressed with the afflictions of separation, I go to re-unite myself with my husband; and wherever he is, there conduct me also."—Having repeated this prayer let the widow slowly and calmly enter *the house*, and laying herself down on the left side of her husband set it on fire with a large fire-brand; or let her children and relations do so for her."

I sincerely hope that the rules for the construction of the pile adapted here may become general. A government order relating them so, might perhaps be efficacious; but I am so fully persuaded that the less government shews itself in such discussions the better that I take the liberty of recommending the circulation of the enclosed paper* to the different magistrates, with a latitude of action in adopting or rejecting the custom as they may find it consonant with the feelings of the shastrees of their districts, whom they ought to summon to discuss the point in a friendly way, and as if the magistrate himself were alone desirous of introducing the reform from his own opinion of its excellence. It is not at all probable that the bramins would anywhere hesitate to adopt a reform sanctioned by so numerous and learned a body on such an occasion as the distribution of Dacshana, and in the city of Poona, even if they were ordered to do so by Government; but in such matters, men like to be consulted, and the measure is thus rendered palatable and admitted to be just because they think it in some degree their own. Those who may choose to oppose it will have to oppose the opinions of some of the most able men of their country.

I respectfully trust those proceedings will be approved of by yourself and by the Honorable the Governor in Council.

*No enclosed paper was found. It was a report by a spectator of the conference held on the 8th December. This report was circulated by Robertson "It contains very succinctly what appeared to be the material points discussed. I have circulated copies of it among the shastrees."

No. 9. The description of a suttī. The failure of the Government to discourage immolation of the widows.

From H. D. Robertson

Poona, 7th June 1825.

To William Chaplin

Sir,

I am sorry to have to report to you the successful immolation yesterday evening of a bramin widow in a pile constructed according to the new model laid down by the shastrees of this place. This is the first suttee which has occurred at Poona since September 1823. Every means were used to dissuade the woman from burning. The boldness of the attempt only gave her new courage. Her husband had died on the evening of the 5th instant, and when her intimation was declared she was waited upon by the shastree of the court and by other public functionaries of my department. They sat with her till past midnight without effecting any change in her determination. I delayed as long as possible before I went to her myself in the hope, that if poignancy of grief was the cause of her resolution, it might be somewhat abated, and her mind more fitted to listen to reason. I found her however at 11 o'clock perfectly calm and fixed. No argument, no dread of issuing from the fire and disgracing herself induced her to swerve from her purpose. She was deaf to the prospect of visiting the infernal regions should she change her resolution from burning, and so die. Neelcutt Shastree Thuthey and other learned and eminent shastrees who have influence over the minds of the people visited her after I left her. They knew my determination to be present at the construction of the pile and at the burning; and their arguments of dissuasion were urged with all the interest which their conviction of the woman's inability to remain in the fire, when there was an opening for escape, could arouse. "The escape of a suttee alive would bring a calamity on the country"—and I learnt for the first time that the cause of our not having had any rains for two years was generally attributed to the escape of Radhabhyee in 1823.

Every argument failed with this woman. A pilgrimage to Benares would divert her grief, and Neelcunt Shastree had a hundred rupees ready to give her. Other shastrees would contribute their mite and so would Government "she had already seen Benares; and her own means were ample" - other places of pilgrimage, various acts of devotion were mentioned to her - "she had visited or performed the most interesting in the society of her husband - What pleasure would there be in a lonely repetition? She had not a single relative alive, and not an acquaintance of or whom she cherished a regard. Why should she live? - and why was she prevented from accompanying him for whom alone she had any affection. She had balanced everything and knew the precise nature of what she was about to undertake. She had within the last week visited upwards of a dozen women who had lately retracted their declaration of burning. She had discovered that they were dissuaded, not prohibited. The terrors to them of the new pile, were to her its beauties. She would shew her devotion, her affection and her firmness. She was old enough to know what she could dare, and what she could do. Others were chained to life by other motives. She had no child to cling to her for protection. She never knew the weak tenderness of a mother. She was an isolated being in the universe, without friends, and without an affection that was not centred in her husband. She would not like some, tremble at the pile; and though fifty years had passed over her, she required not to be supported to the performance of this last act of her duty and pleasure."

The Shastrees having left her, the pile was constructed under my own superintendence. Four strong posts, 10 feet distant from each other, and 10 feet high above the ground supported four cross beams fitted into deep hollows to prevent them from slipping. The space within the posts was filled up with billets of wood, to the height of $4\frac{1}{2}$ feet - leaving a distance of $5\frac{1}{2}$ feet to the top of the posts. The woman was less than 5 feet high. The upper part of the pile, from the wood to the top was enclosed excepting a door $2\frac{1}{2}$ feet wide at one corner, with curbey and grass, and the roof was covered

with rafters supporting, first grass, and then billets of wood. There was a fresh breeze from the South West and her position was on the North East side of the pile. No combustibles were allowed to be used excepting grass and the curbey straw. I estimated the intensity of their heat and the fury of their blaze by far too lightly, and I ought to have been more scrupulous in regulating their thickness just opposite to the woman's head. At the upper part of the pile there was only one bundle of straw in thickness, but bundles were piled downwards (like tiles resting on each other) at half their length so that the thickness opposite the suttee's head was equal to three bundles. Perhaps the shastrees who had before been so eager to prevent the suttee, and who must have known the fury of the conflagration that would ensue better than myself, did not care to point out this mistake to me in the hopes that it might possibly effect the destruction of the suttee, for they looked with horror on the probability of her escape. The universal belief, however, was that the woman would immediately reappear from the pile on its being lighted.

The conduct of this extraordinary old woman when preparing for death was characterized by the most determined bravery and coolness. She spoke to every body, repeated the invocations and prayers in an audible, distinct and fervent tone, and walked her rounds about the pile over rough stones with the most perfect steadiness. Several gentlemen of the cantonment were present, and we once or twice believed that she had a reluctance to enter the pile, from a disposition we thought she evinced to loiter and converse. I therefore sent Neelcunt Shastree to her, who explained to her there was no disgrace in then retracting, and that I had requested him to beg her to reconsider what she was undertaking. She only smiled and sent me her blessings. After entering the pile and laying herself down, an officiating bramin went in to her. I was afraid he was tying her down, but before I had satisfied myself on this head he again came forth, and handed a light to the woman, who placing it between her toes lighted the pile at her feet and then stood up with the light in her right

hand, and with the most undaunted courage set fire to the pile in several places over her head. While she was employed in this manner the officiating priests were firing the outside. At first a slight fire was seen in various parts just as we observed the woman lying down by the body of her husband; but almost in an instant afterwards, the fire burst into a sheet of flame, and in about a minute and a half, the grass and the curbey of the sides having been consumed, the suttee was seen dead, with her right hand in the very position in which it was remarked before the flames enveloped her from our view. Although we were ten or twelve yards from the pile, and to windward, the heat was so overpowering that we were obliged to step back. My opinion is that this woman died before the fire could have scorched her flesh in more than one or two places. The wind blew the flames directly through the pile and upon her face; and she must have been instantly deprived of breath from the want of air, as well as from the heat of the very little there might be left to inhale.

This event must be deemed unfortunate - but it will not be so much so when it is known that the chief effect it has produced is astonishment at the woman's boldness and success. "No woman", it is now said, "who has not the undaunted coolness of this old lady, need ever dare to attempt the new pile. Her rooted determination, and abhorrence of life without her husband, could alone have carried her through." The suddenness of the death she suffered has luckily not been adverted to or enquired into. The marvellous heroism of the act is the sole theme of comment. No one present at this suttee ever witnessed so much coolness displayed. Neelcunth Shastree assured me that he never yet saw any strong young woman support the ceremony without a trembling and faintness that required for her the support of the attendants; but that this grey haired old woman had marched quicker than he could walk his horse to the pile, without support:

We shall, notwithstanding the real heroism of this woman and the greater reputation of the effects, probably have, before long, another suttee at this place. But that will

possibly be the last. I had never myself attended the performance of this ceremony, but once many years ago at Baroda, and I had to learn the power of a fire made with straw and grass. I shall take care on the next occasion to attend to the supply of these articles with reference to the position of the suttee and the direction of the wind...

The fact that the grass pile had been deviated from throughout India, and that it was requisite to close down the victim to prevent her escape, is very satisfactory evidence that the courage of most women is not to be trusted to, so that even if the entire suppression of the practise of burning should not ultimately be attained by the adoption of the new pile, we have at least a certainty that nine out of ten who would have burnt themselves in the old pile will not burn in the new one.

No. 10. Education in Maharashtra under the Mahratta Government.

From William Chaplin,
Commissioner in the Deccan.

Poona, 6th November 1825.

To Mr. Secretary Greenhill,
Government of Bombay.

Sir,

Having now received the whole of the Collectors replies to the queries conveyed to me in Mr. Farish's letter of the 10th March 1824 on the most advisable means to be adopted for the better education of the native population, I have the honor to submit them for the consideration of Government.

The following is a short precis of the information contained in the answers of each Collector.

Khandesh. In 18 talooks there are 68 villages (containing 21,222 houses) in which there are schools; the greatest number

of villages so circumstanced within 1 talook being 8 and the least 1. 2050 villages containing 44,251, houses possess no schools, the greatest number of such villages within 1 talook being 245 and the least 39.

In 109 schools the vedas are taught, or rather read in 37. The Jotish Shaster comprising arithmetic, astrology and the science of fortune telling etc. in 17; the wyd or medical shaster in 6; and the others (probably law and grammar) in 15. Mahratta writing and arithmetic are taught in 104 schools, 60 of their masters being brahmins and the rest soodras of various castes. Moosulmans instruct in Persian with a smattering of Arabic in 19 schools.

The income of the school master is altogether derived from the scholars and amounts in the whole district to 212.3.13 per mensem, or at the rate of 52½ reas for each scholar in *money* payments.

The total number of scholars in Khandesh is 2022. Of these 196 read the Vedas; 52 the Jotish, 11 the Wyd, and 52 other Shasters, all of course bramins, and 65 are moosulmans instructed in Persian. Of the rest attending elementary schools 486 are bramins, 267 bayans, 105 sonars 112 simpees, and the rest soodrus of various castes.

The number of boys who do not go to school is 34,859, including 4270 bheels, 1836 moosulmans, 2295 mhars, 2022 bramins, 1395 wanees and the rest soodrus of various castes.

The whole number who now do not go to school is therefore compared with those who do as 18 to 1. The plan submitted by Colonel Robertson would provide for the education of 9110 boys, or about 1 in 4.

Colonel Robertson proposes to pay the schoolmaster... through the moamlutdar in lieu of appropriations from village expenses for a fix maximum of time* beyond which the school-

*3 years if the boy is 10 years old before he goes to school — 4 years or more until he is 12 years if leaving school.

master should not be entitled to Government pay for an unproficient scholar. To pay him monthly, and issue arrears on the production of certificates of proficiency - to appoint local officers, or other fit persons to give these certificates on half yearly Panchayet Examinations - to issue rewards to the boys after a further supervision by the Collector or Assistants - to give donations to both schoolmasters and scholars on occasional visitation by the Collector and without distinction to scholars paid for by Government. The above certificates to entitle the holder to ultimate employment under Government; persons in sufficiently good circumstances to be excluded from this provision by Government. The offices of school-master not in general to be hereditary but to be filled up by promotion of the most deserving. The Collector to have power of dismissal, appointing a near relation where the office is hereditary.

Colonel Robertson is of opinion that to afford the schoolmasters (exclusive of occasional gratuities from the other scholars) an income of 6 rupees per month in towns and 4 rupees in villages, 2 annas in the former case and 2½ in the latter for each scholar would be sufficient to be defrayed by Government. He proposes to class the villages into 1st those whose income amounts to or exceeds rupees 2000. 2nd those between 1 and 2000 rupees income or expense per annum of Rupees 11,910. Besides rupees 500 for rewards.

The inquiry into *Wurshasun* grants has been concluded since the receipt of the Collector's letter. A great many of these allowances have been abolished or curtailed, and the remainder being merely charitable, and for the most part not subject to any service, are not available for the purpose of improving the means of education. In regard to Enams a large proportion has already services attached, and those that have not are freeholds that ought not be burthened with any unusual imposition. Where the services are not required (as in the case of a decayed temple or mosque) the grants might be resumed on the death of the present incumbent.

In regard to Mohummudan schools Colonel Robertson thinks the rate of pay should be not less than 1 rupee for 5 scholars, and for a longer period than ordinary village schools, especially where Arabic is studied. Those Moosulman as well as Hindoo schools of higher literature will perhaps require specific consideration. Of the latter indeed many masters as well as scholars subsist on charitable offerings customary to poor brahmins. To such schools donations of from 50 to 30 rupees would signify the patronage of Government without discouraging (?) aid. And perhaps selections might be made from the best scholars to attend the Poona College, or a similar Moosulman institution, and ultimately to be appointed law officers of the Courts.

Poona. Deducting the schools in the city there are in the District 110 Mahratta schools, averaging (with regard to Mawul hamlets) 1 school to 8 villages. Such schoolmasters are paid at the rate of 6 to 3 rupees per annum for each scholar. The better sort of ryuts often send their boys (or 1 of a family) to a neighbouring *puntojee* for instruction in reading, writing and arithmetic; or pay a monthly sum to such teachers allowing them to take other boys on the ordinary monthly pay. Copies of the printed books are stated to have been received with much avidity. In villages, Koolkurnees are the best informed, Josees being very ignorant.

It is usual for the superior classes to have private teachers of Sanskrit in their families, who also teach the children of poorer neighbours, or several families subscribe for a teacher.

The great Shastrees instruct gratis at their own houses; the poorer at the houses of their scholars, from whom they receive charitable presents.

Of the schools in the City of Poona in 51 the veds are read—pay per month 60 to 40 rupees to the teacher. One teacher can teach from 5 to 10 boys according to their proficiency; from 10 to 20 years are stated to be consumed in the acquisition. In 10 the Jotish shaster is studied during

8 or 10 years - the master receiving per month 50 to 100 rupees. On the same system the *Vedant* is taught in 2 schools the *Mimans* in 1, the *Dhurmasastree* in 4, *Nyaye* or logic in 7, and Grammar in 10. The *Kavye* and Alankar (tales, belles lettres etc.) in 4.

There are also in Poona Mabratta schools, one master teaching 25 to 40 children and receiving from 2 to 8 annas monthly pay for each - 2 telingee and 1 goozratee at the rate of 4 to 8 annas each - 2 persian at the rate of 1 to 5 rupees for each child, one master teaching 5 boys - 8 or 10 years is necessary for the acquisition, the boys generally going at 6 or 8 years of age.

There are now in the English School supported by the Bombay Education Society 36 scholars.

In the Districts, the schools in which are taught (chiefly gratis, or with voluntary presents) the veds, are in number 38; the Shasters 2; the Poorans 2; the Ulunkars 2; Persian 3; and Maharatta 110, averaging at 15 scholars to a school there are 2445 scholars.

Estimating the boys in the Districts from 5 to 15 years of age at 60,000, the average numbers instructed in the vernacular dialect may be about 1 in 25.

Captain Robertson defers a reply to most of the queries until a future opportunity.

Dharwar. In 12 talooks of the Principal Division (not including the Kittoor territory) containing 1441 villages there are now 150 schools of which 79 are mahratta,* 59 Kanarese, 7 both those languages and 5 persian. The teachers are chiefly bramins or lingaets, there being 94 of the former and 67 of the latter. Of the scholars 1164 are liugaets, 649 brahmins, 64 punchal artificers, 99 moosoolmans,

* 1313 scholars, and 1980 scholars for Kanarese,

61 weavers, 48 jyors, 65 mah rattas and the rest of other castes and occupations, amounting on the whole to 2348. The proportion of educated to uneducated boys within the Company's part of the Dooab appears from contrasting the census* made 5 years ago, with the native returns accompanying Mr. Babee's report, to be as 1 : 154.

There are besides in the late sub-collectorate south of the Beema, 86 schools and 1049 scholars; and in the present sub-collectorate of Raueebednore etc. 34 schools and 541 scholars.

The higher branches of Hindoo learning are not mentioned in the return, it being explained that brahmims give instruction as private tutors in the veds and shasters gratis, or at least on the receipt of presents of food etc or service from the boys.

Of those educated a large proportion are merely taught to read and write on sanded boards; reading (also the names of the years, stars, points of the compass etc) the *Jayamnee*, *Umurkosh*, *Vidoorneetee*, *Punchotuntr*, and *Somesiwour Chituk* is practised by 50 boys in the Political Division, 8 in Raueebednoor, and 1 in a school south of the Beema. The rest are taught elementary reading, writing or arithmetic.

The *Kureema* and other Persian books are read in the 57 Moossulman schools.

The average payment to the teachers in the Political Division is for each pupil 1 qr. and 62 reas; and to each teacher rupees 4: 1:62 per mensem.

The mamltdar of Dharwar states that a puntojee usually demands 16 rupees per month to instruct 25 children in the Mahratta, Kanarese and Sanskrit languages, qualifying them to read the *Punchopakby* (†) and *Vidoorneetee* or *Jayamonee*. At 12 rupees a month he instructs the same number in reading and

*Total 6 lacs. Brahmins 32,000, Lingaets, 1,95,000, Moossulmans 43,000; Panchals 29,000, and Jyus 8,000.

writing Mahratta and Kanarese, and 8 rupees for the Kanarese only. Parents do not in general conform to their engagements.

Koonbees do not in general send their children to school, or at least withdraw them after 6 months or a year on account of poverty and occupation in the fields.

The native Government servants, in Mr. Baber's district, generally think there will be no difficulty in increasing the number both of pupils and masters under Government patronage, suggesting presents of clothes and periodical examinations as a stimulus to their exertions.

Mr. Baber estimates that 1700 additional scholars might be instructed by 92 teachers receiving an average of rupees 7.32½ reas (or 1 qr. 53½ reas) for each boy. Mr. Stevenson suggests 3 scales of pay according to the deserts of the teacher and the number of his scholars, varying from 10 to 14 rupees and a small remission of Government dues to the ryuts, presents to the scholars etc.

Mr. Baber thinks, however, a commencement might be made by paying tutors for poor scholars attending regularly (not more than 5 percent of the number of boys in the village between 7 and 14) at the present customary rate for each boy, allowing them of course to take in as many more as they can instruct.

Enams and other grants, personal or for religious and charitable purposes, have lately undergone full investigation. They would not in the opinion of the Principal and Sub-Collector be available as fund for the purposes of education.

The above is the substance of the information afforded by different authorities in the Dekhan, and the conclusion to be drawn from it is, that as far as the mass of the population is concerned the state of education is at a low ebb, and the remuneration to teachers extremely inadequate.

It is admitted on all hands that much benefit will ensue from increasing the number of village schools, and placing the matters on a footing of a respectability. The gradual improvement of morals by laying the foundation of good principles, and the consequent diminution of crime will be the necessary result. There appears also to be an anxious desire for institutions, and nothing in fact is required to encourage and give a proper direction to the impulse but a pecuniary sacrifice on the part of Government, which judging from the accounts received, I should imagine need not exceed 50,000 rupees for the whole of the Dekhan. The plan suggested by Colonel Robertson combined with the expedient which renders the income of the master dependent in some degree on the number and proficiency of his scholars, seems to me more likely than any other to promote the great object contemplated by Government.

The introduction of the scheme should however be very gradual as the wealth of the people increases, and therefore the whole expense need not be incurred immediately, for it will be a point of importance clearly to ascertain where there is a real demand for education, seeing that if we institute schools where they are not wanted we shall merely supersede those that are actually in existence. All persons sending their children to school ought to pay something to the master, for as Mr. Baber justly observes, education should not be offered entirely free of expense, though I am of opinion, that it should be diffused as cheaply as possible short of being (†) and placed within the reach of all that are likely to require it.

In the village schools reading, writing and arithmetic are I presume almost the whole of the acquirements to be attended to. They constitute indeed all that can be in demand, and I apprehend that demand will not be very general in the country where the population is entirely agricultural and the services of children from the earliest age are required in the fields. If one, however, of each family of respectable Koonbees in a village have the opportunity of instruction

afforded to him, the example will be attended with good effect—and in process of time the spread of knowledge will doubtless become more general.

The Lancasterian (†) principle of teaching being originally of Hindoo origin, there will be no difficulty I presume in introducing the improvements that have of late years been made in that system, and with some general rules in regard to the method of instruction and the ceremony of the schools, some of the village Josees or Koolkurnees, would I imagine, be always found competent to perform the duties of school-masters.

The enquiry into unauthorized allowances of wurshasuns have accomplished a great saving of expense to Government, but the saving ought not I think to be connected with the object of education. The village expenses are already brought within moderate limits in most of the Districts, and I think an application of a part of them for the support of schools would be a tax on the revenue, attended with no other effect than that of keeping the expense out of sight. The liberality of Government in that case, in most cases of public endowment, would be appropriated eventually for private rather than public benefit.

Adverting to the very small proportion of the lower orders that are at all instructed, and to the vast majority that must from necessity be always engaged in tending and cultivating their fields, or labouring as soon as they are capable of doing so, it would in my opinion be premature to establish a rule excluding those who cannot read and write from the public service. Such an advancement in knowledge is not to be expected under a century or two. It has taken this time I believe since the institution of parochial schools to diffuse this elementary knowledge in Scotland, where education is more general than in any other European country. The beginning of the 20th Century may be a sufficiently early period for the commencement of the operation of the suggested rule in India. If adopted sooner we should deprive ourselves of

some of the most active and capable of the lower classes of public servants, particularly those of the mossulman persuasion, and fill their places with needy brahmins, and others less illiterate perhaps and in other respects very unqualified for police or other duties requiring energy of body as well as mind to be discharged with efficiency.

Ahmednagar

No. 11. Instructions on the revenue and civil administration of the district with a detail account of the powers and functions of district and taluka officials.

From M. Elphinstone

*Camp at Goongalla,
10th July 1818**

To Captain Pottinger

Sir,

My last instructions to you on subjects connected with revenue were calculated for a period when everything was secondary to the occupation of the Paishwa's Territories. The reduction of the country having now been accomplished our principal object is to perfect the civil administration.

Little need be said on the subject of justice and police in addition to what was contained in my former instructions. The heads of villages and other revenue servants will conduct those departments under the orders of the Collector. The judicial business will be managed by Panchayets whose awards are not to be set aside without some glaring impropriety. Panchayets may be formed in different ways: the best seems to be to allow the parties to choose two members each, but the public officer to nominate the umpire from the most respectable of the inhabitants not in the service of the Government, and not objected to by either party.

Offenders will be apprehended by the Patails with the assistance of the village establishments and by the subordinate

* A circular to all the Collectors in Maharashtra.

revenue officers, but no punishments are to be inflicted except by the Mamludars, and their powers are not to exceed fines of 1 or 2 rupees, or imprisonment for two days. Offences requiring a severer punishment are to be immediately sent up to the Collector. Remissness in public duties must be punished by a fine and dismissal from service. The fines where the Patails are the offenders must be very small, from 4 annas to a rupee, and Patails must never be displaced but for treason against the State. The Mamludars must report all punishments ordered by them to the Collector, and I shall be happy to receive, when time admits, a general report on the administration of justice and police. In time of greater leisure it would be desirable that I should receive monthly a brief statement of every offence complained of and the punishment awarded.

With regard to revenue, the internal management of the country, and the state of its resources require immediate and particular attention. I have already called on you in my letter of yesterday for the requisite information on the head, and my instructions on many subjects must be suspended until it is received.

For the present you will continue to collect the land revenue as has been the custom of the country through the Patail; each ryot paying him for his actual cultivation, and great care must be taken to avoid over-assessment*, and much indulgence to the Ryots will be required to overcome the effects of the war, and of a bad revenue system. You are to use every means to encourage the ryots to carry the cultivation to the utmost extent, and where they actually do it, you must assist them in purchasing cattle and seed. Great care must be taken in giving these advances to ascertain that they are really wanted to prevent any portion of the land lying waste, and to time them so as to preclude the ryots being tempted to squander them before the season for cultivation arrives. They must always be paid into his own hand in the presence of the

* More letters on the avoidance of over-assessment will be found in the "Period of Transition (1818-26)"—R. D. Choksey.

Patail and Koolkurnees. No advances ought to be made that you have not a prospect of recovering within the year. Security ought always to be taken, and that called *Zenjeer* or *Sakul Ziminee* by which associations of Ryots become security for each of the members is to be preferred to any other mode, as that given by the soucars tends ultimately to the impoverishment of the ryot.

Remissions must now be given with great caution, never promised till the end of the season, and then only granted on actual loss. When this loss arises from the failure of the crops, the source from which the revenue ought to be drawn, you may make the remission final, but where it arises from fires in the village, plunder of household goods and the like, they ought in most cases to be made subject to repayment within a fixed number of years. It is a matter of much difficulty to make remissions reach the persons for whom they are intended without being intercepted by the Mamludars or the Patails. This will no doubt engage your attention in granting them. A penalty bond should be taken from the receiver to pay back double the amount if found to have obtained remissions on false pretences.

Coolkurnees, Daispandees, and other hereditary accountants ought to be obliged on furnishing accounts to enter into a penalty bond subjecting themselves to a fine at the pleasure of Government if proved to have falsified their records.

The customs as at present collected are objectionable on many accounts, you will however continue to collect them, except as you have been already instructed, where they appear manifestly unjust or oppressive. It is however desirable to simplify the collection and establish an uniform system at the earliest period, and for this purpose I beg you to assemble the merchants of three or four principal trading towns under your authority, and to obtain from them a table of the wholesale prices of all articles of commerce, explaining weights and measures made use of in the statement. These tables are immediately to be forwarded to me to enable me to form a

tariff for the whole country. To discourage any attempts at deceiving you in these statements, it may be useful to apprise the merchants before they draw them up that similar statements are preparing throughout the whole of the Paishwa's late territories and those which border on them. I beg you also to state what persons in your district are entitled to collect customs, and what you think would be a fair compensation for the loss of that privilege. Another point to which I beg particularly to draw your attention is the means of supplying troops and European travellers on the principal roads with the least injury to the country. For this purpose I recommend your stationing peons at all the villages on the great roads whose duty it should be to provide supplies, and to prevent irregularities on the part of individuals in procuring for themselves. Notice will be sent to you when troops are likely to move through your district, and you can then order your peons to collect the requisite articles from the villages at a distance from the road. The owners will come with the goods and sell them at such prices as they may think expedient. With Europeans the case is different. I am of course aware of the pernicious consequences of Neriks or fixed prices, and of their certain effect in occasioning the distress they are meant to remedy, but in the particular case in question it is necessary to make use of their expedient to prevent greater inconveniences. I therefore beg you to make the requisite inquiries and to form on them a table stating the prices of all articles required by European travellers. Those prices are to be fixed somewhat higher than the ordinary price of the country to encourage the people to sell the articles and counteract the bad effects of fixing prices at all. The villages on the road will probably furnish sufficient supplies for travellers of this description without any notice, and it is to enable them to do this, that I have requested provisions for troops to be collected from more distant villages.

I request you will order such of the Bungalows formerly built by subscription on the road from Bombay to Seroor, as have been destroyed during the war, to be rebuilt. They are now to be eight in number distributed from the top of the

Ghant to Ahmednuggur. They are to be tiled and the expense of each is not to exceed 2000 Rupees. They ought to be so constructed as to keep European travellers as much as possible apart from the villages. I beg to be favored with your opinion on the advantage of collecting stores of public forage for sale at the different stages.

No detail instructions having hitherto been issued regarding native establishments, revenue and other officers have already been entertained in each district according to the idea of the officer at the head of it, and to the immediate exigency of the service. It is not intended that these arrangements should at once be overturned, but as numerous opportunities will occur for gradually introducing a regular system, it is requested that the following principles may be borne in mind in all alterations, whether called for by the death or dismissal of the present servants, or by any new distribution of the districts of which they are in charge. The first point to consider is your own establishment which is termed by the natives *Hoozoor Cutcherry*. You are to keep a double duffar or set of accounts under two duffurdars; they will serve to check and assist each other. Their pay should be about four hundred rupees each, their duty is to prepare and correct the accounts of the district. They should have as many accountants under them receiving from 40 to 15 rupees each as may be found requisite. The duffurdars are to be consulted by you generally in all that concerns the district, more particularly revenue details and accounts. It is desirable as well for the purpose of availing ourselves of the improvements in revenue introduced by our own government as for that of establishing a more complete check on both parties, that one of the duffurdars should be a native of the Paishwa's country and the other of the Company's provinces. I will take steps to procure a person of this description for your Cutcherry who will be accompanied by one or two accountants. I have only to beg that you will keep vacancies for these persons.

Hoozoor Treasury. A treasurer and deputy each keeping a separate account of the department in the same manner with

the dufturdars. The treasurer to receive 100 Rupees, the deputy 50 a month with accountants on the same pay as those in the Cutcherry. A head shroff's pay about 50 rupees with two shroffs under him and a few confidential peons. Either the treasurer or his deputy may be selected from the followers of the dufturdars who comes from the old provinces.

English Writers. One accountant on 150 rupees with writers as many as may be required.

Two *Juwabnuveess's* to write orders, read letters and petitions and answer them, with two deputies. The *Juwabnuveess's* pay 100 Rs., each deputy 20.

The requisite number of inkmakers, mashaljees, sweepers and peons will complete the Collector's Hoozoor establishment. All orders to your district should be numbered and copied into books. The Mamlutdars should be required to write on paper of one size that their letters may be pasted into books as received; they should also be numbered, the advantage of this will be to facilitate reference and check miscarriage.

It is desirable that the country under your charge should be divided into districts or talooks of from 50,000 to a lac of rupees each. The district ought not in general to exceed 70,000 rupees at the commencement, and ought to be smaller when the Government villages are so intermixed with those of zemindars, jageerdars or enams that it would make the range too large for one man to look after.

Each talook to be under a Mamlutdar who is to have charge of the revenue and police of it. You will appoint a *Sheristudar* under him whose particular duty it is to prepare all accounts, the correctness of which he is to vouch for by his signature in conjunction with the Mamlutdar before transmitting them to the Collector.

Three or four accountants fixed at the talook cutcherry with the sheristadar to prepare the accounts etc.

Shaikdars to assist the Mamlutdar in settling and collecting the revenue, they are each to have the management of a certain number of villages yielding in all about 15,000 rupees revenue. A *Juwabunwees* to attend the Mamlutdar constantly, to write his letters to the Collector and orders to *Shaikdars*, *Patails* and *Koolkurnees* etc. The *Shaikdars* and *Juwabunwees's* should be in the confidence of the Mamlutdar, he might therefore in the first instance be allowed to recommend people for those situations. These servants with a *shroff* and *sibundees* complete the talook revenue establishment; the pay of the Mamlutdars should be about 150 rupees a month for the largest talook and 70 for the smallest; that of the *Sheristadar* from 35 to 50 rupees, and the accountants from 20 to 30 — the *Juwabunwees* from 15 to 30 and the *Shaikdars* from 15 to 20, in proportion to the extent of their district. The *Shaikdars* are not to be paid as formerly by the villages.

All these establishments are to be paid from the *Hoozoor* treasury. The guards that bring in the revenue will carry back the pay of the servants of the talook. This arrangement prevents the coins being changed in the districts, checks abuses and imposition, and obviates the necessity that would often arise of causing disappointment by retrenching payments already issued by the local authorities. Receipts are to be given by the Mamlutdar for all sums received by him as public revenue, these are to be sufficient vouchers for the ryots, and the Collector must in like manner grant his receipts to Mamlutdars for their monthly remittances. These receipts must always specify the coin in which the money was paid. Detailed rules for the conduct of Mamlutdars will be transmitted hereafter.

I shall be much obliged to you for any suggestions that you think likely to contribute to the better regulation of the track under your own charge or of the country in general, and I rely on your zeal and ability in carrying the rest of the plan into effect. The success of any system of Government must depend on the exertion of the officers by which it is administered; and in a new acquisition their personal attention is more

required than elsewhere. Numerous abuses must in all likelihood have crept in during the confusion of our first occupation, and many incapable servants must have been employed in offices of trust. The only means by which you can expect to remedy these evils is by affording easy access to all comers, and a ready ear to all complaints. It would contribute to this end if you were able to move about the country under you, and to give audience to persons who come to you with the presence of any native servant. No officer ought to be displaced without enquiry, but no man proved guilty of corruption ought to be retained in the service, and no punishment ought for a long time to be inflicted on false accusations for fear of deterring true ones. This rule will lead to infinite trouble but much trouble is indispensable to the proper management of your subordinate officers, and it is on this branch of your duty that the success of your measures almost entirely depends.

No. 12. The difficulty of obtaining correct data regarding the payment of endowments such as Enams, Wurshasen, Rozeena, Nemnook etc. under the late Government. Regulations proposed for the payment of such endowment under the new Government.

From H. Pottinger

Ahmednuggur 20th Sept. 1819

To M. Elphinstone

Sir,

I have had the honor to receive your dispatches under several dates ... containing your instructions and sentiments regarding *Enams, Wurshasen, Rozeena, Nemnook* and other claims.

My most anxious attention has been directed for many months past to the same subjects, with the design of submitting to you any suggestions that I conceived might have proved serviceable in forming rules by which claims should be

weighed; and now I feel considerable regret at being obliged to state it as my opinion, that it is utterly impossible, consistently with your benevolent views and liberal policy, either to conform to your orders, or to frame any general system for the examination of these alleged rights.

The insurmountable difficulty which offers itself to all inquiry is the absence of accounts and that, combined with the well known and acknowledged fact of very few of the sunnuds, under whatever authority, granted, being attended to for the last eight or ten years, would absolutely preclude above nine tenths of the applicants from the smallest chance of getting a single rupee in the future, provided their doing is to depend on unquestionable proofs of their having received their allowances for even two years preceding the war, or perhaps for any two successive years since the farming system obtained in Bajee Row's late dominions.

Enam grants of villages and ground may be generally considered exceptions to the preceding remark, as they do not appear to have been much interfered with: at least, the villages and lands have been continued to the persons to whom they were assigned, but still they have been obliged by the mamlatdars and officers of Government to pay large *Nuzzurs* (most probably unknown to government) for the reservation of their rights.

I was so fully convinced of the truth of the obstacles, I allude to, that I resolved to apply the fourth, sixth and seventh of your rules for Wurshasens, as being the most favorable for the applicants to all grants under whatever denomination they might be; but even those would in vast numbers of instances have defeated your wishes of people receiving what they were justly entitled to, and in others they would have led to our renewing grants which from their nature, and the long cessation in their being paid, it can only be fairly inferred were known to the late Government to have been discontinued.

Whether these observations are so truly applicable to other parts of the country . . . I am not prepared to say, but I believe they will be found so, and though in some of the districts under me the devastations of the pindaries, and other rational excuses, are in all probability justly adduced as the cause of the want of any proofs on these points, yet in various places where we know that such impediments to their production have not, to this hour, occurred, the difficulty is just the same. In demonstration of this I may state that it was out of my power to obtain any authentic entry of the common *Dewastan* expenses of this city or even a certificate that they were paid, . . . the late Government officers . . . frankly acknowledged they had not paid above ten per cent on any of them, and that some of the most sacred, though expensive establishments had been utterly neglected . . . The total amount of these *Dewastan* and *Kozeena* charges is about 3276 rupees per year, and there was certainly not 500 of this sum paid during any one year of the five that preceded the commencement of hostilities. In fact, there was nothing regularly paid, and the trifling sums bestowed seem to have been mere donations extorted from the Government officers by the incessant clamours and reproaches of the bramins and attendants about the Pagodas. The Rozindars knew it was useless to ask, and therefore never did so.

Having pointed out what I conceive to be the actual state of the case, you will perhaps permit me to offer some suggestions for your consideration.

It is in the first place obvious, that if we were to apply any rule to the examination of grants of which the foundation was, that they had been of late enjoyed for any number of years, however limited, we should as I have before observed, exclude the great body of the claimants from even a hearing, and on the other hand were sunnuds alone to establish claims, we should doubtless renew many that have been discontinued for generations; as it does not appear to have been the practice of the Mahratta Government, even in the best regulated times, to demand the old sunnud when a grant was resumed, a fact

which greatly adds to the perplexity of this subject. I would, therefore, most respectfully propose that a median course should be pursued, but it is almost superfluous for me to observe, that under any plan which can be laid down, Government must depend in a great degree on the vigilance and judgment of its officers, to whom local information and minute circumstances that often come forth in the course of a few questions, will point out methods of investigation for which general principle could be prescribed.

From the inquiries I have made I do not think that warshausens paid from the village or muhul *saderward* were esteemed to be hereditary. The proportion of those granted by the earlier Paishwas is very trifling, and they are now in general supported by *takeeds* given by subsequent rulers to the heirs of the original grantees. Indeed, this would appear to be almost an indispensable condition of their continuance, unless the first sunnud expressly declared it to be a lasting assignment. Bajee Row himself made very few (as far as I have seen) donations of any kind, and he appears to have rather encouraged than otherwise the resumption, by his ministers and mamludars, of the grants of his predecessors: at least, I have understood that no formal clause was introduced into any of the contracts for farms providing for the punctual payment of the Wurshasens, etc., and this was in fact virtually abolishing them. Those persons who were connected with himself by marriage, or who had powerful friends about Court did however, frequently obtain orders for their arrears and regular payments in future, but the next mamlutdar understood that he might refuse to obey what was not addressed to himself, and some even had the hardihood to pay no attention to those that were so. Trimbukjee Dainglia and his deputies, for instance, laughed at these mandates, and totally disregarded them.

Notwithstanding, these facts, I consider the Wurshausen, and Nemnookdars whose names are found in the Poona Dufturs to be entitled to great consideration from us, and I would lay it down as a principle that their claims were good for the

present generation, unless positive proofs could be had to the contrary, because we know that the farmers and mamlutdars did make deductions on that plea when they rendered their accounts, and that they were admitted.

Those whose names are not inserted in the *Beras*, and whose sunnuds are of dates that prove they ought to have been so had they been in force, I think we may unconditionally regret, unless under very peculiar and distinct proofs of their having been continued.

Grants made since Bajee Row's accession to the throne by himself or any of the officers who held the *mottatikhee sikkah* should be entitled to the most favorable construction, though not regularly paid.

These are the ground work of the rules which I now venture to submit with regard to Wurshausen etc.

With respect to the Dewastan expenses, I am of opinion we must fix them all anew. I would call on the kumavidars to obtain statements of them certified, under penalty of forfeiting their wuttans, by the Daishmookhs and Daishpondies, and also by the Patails and Coolkurnees of the village where they were enjoyed in former and regular times, and when these documents were produced, I would look to the present celebrity and state of the temples to which the assignments had been made and allot becoming sums for their future maintenance. We should be sure not to err on the wrong side in this adjustment, because little or nothing has been paid for many years past on this score except to famous pagodas like those at Nassuck, Trimbuck, the Bheemah Shunkur, etc, in this collectorship, and therefore anything that we did give (and which of course would be liberal and worthy of the name and munificence of the British Government) would come as an unlooked-for and fresh donation, and could not fail to render our rule even more popular than it is. The same indulgence I would likewise apply to allowances to mosques, durgahs and other moosulman stipends.

Besides the vast advantage of ensuring further popularity and devotion to our cause it will enable the Collectors to report on the Dewustan expenses of the whole country with a degree of precision which years will not effect without it. The undertaking seems formidable and will, I admit, be troublesome, but once accomplished it will be most satisfactory; and when the comparative statements. . . made by the Collectors are submitted . . . if any objectionable claims should have been admitted or any strong ones underrated, they can immediately be rectified. I may further add, that the lists of Dewustan expenses sent to the different civil authorities from the dufturs at Poonah will serve as an admirable check on unauthorised, or absolute pretensions, and should be continually referred to.

Proposed Rules for Nemnooks.

1. All Nemnooks to be continued if held by sunnud and entered in the Poonah Dufturs, but unquestionable proof to be adduced of their having been paid six times within the ten years preceding the war.

2. All Nemnooks that have not been paid once during five years preceding the war to be considered as abolished.

3. All Nemnooks the payment of which has been stopped within less than five years before the war to be referred to Government.

4. All Nemnooks now renewed, or confirmed, to be reported immediately.

5. The same rules to be applied to Dharmadows unless in very special cases of long standing, or the holders being real objects of charity when they are to be referred to Government.

No. 6 stated that 5, 6, 7, 8 and 9th, proposed rules for Wurshausens to be applied to all Nemnooks.

N.B.—It is to be observed that no Nemnook can be valid which is not entered in the Poonah Dufturs, unless granted since the date of the latest of them that can be found. In that case the incumbent must show that he has received the amount regularly because these donations were frequently in Bajee Row's time given to low men, the panderers of his pleasures, and ceased as a matter of course in a year or two.

Sd/- H Pottinger.

Proposed Rules for Rozeena Allowances.

1. All those by whatever authority granted and entered in the Poonah Duftur, or confirmed since 1803 by Bajee Row's sunnud, shall be continued, unless proofs can be obtained of their payment having been stopped by the order of the Government.

2. All those granted by Bajee Row himself, or any of his sirdars, who had the moottalikee sicca since 1803 to be confirmed even though not entered in the Poonah papers, provided the incumbent can show that he received the amount for any five years during that period, and no proofs can be had of its being stopped by the orders of Government.

3. Roozeendars in the tallookabs (whether on the *Ayn mal* or the *Zukaut*) who have neither sunnuds, nor their names inserted in the Poonah Duftur, must show that they received their allowances five times since 1803. If they cannot do so, it is but fair to infer they had ceased; and if there is no line drawn how far are we to go back ?

4. Very peculiar cases that are not provided for in the above Rules to be referred to Government.

Peers, Suwusthans and *Khyrats* to be included in the settlement of religious establishments.

Sd/- H. Pottinger.

Proposed Rules for Wurshausens.

1. All Wurshausens originally granted by Bajee Row, or any former Paishwa, or by Sirdars holding the mootallikee sicca (during the last reign), to be continued whether entered in the Beras or not, provided proof is given of their having been regularly paid from the treasury for five years before the war. That is the Faslies 1222-23-24-25 and 26. These proofs will be easily obtained if they were really paid.

All Wurshausens by whatever authority granted shall be continued if formally confirmed by Bajee Row found in the latest public Dnftur at Poonah, unless proof can be obtained of their having been stopped by orders addressed to the Government officers, or mamlutdars in the Purgunnah.

2. All Wurshausen grants made by Bajee Row himself, or by any of the Sirdars to whom the mootallikee sicca was entrusted since Bajee Row's return to Poonah in 1803, shall be continued even though not entered in the Poonah Beras, provided the Holder can adduce proof of his having received the amount, or part of it for any three years during that period, and no proof can be had of its having been resumed by the orders of Government. Where the person to whom the Wurshausen was given is since dead, his heir to receive one half (or all in peculiar cases of services done, or charity) under the same test.

3. No Wurshausen to be continued of which the date is earlier than 1803 (Fasly 1213) and which is not entered in the Poonah Dnftur, or the Holder of which cannot bring undoubted proof of its having been paid for any five years during that period. If the original grantee is dead, and his heirs fulfil the test, Rule No. 2 to be applied to his case.

4. Where Wurshausens are claimed without sunnuds the Holder must bring proof of the date of the grant, or of his having received the amount for any five years since 1803. If the original grantee is dead, his heir to fulfil the test and to receive one half for his life.

5. All Wurshausens to be considered subject to the pleasure of the Government on the death of the present incumbent or original grantee, and to be reported on with the Collector's recommendation.

6. All Wurshausens to be paid from the treasury and the holders to attend to receive them, unless the amount is less than 50 rupees.

7. All Wurshausendars to be mustered and registered immediately, and to be obliged to attend at the Hoozoor Kutchery once every year, unless in the case excepted in Rule 6.

8. No claim to wurshausen to be received after 1st of June 1820.

9. No wurshausen to be paid if allowed to be unclaimed for two years without leave.

Sd/- H. Pottinger.

Sattara.

No. 13 Instructions as to how the new State of Sattara is to be managed by the Political Agent for the Raja.

From M. Elphinstone,

*Camp near Tamba,
8th April, 1818.*

To James Grant,

Sir,

Having appointed you to act as Political Agent with the Raja of Sattara, until His Excellency the Governor General's pleasure be known, I proceed to communicate to you the objects for which this new government is to be founded, and

the manner in which it appeared to me most likely that those objects will be attained.

The Governor General's intention in founding a small state for the Raja, is to afford an honorable maintenance to the representative of the ancient Princes of this country, and to establish among the Marattas a counterpoise to the remaining influence of the former Bramin Government. In the extent which I intend to propose for the Raja's territories I have taken in the farther object of providing for a portion of the soldiery of the country, whose habits might be unsuitable to our service, and likewise of maintaining some of the civil and religious orders whom it might be difficult to dispose of under our own direct Government.

For the effectual attainment of these objects it is necessary to gain the Raja's good will, and at the same time both the Governor General's commands and our own security require the firm establishment of the supremacy of the British Government. Unless these points are secured the machine which we are setting up will be liable to be turned against us, and the release of the Raja of Sattara may prolong the disturbances occasioned by the Pashwa's treachery.

The present state of the Raja's affairs appear as well calculated as any that can be imagined for establishing our influence and control. He has just been released from prison, and is about to be placed at the head of a Government which is obtained by no effort of his own, but is the spontaneous result of the bounty of the British Government. The advantages we may expect from his gratitude are rendered more certain by the continuance of his dependence. He is at present destitute both of power and territory, and depends on us not only for his future establishment but for his present subsistence.

To these advantages are opposed the total inexperience of the Raja and the people about him, their extravagant ideas

of their own pretensions, and the facility which these defects would afford to the intrigues of any designing persons, who might have an interest in disturbing the new order of things.

I rely on your exertions and address for overcoming those difficulties. The best means appear to be to take charge of all the Raja's affairs for the present which is a natural arrangement, while everything is to be done with our troops and our money; and gradually to allow him to manage his own territory as he becomes better acquainted with affairs, as the country becomes more settled, and as his own means become adequate to the purposes of Government.

On this principle I have already requested him to communicate to you, not only every important step he takes, but every particular of his proceedings. I have likewise explained to him the necessity that exists for your taking the management of all affairs, as long as the present disturbances last, and have apprized him that the final settlement of his Government will in a great measure be regulated by the disposition he evinces during his period of probation.

His Highness at present gives proofs of a good disposition and a sound understanding... Your first endeavour must be to gain his confidence, by convincing him of the interest you take in his welfare, and by constant mark of respect and attention. This spirit of conciliation ought to extend to all members of the Raja's family... The desire shown by His Highness's mother to take share in the conduct of public business ought to be discouraged, but all interference on our part in the Raja's domestic affairs ought to be carefully avoided... Much odium will be avoided by keeping clear of these intrigues and disputes, if any should arise.

The personal expenses of the Raja and his family ought for the present to be about three lacks of rupees per annum. The employment of this money ought to be left to His Highness...

The rest of the business connected with his Government will for the present be conducted by you. You will, however, explain your proceedings to the Raja, conform to his wishes in cases where there is no objection, and endeavour to give him a taste for business, and a knowledge of the principles of Government.

The limits which I intend to propose to the consideration of His Excellency . . . for the Raja's territory are the river Neera on the North, the Kisna and Warna on the South, the Paishwa's frontier on the East and the ghauts on the West ... I have, likewise, apprized the Raja that all Jageer lands will be excepted from the proposed grant. The extent to which this declaration is acted on will however, depend on circumstances ... The whole Jageer of the Prittee Niddee resumed by Bajee Row may be restored to him to be held of the British Government, and the Jageers now held by Gokla, Rastia, Jann Row, Naik Nimbalker and others ... may either be left as Jageers or resumed by the British Government ... This would leave the Raja no more than 6 or 7 lacks of revenue ... He can be allowed to hold all between the most extended of limits above noticed ... and the Jageerdars who are allowed to remain may hold their lands of him with the exception of the Patwardhans, whom ... we are, moreover, bound to consult before we place them under any Government but our own.

You will be guided by those distinctions in your treatment of the country with which you are charged. The whole must be taken possession of in the name of the British Government ... but the parts which have been mentioned as certainly to be given to the Raja will be held in trust for him ... The Raja's flag may be hoisted in the villages, and even in the forts ... and he ought to have credit for the collections. It may be explained to the inhabitants that they are the Raja's subjects ... It will be proper to impress on them as well as on the Raja, that it is not intended to revive even in name, the Empire of Sewajee, but to create for the Raja a new state ... You will no doubt be careful to do this in the manner least

offensive to the Raja's feelings, and least injurious to his dignity.

The whole of the country now mentioned as the Rajas, as well as that to be held in our own name, must be administered by officers of your selection, and places occupied by sebundies of your entertaining or by regular sepoys. From this must however be excepted all places ... occupied by Brigadier General Munro ... till such time as he may think it desirable to hand them over to you.

You will proceed to take possession of as much of the country as you may find within your reach, and you will resume the Jageers of all persons who may be serving with the Paishwa ... With the present limited means at your disposal you will be able to do little by force ... but General Munro will soon be disengaged ... and you may derive great advantage ... from the expectation of his army ...

It will be an important part of your duty to afford protection to those who have submitted . . . to our Government ... You will be pleased to consult Major Thatcher on all military operations ... and I would recommend your leaving details to him and allowing him to issue his instructions ... You will be pleased to entertain such a number of sebundies as you may think necessary. In doing that it will be a great object to afford employment to the soldiery of the country, but the importance of securing the Raja's safety renders it necessary that none should be employed near Satara but such as can be relied on, I beg you, therefore, to concert such exchanges of sebundies with Captains Robertson and Pottinger ... If any great body of the enemy should approach, it will be necessary to recall all exposed parties, and look to the defence of Satara alone ... While no such force is near, every exertion must be used to keep down insurgents, and to disperse any small parties of the enemy who may plunder the country ... To provide against the continuance of the insurrection, I have applied to the Raja of Colapore ... to send a body of horse ... These troops will be placed at your disposal ...

The Government of the country...is to be conducted on the same principles as those prescribed for that of our own new conquests....The 'great objects are to deprive the enemy of his resources in men and money, and to conciliate the people. The first will be accomplished by...encouraging and enjoining the people to withhold the revenue from the Paishwa, and likewise by seizing on the Jageers of his adherents...For the second object it is necessary to show the utmost consideration for the customs and prejudices of the people*... No innovations ought to be attempted unless to remedy great abuses or to meet the wishes of the people... Where they are not clearly repugnant to reason and justice, the laws and customs of the country must be implicitly conformed to...In cases where criminals belong to the Raja's family or household, the punishment ought to be left to him as also the adjustment of civil causes where his own servants are parties. You will of course procure his adoption of such measures regarding these persons as may secure protection of the rest of the community.†

In mentioning the Raja's affairs I have not alluded to his intercourse with other Princes, or with other subjects of foreign states, excepting the intercourse of civility which I believe has always been permitted with his relation the Raja of Colapore; it would be desirable he should forbear from communications with persons not his own subjects, until his situation be better defined, and at all times he must be impressed with the idea that he is to have no intercourse whatever with foreign states but through the medium of the Resident.

To assist you in your intercourse with the natives, I have at your desire left Ballajee Punt Nattoo as your principal native agent. He has for some time acted in that capacity

* Elphinstone gives Grant the same advice as given to Pottinger in his letter of 2nd April 1818.

† Revenue arrangements were identically the same as those to be adopted in Ahmednagar, as stated by Elphinstone to Pottinger in his letter of 2nd April 1818.

with me, I have found him zealous and intelligent... I authorize you to allow him 500 rupees a month independent of his pension, and as I intend to propose his receiving a liberal grant of land in the company's new possessions as a reward for his services and fidelity, I think I am entitled to expect that he will be free from corruption.

I intend to submit to the Right Honorable the Governor General that your salary should be 2,000 rupees a month... and I authorize you to draw that sum and to charge 1,500 rupees for your expenses... I rely on your exercising strict economy in every branch of your expenditure...

You will be pleased to draw on the paymaster at Poona... unless you can yourself negotiate bills on Bengal at more than 3 per cent premium on the Chinchoor rupee.

No. 14. The management of the Raja's family, and a description of the character and conduct of the different members of the Royal household.

From James Grant,

Satara, 23rd March, 1819.

To M. Elphinstone,

Secret

Sir,

Having already had the honor of reporting to you the means taken for the fulfilment of various parts of your instructions, it may now be proper that I should refer to that very important part of them which regards the conduct to be observed towards the Raja.

The principal points in this were—to gain the Raja's good will and at the same time to establish the firm supremacy of the British Government—to obtain the Raja's confidence—to conciliate his family, control their expenses, and subdue

the extravagant pretensions which were so observable even in Camp. All these were to be accomplished progressively. Many trifling circumstances have occurred, which however important in the summary, could not have been detailed officially without appearing ridiculous, but I believe I have privately communicated—to enable you to judge of the correctness of any opinions I may venture. When the Raja obtains an active share in his Government the experience of one month will be equal to that of the past year, and a report of all particulars will then become an important essential. As he is able to superintend I shall be gradually relieved, and have more leisure to note everything necessary to be (†).

It is now only required to mention a few of the (†) circumstances that have occurred, detailing all particulars of my own interference in one or two instances, that the whole may be readily understood.

Agreeably to what passed at your last private interview with the Raja the night before you placed him on the Gadee at Satara, the Raja issues two proclamations. The first of these you will remember was a declaration of the perfidy of Bajeerao in the manner he had behaved to the Raja and his family—and of the Raja's obligations to the British Government and his consequent gratitude and friendship. The second Proclamation was delegating a power to the agent you had placed with him to arrange the country intended for the Raja, and calling on all his subjects to obey my orders as if they were his own.

When these were prepared the Raja sent for me and mentioned that as this was a proceeding which could not be too public and formal, he wished to come down from the Fort to his house in Town and deliver the Proclamation in full durbar.....

The desire of publicly expressing his sentiments, shewed a very proper kind of feeling in every way and I commended it strongly.....

My first object was to regulate the expenses of the family but here there really was some difficulty...

I had gained the good will of the family in camp...but there was a chance of seriously disobliging them by hastily fixing the allowance directed in my instructions. My first care, therefore, was to confirm the Raja in his belief of my friendship, by the only means in which the confidence of a native can be gained—by persuading him that his interests and mine were the same, that our fortunes were linked together, that my rise depended on his future greatness, and that both the one and the other depended on the propriety of his conduct, that we must advise and assist each other frankly and openly, that I should always tell him what appeared to me the direct and proper manner of acting, and that he could privately keep me informed of everything that came to his knowledge which seemed likely to be useful for us both.

After this had its due weight... I went on to explain to him that there could be no true friendship without perfect sincerity and candour, that amongst us even in the common transactions of life, all gentlemen looked with abhorrence on a falsehood, but in a great man or a Prince it was ten times worse as so much more depended on their word that unfortunately this was not generally understood amongst the people of this country, especially the bramins, but that I was most happy to observe the candour which His Highness had shown on all occasions... that his frankness had greatly prepossessed you in his favor, and that I was persuaded this quality would be the means of his becoming a very wise and a very great prince.

The Raja used to attend to this kind of conversation, and the day when I intended to speak of the expenses, he told me that he certainly had the need of a friend to tell him exactly what was his good, and that he relied on my doing so..... After a great deal of conversation in this way... he promised to give me a list of all expenses absolutely necessary, and the names and employment of all his servants and dependents.

Notwithstanding all that had passed, when this estimate was produced it amounted to nearly half a crore. I had no difficulty in making him acknowledge the absurdity of this, and he freely admitted that he had taken the advise of other people...who had told him that it was proper to give in a large estimate as in fact half a lack and half a crore were all the same to the Company's Government when inclined to bestow favor... He then told me - very well, I will "tell you what will be exactly sufficient for the present, we can manage on twenty lacks for the ensuing year". To this I replied by telling him precisely what was directed...in my instructions. He gravely assured me that it was impossible... I could not help telling him... not to mar his own prospects by attending to the opinions of foolish people. That I thought the allowance you had ordered was most handsome, that in his own mind he must think so too, and that such affectation with me was not what I had expected. We parted less cordially then we had ever done before.

At this period I generally made it a rule to visit the family in the fort daily when I could leave my office by 8 o'clock in the evening, which was what you had verbally directed, and which was the more necessary as ... the people about the Raja had endeavoured to persuade him that if once we got him into the Fort with his own consent, that we would keep him there for ever, and that our Government would watch him far more strictly than Bajerao had ever done. I pretended to take no notice of this but sent Ballajee Punt Nathoo, and told him to use his own discretion in advising them from himself. He went and according to his manner, came to the point at once and asked them if they were all mad... The Raja went up immediately but his mother remained behind with all the obstinacy of her character, until on some alarm she took fright and went up suddenly...

On the present occasion of settling the expenses after the interview with the Raja... I did not visit him for three days. I sent Ballajee Punt because I should have found difficulty in avoiding personal altercation - it was sufficient that I had told the Raja exactly what was to be done without communicating

it abruptly. I must therefore have stopped all further discussion or argued upon it ...

They promised to conform their expenses to 25,000 rupees monthly, but as the Raja particularly regarded that he might be allowed two thousand rupees extra for charitable purposes, I agreed to give one thousand and to allow for any extra purchases to the amount of one thousand more, provided you did not disapprove of my thus exceeding my orders.

After the sum was fixed it became necessary to send away the numerous attendants who had crowded to Satara as old retainers of the family... This was of course left to the Raja .. There were some old debts to discharge which I pretended to know nothing of but which I paid sometime afterwards, when they had found the inconvenience of having contracted them. . .

The following is the distribution of the 26,000 rupees:

The Raja	15,075
The Ranee	1,152
Each of the brothers 3,750	7,500
The Raja's mother	2,273
	<hr/>
	26,000

Bajeerow, latterly, scarcely allowed them half a lack of rupees annually in ready money, but he had to send presents of very rich clothes on all great festivals which must have been very expensive...

Without entering much more into the detail of my own conduct, it may be only necessary to mention, that when I possibly could, I have personally explained to the Raja all proceedings in the settlement of the country. I purposely appointed Wittul Punt Furnawuse to the situation of Mamletdar of Satara, in order that he might constantly keep the Raja informed of whatever was going on...

He has superintended two or three Panchayets which came before Wittul Punt as Mamletdar, in one of them...he interfered improperly... I at once told him he was very wrong.. but he wished me to allow him to amend the fault gradually, as some of his people..persuaded him, that to revise his opinion at once would be undignified...I told him that I should not appear to have influenced him in the cause of justice... but he must allow of no pretence or consideration in acting between right and wrong...This led to a very long conversation in which Dajeeba (?) asked me what was the use of being a Rajah if he could not act according to his inclination. To this the Raja turned round suddenly and replied laughing "Dajeeba you're a blockhead - don't you see I may do whatever I like provided I do what is right" - "that is as you may be ordered" was said in a loud whisper by some of the attendants outside, and was succeeded by a tittering, the Raja looked particularly to observe if I noticed this...This may be too trifling for insertion in an official report but it will show what could not be so well explained of the sort of people near the Raja.

At all times when I have occasion to ask explanations of anything that appeared improper the Raja has shewn a very uncommon degree of candour...On the whole his disposition for a native is remarkably good. He is really grateful for what our Government has done for him, and at present I do believe fully interested to act at all times as he may be advised—unfortunately, however, he has a worthless set of paupers about him so situated as not to be displaced. After some months intercourse I found no difficulty in obtaining his confidence (partially of course), but he has frequently told me things which I should otherwise never have become acquainted with.

He is naturally anxious to get the management of the country into his own hands, this he frankly tells me but he (?) admits that he has not sufficient experience for the task. He often asks when you are coming, and when the treaty is to be made...

Opposed to the Raja's good qualities, he is very sly and this he mistakes for wisdom. Some of the intrigues and tricks he mentions have been practised during his confinement, and that he is an adept at dissimulation. He had certainly great excuse for this, but it has given him a taste for intrigue, and unfortunately this dangerous propensity is a weakness in which he is easily flattered...

The Raja has certainly not so much mind as to prefer business to pleasure, but what I have mentioned will shew that if he had a few able advisers about him much may be done in the way of improvement of his people...

Bramins, who are certainly the only people of intelligence in this country, are not of their own accord disposed to convey the kind of instruction he requires. Indeed, they look upon Marattas as little better than monkees in regard to their ever becoming men of business, and the few Marattas who have ability in this respect are adduced by them merely as singular instances in their species. Generally speaking even amongst the more intelligent and sensible bramins, they offer their real opinion when praising the wisdom and discernment shewn by Shavaji the 4th Rajah in delegating the power of the sovereign to the Paishwas as the only means of repairing an empire which he foresaw would (?) have speedily fallen to pieces in the hands of his prosterity.

Wittul Punt is a man possessing a very (?) share of common sense, but with no great depth of understanding. He is reasonable and well disposed, and as a mamletdar has conducted the duties of the situation very creditably. He is one of the two persons proposed by the Raja in the first instance as his minister—the other is Dajeeba Oopadheea who is unfit for public business. He has great influence however with the Raja, and it will be prudent to conciliate him.

The Raja's name is Pertabjee. The name of the elder of his two brothers is Raja Ram, familiarly Bhau Sahib. He is the best looking of the family, but possesses none of the

Raja's quickness or intelligence. He dresses well, rides well, and has a great turn for show. He is idle and dissipated, but he is gentlemanlike and spirited in his (?) and something might be made of him if withdrawn from the example and influence of his mother. He is married to the daughter of Kooshaba Raja (?) of Terala.

The name of the younger brother is Syajee familiarly Appah Sahib. He is an obstinate ill disposed lad with very low vicious habits which all the admonitions of the Raja cannot get the better of ...

The Ranee is of the family of Mahitey—her native village is in the Concan. She is said to be (?) and disapproves entirely of her mother-in-law's habits and proceedings.

The name of the Raja's mother is Anundee Bye (and styled Mai Sahib)... She is good looking, and her manners are extremely plausible; since the death of the Raja's grandmother, about five years ago, she has not only quitted the seclusion proper for Maratta ladies of rank to observe, but become notoriously infamous in her habits. She is a bold, ambitious, intriguing woman, exceedingly violent, vindictive and obstinate. She is said to have poisoned her husband, but of this there appears no proof, but I have more reason to believe that she some years ago murdered her infant child, the reputed father of which was Trimbuckjee Dainglia. Her immediate relations are the most profligate of all the Raja's connexions.

The Mahitey's seem the most respectable and best disposed, but having had so much to attend to, and having had occasion to check some improprieties in the relations, at a very early period, but which I of course effected through the Raja, I have now had much intercourse with them ... Balla Sahib Bhonsla is an exception to all the rest. He is the Raja's first cousin, and the son of the late unfortunate Chitorsing, he is said to resemble his father in disposition as well as appearance, but I have had occasion to remark a great deal of

good sense and propriety of conduct in Balla Sahib. He certainly has the same qualifications as his father for becoming a popular leader, but I hope with better sense to direct him. He is really a respectable young man. The Raja and he are great friends, but I think I have observed some symptoms of jealousy on the part of the Raja towards him.

I trust that in my endeavours to fulfil this part of your instructions I have acted generally to your satisfaction. Though I have tried to leave nothing unattended to, these duties have occupied much of my time, which otherwise might have been employed with more immediate satisfaction, particularly as the effects of one's employment is more speedily apparent in most other duties. I hope, however, that even what has been already done may be useful. I have always endeavoured to catch the spirit of your orders, and to act as I conceived you expected.*

No. 15. The Raja to receive the whole administration gradually into his hands. The duties of the Dewan, Furnees, Dufturdar and Ohitnees under the Raja's Government, and the functions of the Police for the maintenance of law and order.

From James Grant,
To William Chaplin,
Sir,

Camp at Beejapore,
23rd January, 1821.

Having carefully revived all former instructions and the letters now forwarded...it seemed to be your wish, and that of the Honorable the Governor in Council, that I should persevere in the plan of making the Raja and his people acquainted with the affairs of the Government as soon as practicable, whilst at

*"The general instructions for the administration of the Raja's territories are in my opinion extremely judicious, and if the Raja's servants can be brought to conform to the spirit of them they cannot fail to be followed by the most salutary results."—(Chaplin). Letter No. 2143 of 27th February, 1820.

the same time, I was to preserve the control and not to give up any of the important powers of administration until interference was no longer necessary...

The judicial superintendence was already in a measure transferred to the Raja, he had been informed that the whole administration should gradually come into his hands according to his exertion and acquirement, and he had by these means been induced to apply himself to public business with a method and perseverance very unusual among Mahrattas. It was of the utmost consequence to keep him in such habits, to obviate impatience or disgust, to preserve his confidence whilst his actions were controlled..... In what I proposed for gradually transferring the whole authority to the Raja I wished him to be fully acquainted with the different native servants in his *Nyadeish* and *Kucheree*, and, when time had been allowed, rather to let him rank them, than fix them myself in situation of which he might disapprove...

For this purpose after some introductory conversation... I asked His Highness to tell me exactly what he would do provided everything was made over to his management... I requested he would be unreserved...that I should by this means have an opportunity of giving him and his people a complete insight into every part of his affairs...though it was for the benefit of all that they should continue, as heretofore, superintended by the Agent of the British Government.

The Raja told me that he had fully deliberated on what I had proposed, that he thought the arrangement already made by the British Government were wise and proper, and that the alterations which he would make rather regarded form than substance...

The Raja then proposed that Wittul Punt Furnawueese should be appointed Dewan, that Kishen Rao should be head Dufturdar, and styled Furneese, that Tattya Abeynkur should continue as Dafturdar, and that the Chitanwees's department should be put on a more respectable footing. The members

and plan of the Nyadeish to continue as at present, but their pay and the pay of the Sirsoobidars to be increased. The Raja did not approve of a direct increase of salary to any person excepting the Dewan... He further proposed that the whole of the regulations should be revised in his own and my presence...

The Regulations for the Huzoor servants, the imposition of fines on civil suits, and the rules for adoptions are almost entirely of their own framing...

The arrangements which were made are I trust according to the spirit of your instructions, and I hope as well calculated to ensure the desire of the Honorable the Governor in Council as any other...

The whole was published at the Dussera, which festival was celebrated with considerable pomp by the Raja...

Regulations for the Huzoor servants of the Satara Durbar.

Satara, 18th October 1820

Duties of the Dewan.

It is the duty of the Dewan to make himself acquainted with contents of all letters received in the different departments of the Duftur, Nyadeish and Chitnees, and be prepared to explain all the subjects to which they relate. He is to be present when answers are dictated, and he is to see that such answers clearly express the instructions of Government, whatever is erroneous in either form or substance must be pointed out by the Dewan.

He is to keep a general superintendence over the Furnees, the Dufturdar, the Chitnees, the treasury, the Nyadeish, the Sirsoobedars, Mamletdars and all public servants of Government, and he is to be watchful in regard to abuses amongst the horse and sebundies. He is to be careful in

observing in what manner every one performs his duty, and to remark who is particularly deserving and who is otherwise, and he is always to note down whose business is properly conducted and whose is the contrary, to communicate the results of his observation to the Sirkar, and to remedy defects after receiving orders to the effect.

When any paper whatever is given to any one, if it be required to give any other paper relative to the same affair, in that case the Dewan is first fully to comprehend all circumstances of the case and to investigate every thing connected with it, and if it then appears proper that another paper should be given after fully investigating everything, he is to explain all circumstances to the Sirkar.

When orders and proclamations are sent from the Sirkar to the Sirsoobedars and Mamletdars, the Furnees is to make himself acquainted with the manner in which those orders and proclamations are attended to, to remark whether the business pointed out is done, to inquire what is left undone, and what is completed, he is patiently to revise what is written in answer on the different subjects by the Sirsoobedars and Mamletdars and how the matters have been inquired into by those to whose departments they belong after fully questioning the heads of those departments and seen where the fault lies or how the delay originates; the Dewan is then to think of a proper remedy and suggest that which seems fittest for concluding any proposed arrangements. Such suggestion is to be made after due reflection, so as to be able to state reasons for what is proposed, but at the same time there must be no unnecessary delay.

When the Jammabundy of the Districts has been completed the Dewan is always to inquire into the state of the collections, to inform himself of what has been collected from each District and what remains, and the reason of its being unpaid, all of which is to be explained to him by the Furnees and Dufturdar.

He is every day to write the amount of the totals on the Keerd (daily account) of the Furnees, and on the shulukhund (balance) of the Treasury, and he is always to affix the seal on the Treasury bags, and on the locks.

The Sirsoobedars and Mamletdars are always to remark what public servants perform their duty properly or the contrary, and to write a detail account of the same. Such papers are to remain in the charge of the Dewan.

Duties of the Furnees

The Furnees having written his keerd or daily account and having compared it with the treasury accounts of payments and receipts, and having specified the amount of the different kind of coins in the payments, receipts and balance, he is every day to procure the total amount of the keerd to be written in the handwriting of the Dewan, and on the following day he is to give in the keerd to the Dufturdar for the purpose of all items being posted under their proper heads in the Duftur. Whenever the Furnees requires papers or accounts from the Duftur, they are immediately to be prepared and promptly given to the Furnees by the Dufturdars.

There is a karkoon attached to the treasury for keeping an account of all receipts and disbursements of jewels, gold, silver, clothes, army and cattle and all articles, from whom the Furnees is, monthly, on the last day of the month to obtain a detail account and to insert the same in his keerd of that day.

Whenever sums of money received from the Districts have been examined and received into the Treasury and inserted in the Treasury accounts, the Treasurer will give an account of them to the Duftur of the Furnees from which account the Keerd will be framed and the receipts prepared, the date and entry to be affixed by the Furnees which after examination will be sealed with the Government seal and delivered to the person . . . from whom the cost has been received.

The Furnees is always to see whether the papers of the Duftur are speedily prepared, or whether delay takes place, and if any delay occurs he is to represent the same to the sirkar stating the reason for it.

The Furnees is to see that the muster and pay accounts of the suwars and sebundies are properly made out. The muster and description lists of the suwars and sebundies are to be made out by their respective Daroghas, and the musters are to be taken under inspection of the Furnees, and the payment of the troops is to be conducted under the superintendence of the Furnees, who is to insert the sums and totals in the pay papers.

All orders for discharging and entertaining public servants which shall be given by the sirkar are to be written in the Furnees Duftur and entered in his keerd, he is also to make the entry and write the date on all such papers.

All papers which come from the Districts relative to the revenue affairs of the country, and to receipts and payments, all papers giving or resuming Enams are to be written from the Duftur of the Furnees, and having been entered in the keerd, the Furnees is to insert the date.

On all papers relative to fines (which are prepared by the Chitnees) the Furnees is to insert the sums, names of the parties and causes of these fines having been levied.

All orders for payments on the treasury are to be written in the Furnee's department, the treasury accounts and the orders for all payments the Furnees is daily to insert in his keerd.

All enlistment, discharges and furloughs of the suwars and sebundies are to be ordered by the sirkar, but the *yads* of them must be kept by their respective Daroghas, having dates on them inserted by the Furnees, who will also keep a list of the same for the purpose of being compared with the *yads* of the Daroghas at the monthly settlement of their accounts.

The Furnees is to observe the conduct of the Dufturdar, Sirsoobedars and Mamletdars and to see whether they conduct themselves according to the orders of the sirkar, it is his duty as well as the duty of the Dewan to report on any departure from them to the sirkar.

When the Dufturdar is not present the Furnees must perform his duty.

Duties of the Dufturdar

The Dufturdar is to act under the orders of the Furnees.

The Dufturdar is to prepare the Kuttaonee from the keerd of the Furnees which is daily written out.

All the revenue accounts of the country and districts are to be strictly investigated by the Dufturdars in detail, he is to observe how they differ from those of the former year, he is to inform the Furnees of every thing and to take care that all accounts are properly made out. He is to report also and explain all matters to the sirkar which may appear to him necessary.

When the Jumwabundy of all the Districts has been fixed, the Dufturdar is to examine the state of the collections and balances at the end of each month, and when balances are outstanding it is his duty to investigate the causes of them and to enquire whether it is owing to the indolence of the Mamletdar. He is to explain the result of his enquiries to the sirkar. In this respect the Dufturdar must exert a very strict and active superintendence.

The Dufturdar is to attend to the puttee bab and all other babs of the villages whether of the Jumma or of the Khurch, all increases or deficiencies are to be explained and pointed out to the sirkar.

The Dufturdar is to observe whether the Jumma Khurch of the treasury, suwars and sebundies etc., is written according to custom or not, and to rectify mistakes.

The Dufturdar is to furnish all papers required from the Duftur agreeably to the notes or requisitions received from the Furnees, and is to be speedy in answering the references required. When the Furnees is not present his duty is to be performed by the Dufturdar.

The Dufturdar is to remark whether the karkoons write the papers according to what is usual or not, or whether the papers are prepared at the proper time. This is always to be observed.

At the end of the year the whole of the accounts of Jumma, Khurch and the talebund and putruk are to be got ready, and explained to the sirkar.

Duties of the Chitnees.

All papers regarding wntuns, enams, jageers and surunjams are to be written by the Chitnees after due information from the Duftur and explicit instructions from the sirkar.

Letters accompanying honorary rewards, clothes, dresses of honor, orders for preferment, invitation to marriages, letters of condolence and congratulations have long belonged to the Chitnees' Department and are to continue accordingly.

The Chitnees is to write all papers regarding the release or resumption of personal property.

All regulations, treaties and agreements, orders from Government authorizing the improving and breaking up of waste lands preparatory to receiving a kowl, papers authorizing a delay in the payment of a balance of revenue, passports and all takeed putturs are to be written by the Chitnees.

The following papers are to be prepared in the Chitnees' Department, but the amount of the sum of all fines, and the

names of the parties, and the cause of these fines being levied, are to be inserted by the Furnees.

1. All papers regarding settlements of disputes about Wutans.
2. Regarding the giving of Pryscheet (re-election into the caste of bramins) and for making Gotye (re-election into the caste of Mahrattas) and all papers and orders to Josees and Oopaddeas.
3. Musab Pattre, or papers levying fines.

All dispatches and letters received from the Jagheerdars within the Raja's territory (no other correspondence being allowed whatever excepting with the approbation of the Hon'ble East India Company) are to be opened by the Chitnees in presence of His Highness the Raja and of the Political Agent and by their orders. The answers to which shall be written by the Chitnees according to the orders.

All letters coming from the mamletdars and others shall be opened and read out by the Chitnees.

All letters from the Department of the Furnees Nyadeish and Chitnees' shall be entered in his book by the Chitnees and numbered, and all letters received by the Sirkar shall be placed in the Chitnees' Department and pasted into Books.

The Chitnees is to affix the seal to all papers according to the orders of the Sirkar.

The Chitnees shall fold up all papers and having placed the seal on the cover is to dispatch them according to their destination.

It is the duty of the Chitnees always to remain present as his services are constantly required, he is to give information on all subjects, and he is to make himself thoroughly master of what is told him and not to say he understands when he does not comprehend the subject.

Police Regulations

The object of Police is to prevent crimes that punishment may be unnecessary. The excellent institutions of the ancient Hindoo Raja have only to be preserved and acted upon with vigilance in order to effect an end so desirable—but they have been so frequently disused or deviated from, that it will require much assistance and constant exertion from every person in authority to re-establish such of them, as are practicable, and to keep up proper order in the country.

The services required from *mang*, *mhars* and *ramoosees* and the whole village establishment are well known to every intelligent Patell, however they may vary in some particular instances. The muqudam assisted by his chougula must keep every one to his daily and nightly duty, and the kulkurnee must constantly read and explain orders which are now sent, or which may from time to time be issued by Government for the general good. When any order is not perfectly understood the Patell and the Koolkurnee must apply to the Shaikdar, Mamletdar, Sirsoobedar or the Huzoor for an explanation. Ignorance will never be admitted as an excuse for negligence.

In all allusions to arrangements which exist regarding ramossees, it is to be understood that the village rukhwalees whether ramossees, mhars and mangs are to be under their respective Patells alone, but when District ramossee naiks applies to the Patell for assistance, the Patell must send his ramossee, mhar or mang rukhwalee, and afford every aid and information, and the Patell must not refuse to call upon the rukhwalee of his village at the request of the District Naik, without being able to afford good reasons for such refusal.

During former Government it was the custom that when travellers and merchants were robbed at any village, the inhabitants were obliged to recover the stolen goods, or to point out the thieves or seize them, failing to do this a fine was levied on the village to make good the loss. Since the country has come under the British Government this custom

has been forbidden, the consequence has been that altho' the villagers knowing the circumstances of a robbery, they give no information to the sirkar and take no trouble to recover the property, or to apprehend the offender, or to oblige the ramossees to trace the robbers to another village--therefore it is now made known that the old custom is re-established...

In addition to the village watch, one mhar in a small village, and two in the larger villages ought to be placed for the purpose of taking notice of passengers and strangers arriving at the village, they are to observe all persons narrowly, and if there be the smallest reason to suspect them they are to communicate their doubts to the Patell.

The arrangement for the country being completed the inhabitants are permitted to keep arms in their houses and to travel about with them--but when the number of armed men in one body exceeds 25, they must apply for a Dustuck from Government, and notwithstanding this general permission, should any persons of a suspicious character appear--however small their number, the Patell of a village is authorised to make them give an account of themselves and to seize them if they appear to him that they have got together for the purpose of plunder or gang robbery--and report the circumstance to the mamlutdar who will dispatch a guard of sebundies to take charge of the prisoners...

The muqndum of each village is to cause five, ten, fifteen or twenty persons according to the size of the village to sleep in the village chowree or in the temple with their arms, and in case of any alarm in the night the whole of the villagers are to repair to the place where the party sleep. This duty is to be taken in rotation by the Mahrattas, ramossees, mhars and mangs and in case this order is properly attended to it will generally prevent all attempt on the lives and properties of the inhabitants.

Any intelligence that may be gained of thieves or robbers, correct intelligence is to be sent to the adjoining villages that

the news may spread over the whole country; a messenger to be instantly dispatched from the Patell to the Mamletdar, and a written account to be prepared by the Kulkurnee and transmitted to the Mamletdar . . . as speedily as possible. Care must be taken by the Kulkurnee to write facts, and never to exaggerate. In case of any person being found wounded or murdered instant information to be carried to the Patell, who is hereby especially enjoined to make most minute enquiries into the circumstances.

Should any dead body be found the Patell must that instant repair to the spot however occupied. Everything must be suspended, and he must go directly and order the Kulkurnee to attend or to follow him. The body is to be examined and every particular respecting it correctly written down, the position and spot in which found, the appearance of the deceased, and any circumstance that appears likely to have occasioned his death. Should the person appear to have been murdered the exact part of the body where the wound has been inflicted, its size, nature and by which instrument caused, are to be correctly noted.

In case death by poison, strangulation and the like, when external marks of violence are less apparent, minute inquiry must be made, and in the case of women thrown, falling or jumping into wells, tanks and rivers most special care, attention and investigation are to take place.

Upon investigation of this nature, the time, date, persons present when found and persons present when examined are all to be most particularly attended to, and should the authorities (Shaikdars or Mamletdars) be in the neighbourhood, or their attendance be procurable in sufficient time, they are to quit their immediate occupation in order to be present at any such inquiry, but at all events to the verbal message, and subsequent written report is always to be speedily transmitted for the mamletdar's information.

The mamletdar and the subordinate authorities must be careful to observe that these rules are conformed to. Any neglect of them to be reported to the Huzoor, but care must be given above all things to the preservation of the village establishment...

Any person harbouring a murderer will be amenable to the severest punishment...and a receiver of stolen goods will be punished in like manner.

There are frequently persons residing within their own village whose conduct requires to be watched, the Patells of their villages must watch their conduct. . .

When criminals such as thieves, murderers, robbers and others have been apprehended, they are to be strictly examined and every thing they say is to be written down. Corporal punishment to extort confession is in no case to be resorted to.

The examination and confessions are always to be taken deliberately but there must be no unnecessary delay, and the prisoner must be sent on to Satara with all convenient speed.

A monthly list of thefts and such like offences must be forwarded to the Huzoor . . . this list is to be carried on from year to year.

When a thief is sent in, all particulars that are known of his former conduct must be stated, and an account of his property and means of livelihood must be sent in at the same time.

The mamletdars whose Districts adjoin the territory of other states must be particularly vigilant in cases where thefts, robberies or murders have been committed within their boundary by offenders who afterwards endeavour to pass it. Such offenders are to be seized . . and sent to the Huzoor, but should they escape into any adjoining territory they are still to be pursued and seized. .

When such offenders have succeeded in escaping, their names and description of them must be written in the monthly list which is sent to the Huzoor that every facility may be afforded to bring them to justice.

Whenever ornaments of gold or silver, jewels or clothes, horses, bullocks or property of any kind whatever are brought for sale or pawn and offered at an inferior value...they ought to be suspect from the circumstance of its been offered at an under value...and they must instantly give information to the Shaikdar, Mamletdar or any other servant of the sirkar, and if they neglect to do so they shall be punished...

The early transmission of intelligence is of essential importance to an efficient police, with the view as well to expedite the transmission of all papers to the Huzoor. There are now horse dawks from Merah, Waee, Buttee, Serala, Natapoota, Nazeera and Beejapoor so that mamletdars can easily extend lines of communication...by means of village mhars, the ghurkuree, sht sunneedees, jassooses or sebundies as may be most convenient..

There are also dawk runners from the Tewra Ghaut..to Satara across the mountains and communicating with guards... each of these guards have a carcoon and mang and ramoossee stationed with them to watch the pass and to prevent gang robbers from assembling...

It will always be necessary to afford every assistance in forwarding the dawk of the British Government. In villages where there may be occasion to read the superscription of letters arriving at night mamletdars...will state what reasonable allowance ought to be made for oil light...It will also be necessary for villages on the banks of rivers or nullas to assist in crossing the dawk for four months in the year. Wherever aid of this kind is afforded the mamletdar is to report the circumstance and state what reward the villagers deserve...

In all villages on the high roads there are chuprassees stationed, whose business it is to furnish all articles of supplies and forage to English gentlemen and respectable natives who may halt at the village, and to see that payment for the same is made according to fixed rates...When a large body of troops is passing thro' the country, information will immediately be conveyed to the mamletdar who will send directions to the shaidars to collect all necessary supplies and forage from the surrounding villages...The chuprassees will see that the payment for all articles is made according to fixed rates...The mamletdar must be particular in seeing that these orders are attended to, and in reporting any neglect or deviation from them to the Huzoor.

Khandesh.

No. 16. The early history of Khandesh under the Muslims and the Mahrattas. A description of Khandesh economic and administrative on the advent of the British and suggestions to restore it to its former prosperity.

From John Briggs,

*Camp at Dhoolia,
22nd December, 1818.*

To M. Elphinstone,

Sir,

✓ Having now visited most of the Districts in Candeish, and having made personal observations and enquiries on the spot, I shall proceed to give such an account of it as appears material to have a tolerable acquaintance not only of the present condition of the country, but its resources and capability of future improvement.

In a report of this nature its history for many centuries back is immaterial, and I shall, therefore, take a mere outline without going into details. Candeish appears to have risen

into a monarchy under the Mahomedans in the year 1370. A succession of the Farookeea Dynasty was succeeded by the capture of Asseerqur from Buhadur Shah the last of his race in 1599, and Boorhanpoor the capital of the kingdom become the residence of Prince Daniel Mirza one of the sons of Akbar.

At this period the name of Candeish was changed for that of Dandeish by which it is known in the ancient records, and the Dan-pisa (a copper coin also called after the same Prince) is still sometimes found, but this appellation seems to have died with its author. Candeish continued under the Mahomedan Governments till within the last 50 or 60 years when it was overrun and eventually occupied by the Marattas, and formed part of the dominions of the Rajah of Sattara. Portions of it were afterwards allotted to different officers of the Poona State for the maintenance of troops, and of these, those of the houses of Holkur and Scindia continued to be held by them up to the beginning of this year.

It was formerly one of the most productive Provinces of its extent in the Deccan, and in the time of Aebur it is spoken of as being celebrated for its cloth manufacture. At present there are some very coarse bad cloths made in a few of the principal towns, and in those of Dhurungaum, Erundole and Nasserabad are some ordinary manufacturers of turbans and women's cloth of an inferior quality. The greatest part of the cloth now used in the Province comes from the neighbouring tract of Berar, from whence it is first brought to Badur and Nusseerabad, and travels through the hands of successive dealers on market days towards the centre and western part of the district. These cloths are of very poor description and sell from $1\frac{1}{2}$ to $2\frac{1}{2}$ rupees for each piece of a cubit and $\frac{1}{2}$ wide and 24 cubits in length.

Few countries are so favored by nature with water as Candeish, the rivers in Buglana running to the eastwards and then suddenly turning to the northwards flow into the Tapty, which rising in Goandwana, is itself a considerable stream ...

and entering into Candeish, the Tapy flows through it, till it empties itself into the sea at Surat.

The tributary streams of the Tapy, whether running from the Satpoora hills or from Buglana, flow so near the surface as to admit of their being turned to irrigate the country on each bank, and the fact of there still remaining the ruins of 187 substantial dams of masonry to effect this purpose, will give a tolerable notion of the state the cultivation had once reached* ...

The depopulated districts of Sooltanpoor and Nundoorbar were once celebrated for their fruits, especially the vineyards of Sooltanpoor, but at present there is perhaps not a fruit garden in both districts.

Amongst the natural curiosities of Candeish are the hot springs of the Satpoora hills, particularly those of Soonup, Dew and Donup Dew... The former is so hot that the hand cannot be borne in it...they are said to possess medicinal qualities, and are considered useful in the cure of contagious disorders, amongst others leprosy.

The agriculture appears to have been flourishing and extensive under the administration of Mahjee Sindia, Iblia Bye Holkur and Nana Furnaweese of the Poona state, who all three were contemporaries, and died within a few years of each other, and it may be said that Candeish was in a flourishing condition up to the year 1798, when Bajee Row succeeded to the free government of the Peshwaship after the death of Nana Furnaweese.

In the year 1800, Jeswant Row Holkur . . . commenced his rebellion against Cassey Row the eldest and legitimate son of Tookoojee Holkar . . . In the struggle for empire . . . Candeish having been the original scene of Yeshwant Row's rebellion, first suffered in the greatest degree from his

* The total expense of restoring these dams, Briggs wrote, would be Rs. 2,14,900 and this sum could be recovered in less than 3 years by increasing rents.

cruelities, and the licentiousness of his troops*. . . The scourge of war was succeeded by an unusual drought, and a famine in the following year extended from the Satpoora hills down to Hyderabad, and in this calamity Candeish lost the greater part of its population. Such was its condition in 1804 and 1805.

With the return of peace, however, the Province might still have recovered if any attention had been paid to its situation. The portions of Holkar and Scindia were exhausted by incessant demands on the revenues. . . and the country of Bajee Row was farmed out to the highest bidder, who became for the time being, the sovereign of the district. . . and the holder exacted from the ryot to the uttermost of his ability to pay. In this system the subject met with no protection either of persons or property. . . Many villages became depopulated, the lands were allowed to lay waste, the Bheels, the watchmen of the villages, could neither exist among ruins nor procure food from the needy cultivators of other villages, and betook themselves to highway robberies. . . The revenue contractors were unable and unwilling to expend money in the maintenance of soldiers to protect the country, and the Bheels in a very short time became so bold as to appear in bands of hundreds and attack towns, carrying off either cattle or hostages whom they released by receiving handsome ransomes.

When Bajee Row succeeded to the throne there were several nobles of rank holding estates in Candeish, but his own rapacity...induced him to resume most of those lands, and the successive independent military leaders such as Wahid Ally Khan, Dadun Khan, Jeewajee Yeswunt, and several others who owed allegiance to no state but levied contributions and usurped the country... first induced the remaining Jageerdars, and subsequently the Government itself, to entertain bands of Arabs for the defence of their citadels and towns from these freebooters. The Arabs being unconnected with the

* On two other occasions, during the pursuit of Cassy Row to Malwa and again on his march against Bajee Row, Jewunt Row laid much of Candeish in waste.

inhabitants were incapacitated from heading rebellions. . . They, however, only served for large pay. They would not submit to be dismissed if arrears were due to them. . . The Arabs appear to have gained an ascendancy by their courage, their enterprize and their address which made their authority in many districts supreme. . . At length from being mere soldiers the Arabs became money lenders, every chief who set up in rebellion might receive 4000 to 5000 rupees from an Arab chief by whom he was bound to entertain a number of his men, they accompanied him in all his plundering expeditions, and held him in fact a state prisoner from the moment he took their money. . . I found in many villages two and three Arabs receiving from 8 to 100 percent per month for money lent several years before, and the settlement of some of those claims has been the most vexations but a very important part of my duties.

✓ Some few walled towns have escaped the ravages of the Arabs and the Bheels, but the destruction of the grain stocks, and driving off the cattle, a practice so common among the latter class, is almost as distressing to the inhabitants as the plunder of their homes. The ravages committed by the Bheels and the Arabs was not even equal perhaps to those inflicted by the Pindaries. These lawless but enterprizing bands have been the scourge of this province for the last ten years.

↓ Desolation is every where apparent in Candeish. Immense tracts are covered with jungle, in some parts of which there still remains forts entire, and mosques appearing through the woods the monuments of better times. The abject condition of the people, and the arts the lower classes have practised against these oppressors, have tainted their morals. It is with difficulty that the most simple truth is extracted from them, and the slightest cause of complaint is exaggerated with the hope of obtaining speedy redress. Falsehood and cunning have become the weapons of the weak against despotic powers, but the depravity of the people is rather the result of their unhappy condition than that of innate propensity.

The state of the cultivator is particularly deserving of consideration, their means are so small that they are driven to the greatest distress for wholesome food. A small quantity of milk, and a coarse black unleavened cake made of jowarry or bajry is their usual morning meal, while at noon the bread is rendered palatable by a mess of chillies and dall with a mixture of salt and tumeric, and a small handful of vegetables procured from the fields. They eat meat only on festivals or at weddings. The climate fortunately for them requires no furl, little clothes, and indifferent huts. The custom of marrying while children leaves the Hindoo no opportunity of reflecting how he is to bring up his offspring, and the moral check which exists in Europe is unknown in India; to this, very great portion of his poverty may be very naturally ascribed, and fifty rupees borrowed to celebrate a wedding is not unfrequently a debt that follows the borrower to the grave. The following, from what I can learn, is descriptive of the manner in which a ryot subsists during the year. Before the ploughing season has arrived, he has perhaps been obliged to borrow a few rupees in advance on the next years crops to pay this years demand of the Government, and he is fortunate if he can realize the sum at less than 40 or 50 percent. He now comes to the sahoocar to advance him seeds, for which he promises to pay $1\frac{1}{2}$ seers for every seer, and frequently 2 seers at the harvest time. During the growth of the grain, and while there is much vegetation in the fields, the ryot continues to subsist on the green corn, and on greens pickt out of the hedges, which added to his other food makes a tolerable food. The moment the grain is gathered, this resource ceases, and government requires him to pay his rent, there is no immediate sale for the grain, and he takes up money from the sahoocars, pays a portion of his rent, and gives his crops for the greater part of it after paying all former claims to liquidate the debt, and this grain he compounds to sell in bulk for less than its selling in the market in order that he may realize a sum of money immediately. When the remainder of his grain is exhausted he is obliged to purchase it for food at an advanced price, and

before the time for sowing comes on again, he is precisely in the same dilemma as at the beginning of the year. Where such is the history of the ryots progress throughout the year, we cannot wonder at the poverty that exists but we rather feel surprised that it is from objects of this nature the Government continues to expect to realize its principal source of revenue ... The mass of the population being so poor it is to be concluded there can be little encouragement for trade or manufactures and such is really the case ...

Among the most immediate measures for recovering the country are the repairs of dams, and advances of Tuckawee to old and new settlers to till the ground and to build houses. The former should be placed under the discretion of some scientific European officer and the latter should only be distributed under particular prescription. In those instances where districts have lain waste for many years, I should recommend that some mode be adopted by which the personal influence and character of the amil, or superintendent of the district, might be made subservient (†) to its repopulation, by rendering it the interest of the individual to bring back the inhabitants...

The present rates of assessment are perhaps not oppressive, and unless they are raised, the inhabitants of Candeish, if their persons and property are secure, will in a few years render it a fertile and populous country...

The *Moturfa* or as it is here termed the *pandra pully* is a tax on manufactures and merchants who are not cultivators, and differs in almost every town of Candeish The moturfa, therefore like the land tax, is in fact a tax on the industrious poor; the wealthy and the independent who are the main supporters of the credit, and the finance of European nations, here are entirely exempt. The Bramins and the Mahomedans are peculiarly privileged.

The next is the *Akbarry* or tax on distilled liquor, and intoxicating drugs, this branch of revenue is at present very

Inconsiderable, and amid the poverty that exists it is not to be considered at all and there is little encouragement given to the vendors of articles of luxury and debauch. The Bheels, however, are much given to drunkenness...

The *Zuckat* or customs on imports, exports and transit have been invariably farmed under the late Government. The duties appear to have been levied in every pergunna, and in every market town... The duties on the import, export and transit of grain from one village to another even on market days was the source of a considerable revenue, and it is not difficult to perceive the tendency of this oppressive tax to impoverish the laboring and agricultural classes.... It is to be expected that the protection which will now be afforded to merchants on the road will be the cause of again turning the trade into its former course, and it is to this object, as well as to the protection of the inhabitants, we should look, in subduing the inveterate habits of the Bheels, and no means appear so likely to effect it as the possession of all the roads leading through the ranges of the Satpoora mountains, which can only be gained by our possessing a control over the districts below the hills from whence they draw their subsistence... It is to be expected that under a British administration such a progress will be made towards the comfort of the people as to induce those who have deserted Candeish to return to their homes, and to improve daily the wretched condition of this Province.

Under the head of *Sevay Jumma* comes a very principal part of Maratha revenue, it implies extra revenue, and embraces fines, confiscations, extra levies for particular emergencies and contributions generally...

From all I can learn, the police of Candeish was originally entrusted to the Bheels, and along the banks of the Tapy to the Colies... Under the former governments when they administered direct control over the Province, the police intelligence was entirely entrusted to the Bheels and the colies, the executive part to the sibundies; there were a certain number

of Bheels in each village who had lands or a portion of the crops granted to them for their maintenance, and whose duty it was to conduct strangers beyond their limits and make them over in safety to the next village Bheels. They were the watchmen at night, they sat and protected the passes during the day and night, and they guarded the cultivated fields. In these duties they were most useful to the inhabitants, but circumstances have driven the greatest part of them to seek shelter in the hills and they have now become the scourge of their own country... To each districts, Bheel Naiqs or chiefs were appointed to superintend the whole of the village Bheels... The poverty of the ryots have induced them in the first instance to withhold payments of the Bheels, the latter driven to necessity have taken to highway robbery... In Candeish the prospect of plundering with impunity, has with other circumstances, deprived the villages of most of their watchmen... Highway robberies attended with the most wanton and barbarous murders are committed daily, and it is with the greatest difficulty a few objects (!) have been secured in order to make examples.

✓ By a little management, however, I think the Bheels might be brought back to their original habits; much has already been done to give confidence to those who are willing to return, and if some allowance were made for the re-establishment of the Bheel police I have no doubt but that the hills would soon be deserted, the inhabitants remain secure in their homes and in their fields, and the roads no longer be infested, as at present, with these daring robbers. In large towns an extra armed police will be required, but the most certain information will in general be ensured, and the culprits brought to punishment through the means of the information obtained from the Bheels.

Money and people are the principal wants in Candeish to render it once what it was, and time to bring to maturity the efforts of our administration for its restoration.

Judicial

No 1. The administration of justice in the days of the Mahrattas. The necessity of maintaining the old mode of justice with slight modifications for some years.

From H. D. Robertson,

Poona, 4th December, 1818*

To M. Elphinstone,

Sir,

... During the reign of Sivai Mahdoo Row the only dispenser of justice who had any title to be called a regular one was Rama Shastree a person of great learning and undefiled purity. He was called *Nyadeeshee* or a dispenser of the Law. All disputes regarding patrimony and successions were carried before him—and these constituted some of the most important cases on which it was necessary to give justice, because the great men of the state who were concerned in them were generally present at Court, and pressed their affairs with all the influence of their rank and fortune. The scope of Ram Shastree's duties were thus extended over the great disputes of the whole Empire, and the reputation he has acquired does honor to his ability and to the ruler who confided in him.

Besides Ram Shastree there was no person whose duties were exclusively judicial, and the causes of debtors and others who could not adjust their concerns were given over by Nana Furnavese to a member of his government on whose ability in the investigation of such affairs and on whose judgment he thought fit to rely. When a poor man had a claim on a man of influence it was customary for him to beg and entreat him to discharge it, but he could proceed to no extremity and was not authorized to molest him. When he found all his prayers of no avail he submitted an address to the sircar stating his

* The earlier part of the letter describing the character of the people is given in "The Last Phase." (1815-1818) —R. D. Choksey.

case and promising the payment to it of one fourth of the whole debt if by its interference he recovered his claim.

If the debtor happened to be a common or no great rank and the creditor a man of power he placed a peon or jasoos at the debtor's door, who sat there and dunned him perpetually to pay the debt. The peon was sometimes desired to exact a small sum daily. The debtor would often discharge his debt if a just one when these measures were resorted to, or at least satisfy his creditor by giving him security for the payment of it within a certain time. But if he persisted either in denying the justice of the demand or in refusing to comply with it, the creditor prevented him from eating or drinking and rendered his life miserable. The case was then probably brought before the government with the usual offer on the part of the prosecutor to give up a fourth. In all cases the party cast was fined unless a special act of favor was extended to him. The present from the party who gained the suit was termed *Hurkee*.

The petition after being persued was consigned to the person who was to regulate the enquiry into the dispute. He assembled a punchayet at his own house made up of two members selected by each party and an umpire on his part. He had the power of rejecting any member named if he thought him disqualified from want of judgment or honesty. If either party refused to name members he was obliged to consent to the nomination of them by the government superintendent.

In many instances, however, the whole of the members were appointed by the supervisor and each party had their friends present; but as they only aided and sided with the persons by whom they were summoned and had no voice in the decision they cannot be looked on as members.

Both these customs having been prevalent at the same time it shews how little attention was paid to the administration of justice, and that in fact there existed no fixed rule in the matter.

The Panchayet having been assembled, if the parties were not very respectable, *moochulkao* were taken for their abiding by the decision, and sometimes bail even for their doing so was required from them. The Panchayet then proceeded to hear what both parties had to say, and on becoming fully acquainted with the point in dispute they entered on an examination of the papers produced by each disputant. Every case on which it was usual to assemble a panchayet was of a civil nature, and there were in general documents forthcoming sufficient for them to form a judgment upon the case. It was only in the event of there being no papers that witnesses were called upon expecting to authenticate the fact of their signature to a deed. Oral evidence was always unwillingly accepted. Besides the ignorance of facts, there was always a danger of the falsehood of the witness. If the witness was a respectable man and was believed to have the fear of character before his eyes he was not sworn, but if he was a poor man, whose honesty was therefore to be suspected, he was made to take a *shuput* or oath.

In regard to the mode of acquiring the statement of defendants, if he was a man of rank he was written to and his answer was recorded or he was requested to send a person on his part to attend the panchayet to state his case. But a poor man was summoned in person by a *chobdaur* or *jasoos*. The same rule held in regard to the examination of witnesses. A man of power wrote an answer or sent a person to state his evidence. The poor witness in person. If a witness perjured himself he was fined.

When the panchayet had investigated the dispute, if it was one of consequence they submitted their opinion of it to the *Paishwa* or his minister through the government agent who had superintended their sittings. He confirmed the verdict, and the party cast was obliged to give certificate to the opposite party of his having been so. A summary of the proceedings was then drawn up, and an attested copy always given to the party who had gained and sometimes to the one which had lost

the suit. If the dispute was not of sufficient importance to require the ratification of the Paishwa or his ministers, the superintendent of the punchayet confirmed the proceedings in the same way.

The members of the Punchayet received no reward or fee. If any of them were corrupted the case was referred to another punchayet, or the corrupt member was expelled and another placed in his stead. It was not customary to proceed to the proof of corruption. Satisfactory grounds of suspicion were all that was required to help the punchayet to be weeded or reappointed. No punishment was inflicted on a corrupt member beyond the disgrace of expulsion which was in former times attended with a loss of character. If the punchayet were composed of persons selected by the officer of government, such men being expectants, and considering themselves flattered by the opinion which must have been held of their capacity and honesty and were anxious to establish there *abroo* or good name, their decisions on the whole were impartial. Corruption is said to have been more usual in later times.

Though it was seldom found necessary to reverse the decrees of Punchayets their proceedings were frequently again given them to revise in consequence of the complaints of one of the suitors. If on revising them they made no difference in their verdict the case was decided by their judgment, unless the Paishwa or his ministers had a conviction of its being erroneous, in which case the decree was set aside, and the opinion of the Prince adopted and acted on. The proceedings of the punchayet were with its decree thrown out and the summary of justice then made and given to the person who had gained the cause.

These were perhaps the most usual modes for the settlement of all disputes about property either personal or real in the city of Poona, and in general over the whole Empire. The Hindoo law was referred to where the particular customs of a family or caste had not made it a test of secondary consideration. }✓

Soobedaurs of provinces dispensed justice in their districts and especially in large towns in the same way as it was given in Poona. Investigation by punchayet was the standard mode of the whole country, and may be still considered to be the rule which every one who has justice to obtain looks up to, though I also feel assured if it were found requisite to do away with the punchayet system, so great is the dependence on English honor and discrimination, that the change would be effected without a murmur. But it would be a serious evil to abolish the custom of Panchayets, and afterwards to find that the press of business on a judge reduced the dispensations of justice here to as deplorable a condition as it now is in the Bengal province.

Independent of my conviction that Panchayets give good justice, I am inclined to believe that if it were possible to hit upon a mode of regulating their proceedings, it is the mode of giving justice best adapted to the natives of this country. When I make this bold assertion, it may be necessary to explain, that I have read and studied little on the subject of Indian British justice. I speak with reference to the condition of the natives as witnesses considered by myself, and with reference to the principle of arbitration which every one will allow to be in itself sound and consonant to reason.

Theory in legislation is always dangerous, and is so in proportion to the magnitude of the novelty or change which it proposes. Modifications of existing institutions and customs introduced step by step might end in producing a result which men of foresight could have calculated on; but even in doing this there are so many accidents, so many relations arising out of even the slightest change, that it is very possible (if not probable) that the most minute reasoner would after all his trouble find his conclusions quite erroneous.

The great desideratum in giving justice to the people of our new conquests, is to continue to them whatever is good in itself of their own customs, and not to supercede it by what we may fancy to be better in practice from knowing it to be

good in England or France. Justice by arbitration is unquestionably good in itself. Distinction of ranks is also so, and is absolutely necessary for the preservation of society. But these two things excellent in themselves have hitherto been counteracting the good effects of each other—or rather as the sum of two goods must be good, the latter having gone beyond its bounds (as it always does in a despotic government) became an evil, which acting on the former destroyed much of its good. If this state of the case be true it only remains to consider how the evil of oppression is to be removed consistent with good policy.

The moment we began to govern the country much of the evil was destroyed—because our government being in its nature totally different from that which preceded it, the cause of oppressive distinction in rank became non-existent: but though the axe was thus irretrievably and irresistably laid to the root of the evil it would be the height of bad policy in us to cut entirely through—since the circumstances of our situation will eventually do so in spite of us, and our endeavours at present cannot be too much exerted to counteract and smooth off the inevitable and great change.

When this change however is fully effected, and the great and rich have begun to find themselves and to believe it fair that they are not entitled to be exempt from the demands of their creditors, and authorized from their rank to commit crimes any more than their inferiors, we shall have nothing to oppose the free and full benefit of dispensing justice by arbitration, but on the contrary we shall have every reason to expect from punchayets the highest purity and impartiality.

But arbitration will be obnoxious (?) to one defect until society in general becomes more enlightened. Its becoming so will take up a long series of years under the best regulations that can be devised to effect it. The Hindoo religion is a barrier to it which is almost insurmountable. But the defect might be lessened without at all changing the nature of

arbitration, and though the mode which I shall mention appears to me to be a good one, I state it with the greatest diffidence, for there is nothing so deceptive as speculation in so intricate a subject.

The great defect of Panchayets is the difficulty which the members find of unravelling the disputes submitted to them. Let their impartiality be ever so great, they are puzzled to find out in the midst of the confused sentiments and irrelevant matter tacked to the case, the points to which their attention should be directed. The greatest number of the members give up their judgments therefore to one or two, who either do actually or appear to understand the dispute. It is not natural that they should acknowledge their inability to follow the case in all its windings, and to study it in all its bearings, though they snatch at the opinions of their neighbours and give them out as the conclusions of their own deliberate judgment. Hence follows delays—a distrust of the ability of men not practised in sifting the truth, and the employment of professed lawyers (they may actually be called so) who are paid and who make it their interest to protract disputes.

I conceive that these evils might be alleviated by government establishing in each collectorship a body of acute men, whose sole duty it should be to draw up summaries of suits and to present them to Panchayets. These summaries should contain nothing but plain matter of fact information such as that A produced a bond of B signed by witness—that B disavowed the bond—that the witnesses confirmed it—that the debt claimed by A was of so many years, that B had evaded the payment of it through his influence at Court, from inability, etc. The greatest inconvenience to be guarded against would be that of preventing the reporters from giving a colouring of their opinion in the summary. They might state, if their proceedings were not cautiously superintended, the case of one party in very strong terms, and leave that of the other in the shade. It would therefore be the duty of whatever gentleman presiding, to scrutinize the reports and

expunge everything not fact leading to bias the judgment. Thus prepared, the case would come in a state of arrangement before the arbitrators, which could not fail to enable them to decide upon it off hand. I should propose that the arbitrators might be empowered to administer oaths - the particular instances in which it might be necessary to do so, would easily appear from the reporter's proceedings, because when the only fact they could arrive at should be the impossibility of stating any facts, the necessity of resorting to the consciences of the parties or the witnesses would be self evident. The reporters on any case should not be less than three - and according to the business that might supervene there should be two, three or four sets of reporters at each station. One gentleman would easily superintend their proceedings, and this when the country is finally settled might be the duty of the Registrar. The judges duty might be confined to a careful revisal of the proceedings of the Panchayet, and to the promulgation of their award should he not see cause to oblige them to revise their proceedings, or to appoint a totally new investigation.

Where there is so much speculation and perhaps many arguments to be adduced against such a plan, it may be considered to be going too far to state any of its apparent advantages, for however well they may read, if the first principles be wrong they are not worth reading. Of all the objections that could be urged against the plan, none would be so substantial as that it was disagreeable to the people, or would be received with fear. I can safely venture to assert that nothing of this kind is to be apprehended from its adoption. Its apparent advantages are, that it multiplies the chances of a just award, that it submits a cause to the test of able men who will from the dexterity they acquire by practice sift it to the very bottom--and do so with no hope that if they should be partial their proceedings would be sanctioned by the gentleman examining them. That the cause is investigated by men much more capable of assigning to the evidence of their countrymen its due weight than Europeans ever possibly can be; that it sets the judge who is

to confirm the degree beyond all possibility of having his judgment warped either by his ears or eyes, and leaves him unfettered by any inclination but what appears on the face of the proceedings.

The reporters should have liberal salaries, for though it would soon be found that their influence or their report did not gain a suit, yet they should be above temptation. This would give employment to several respectable men, and would tend, as the increase of offices of emolument to our native subjects must always do, to render our government popular. There can be no political evil I should think in rendering it the interest of the ablest men of the country to look up to our government for their support, when the situations they fill place no general arrangements or policy at their disposal.

I now beg leave to submit few observations on the nature of evidence, the next most important consideration in a search after truth for the dispensation of justice.

I have already stated that under the former administration it was only in a case of the greatest necessity that the deposition of a witness was admitted. This feeling against evidence given by word of mouth is not a consequence of the nature of the last government, it depends on, and is accounted for in the state of society itself. Whether the morals of the people in respect to bearing false witness have been adulterated partly by their ordinances, or partly by the principle of evil inherent in human nature, it is not here necessary to determine. The fact that they will utter falsehoods with the utmost gravity and confidence is unquestionable. This is known to every one, and every one disbelieves the bare assertion of his neighbour.

To arrive at the truth therefore by taking a statement simply will ever be found impracticable. To administer on oath in the common way by making a person swear by the *Geeta* is also attended with very little good effect. Resort was therefore had to the excitement of fear of personal injury, and

this appeal to selfishness, unless the party were hardened into confidence by the success of the former acts of cunning and falsehood, was found to be of considerable use. The person to be sworn was obliged to execute a deed termed a *Moochulka* authorizing Government to punish and fine him as it chose if he stated anything falsely. But this after all was a mere subterfuge to bring to his mind the power of Government which was always ready and always did exercise its power over those whom it was necessary to punish, whether they had subscribed to their being willing to be punished or not. The *Moochulka*, however, was the usual test depended on by the former Government in all cases of evidence. When the oath was administered it was given with all the form and glitter of Hindoo superstition to render it the more impressive. That it is possible to administer oaths which shall be binding on the conscience of a Hindoo is undoubted, but it is deemed sacrilegious to resort to their aid excepting in cases of the greatest doubt and magnitude. The oaths to which I allude are termed - *Bel Bandar* and *Gunga Julee*. They are both highly impressive on a Hindoo, and in both the person sworn denounces the vengeance of the deity on himself if he speaks falsely. The terror in which they stand of the wrath of their deities generally causes them to tell the truth, and even if they have confidence enough to go through the ceremony, they not infrequently become conscience-stricken during the term specified for their continuing free from all injury and from any kind of mark of the Divine displeasure. These marks are variously determined. It may not be considered irrelevant to recount the circumstances attendant on an oath about disputed boundaries, which on all occasions on which they are administered is not the least unusual. I have myself ordered it on two occasions.

When all other means of settling a boundary dispute fails recourse is had to the trial by oath (*shuput*). Either of the parties takes on himself the task, but the one who is confident of the rectitude of his cause is remarked to be the most forward in wishing to undergo the trial. If both persist in doing so the ground thence-forward belongs to the sircar and

the dispute is finished forever. The Patail or the village Mbar, before he set out, ties round his head a piece of paper with a writing on it in the balbod character asserting that the land round which he will traverse belongs to his village. He then takes a new half burnt earthen pot filled with water and places it on his head; otherwise an unburnt brick of loose earth. He also puts on a necklace and subscribes a paper, which is attested by some of those present that he is ready to give up all claim to the disputed land if any of the following evils befall him. If in walking round the boundary the pot of water should break, or if he has not a pot of water but a brick of loose earth on his head, if any of the particles of earth should crumple off the brick—if he should see any bad omen such as a snake or a cat; if he should stumble over a stick or stone; if the necklace should break; if he should sprain his toes, or get a thorn in his feet; if a cow should low; if he should be seized with an ague or vertigo; if he should be agitated in mind or unusually low spirited; if he should vomit or have any natural evacuation; and if within ten days after he has taken the oath any person or animal should die in his house or which belongs to him; or if he should himself be seized with fever or any other bad disease.

The fear which a Hindoo has of perjuring himself relates solely to his discomfiture in this life. He believes in a future state of rewards and punishments it is true, but the whole tenor of his life will be found, notwithstanding his belief in predestination, to have very little relation to any feeling not immediately present to his senses. He will commit the greatest absurdity and fall into the most trying dilemmas without the least self-condemnation for his folly, or much concern for his suffering. Everything that befalls him is accounted for by his believing that fate had willed it, and that all his forethought to endeavour to counteract the influence of so powerful a despot would have been quite abortive. How these people reconcile this principle with their feelings on taking an oath I do not know. Perhaps they believe that there is some reservation for fate to change its decrees, and that if a person denounces destruction on himself

on particular conditions his destiny must yield to the particular call; at least, if he believes he were doomed to swear, and to meet some misfortune in consequence he should not hesitate a moment in taking an oath. But I am inclined to consider the doctrine of predestination among the Hindoos to be only a comfort in reserve for those who are unfortunate, and that it seldom if ever influences the conduct. The harmony of society proves this observation, and that so far as it is used by the Hindoos the belief in it is a positive good which supplies the place of a purer religion in the hour of adversity and danger. It is a consideration of high importance, however speculative it may appear, to ascertain the possibility of diffusing a pure sense of morality among our Indian subjects. The danger of entering on so good a work however, unless conducted by the ablest hand, and on the most skilful principles, is excessive (?) and quite apparent. Everything about the Hindoo has some connection with his religion. His manners and customs even are blended with and moulded on his faith. Even if we recommend things material to his adoption or use there is some prejudice derived from his religion which hinders him from touching them. Any reformation of his mind therefore that may be attempted should be very insidiously administered. If example alone were sufficient to bring on a reform the Hindoo character would not in these days have been so distinctly marked after being so many centuries connected with Mahomedanism, and it may be said at the mercy of Mahomedans the most zealous reformers that ever lived.

Next to the finding out the truth comes the consideration of the mode, and in regard to great men the propriety of enforcing decrees. It might as well, indeed, it would be much better, if no decision were given than that a decree after being passed should not be enforced. This is a point eminently worthy of the attention of the provisional Government, and it is one on which I am very anxious to possess your instructions. It involves two questions or rather it presents two evils. The one regards the creditors and the other the debtors. If

we either do not attend to complaints against sirdars and others, or having attended to them and passed a decree we do not enforce it, the justice of our nation, which is already looked up to by our new subjects as the lawful perquisite of their having come under our rule, will not be so highly prized as it deserves. On the other hand, if we insist with all the rigor of law on the sirdars compromising for their debts immediately, we run the risk of disgusting the men of the greatest influence in the country, and of crediting nearly as great a cause of heart-burning amongst them as the loss of their political consequence already tended to do.

Criminal justice among the Mahrattas was sometimes summary, sometimes dispensed only after minute investigation. In the former case despotism was the law; in the latter some attention was paid to the ordinances of the shaster.

Where there was doubt it was customary for several Government servants to be ordered to sit as a court enquiry, or as a jury on the trial of a criminal. These men collectively were not termed a punchayet though their assembly had all the essential properties of one. They were always servants of the Government and never selected from the people. The culprit had no vote respecting them, and had no power to demand such an assembly. If the Prince willed it, it sat, but not otherwise. Its duty was merely to give a verdict of "guilty;" of the degree of guilt if partly guilty; or of "not guilty." The punishment was awarded by the Prince. It was usually a fine even for murder, unless the culprit were of a very low caste and unable to pay a fine in which case his legs and arms being lopped off he was left to perish, or he was blown from a gun.

State criminals were disposed of by the will of the Prince. If they were sentenced to death they were blown from guns on hill forts, or precipitated over the hills. They sometimes received no sentence and were sent into confinement without any limited term being specified for their being kept deprived

of their liberty. Many were forgotten, and few who went in ever came out.

I cannot conclude this letter without again soliciting your indulgence for the freedom of my remarks. In transmitting to you there is little danger of its inculcating erroneous notions since you are personally so well acquainted with the natives of this country that you can have no trouble in discerning whatever of it is wrong.

No. 2. Difficulties in settling disputes due to the peculiar characteristics of the Mahratta people. A detail description of Mahratta character and conduct. The Shastris of Poona are not very learned men.

From H. D. Robertson,

Poona, 20th May, 1819.

To M. Elphinstone,

I do myself the honor to acknowledge the receipt of your despatch dated the 13th ultimo. . .

On the receipt of your orders of the 9th September I requested Mr. Lumsden to carry them into effect in as far as regarded the duties proposed for an Assistant. He was left to judge of the propriety of employing new servants as agents in the wards of the city, or the Division Carcoons engaged in Police duties, or the Sethias Coolournee's of Paits. I made over to him the Shastree Chintamun Leilee to aid him in the duties assigned him. I requested him to devote part of his time to the superintendence of civil causes and to keep such registers and notes of any of them as he might deem necessary or interesting. I begged of him to study the nature and constitution of punchayets, and to learn whether the men who attended the Adawlut on purpose to have a seat in them received presents for their trouble. He also requested to employ what carcoons and others he might think necessary

and to oblige them to keep such registers as he should deem fit. He has had the further duty in this department of committing great criminal offenders when their case happen to come before him, and not me, and of trying and punishing all magisterial offences.

I have been at very great pains in enquiring into the characters and merits of many shastries in order to carry the permission conveyed to me in your dispatch of the 9th September last into effect, but I am sorry to be obliged to state at this great distance of time that there always was found either an objection on the part of the shastry from his being too good and holy a man to take part in the affairs of the world, or on my part from his being too partial, too ignorant or too corrupt for an admission into affairs of the greatest personal consequence to the disputations of the people of this town. I have myself been in consequence of this put to much inconvenience by being taken away from important government duties to watch and be umpire in punchayets on affairs of great consequence; while the petty complaints of the great men of the place are not enquired into at all. It may be considered an odd remark, but it certainly is true, that the greatness of a citizen of Poona might be ascertained by the number of quarrels he has on his hands, on the principle that a man if he be powerful or rich he must have 5,000 concerns and discussions that no poor man can indulge in and fret himself about. I have really been ashamed to listen to the grievances of sirdas in having lost perhaps a few old sticks, some wretched cloths, or a few pounds of ghee (by their own carelessness perhaps) related in a paper several yards long, and which would wear out the patience of a Judge to listen to had he other business of real importance to transact. I have been doomed, however, to be thus tormented occasionally to the great detriment of the due performance of other duties, and as the truth of these histories is from the obstinacy or poverty of the persons against whom they are written generally disputed, it is impossible to settle them; for if a punchayet is selected there is no possibility of making the members all attend on the same day. In this way disputants have a reason

for coming to dun me whenever they choose, and for sitting with my servants whom they keep idle, I do not find, however, that there is any great complaint on the want of justice by this race of the nation, for they walk off filled with their own importance in having been the cause of annoying six or eight of their wandees (†) by their having been summoned away from their occupations at their instance. Though, therefore, I much want some good impartial shastrees who might occasion half of this sort of complaints to be compounded at a hearing, yet the inconvenience I am assured is more felt by myself than the persons seeking justice. Of course there are exceptions such as when a poor man is the complainant against a rich man.

It is remarkable with how much greater inveteracy a family quarrel, or one between two relations is conducted than one between persons totally unconnected by relationship or caste. On an occasion when a very respectable bramin was doing all within his power to injure a bramin of another sect, the latter asked him why as he was neither a relation nor a connection, nor even of the same sect, his anxiety to prosecute him was so vehement. "From your violence" said he, "one would suppose you were my own brother." The observation was made in my presence and brought to my view a trait of character which though I was daily in the habit of seeing its operation, I had not before discovered.

In the administration of justice to any people no information is so important as a true knowledge of their actual condition. Treatises which tend to shew this, and even partial accounts of particular tribes and customs, must necessarily be of high utility to the Legislator. In no country knowledge of this nature and useful deductions from it are more required than in India.

Under this belief I have occasionally communicated the traits of character which struck me to distinguish the Maharattas. I have given them credit for acuteness of understanding, and have also remarked that they are confined in an enchanted circle of prejudices. Acuteness of under-

standing and weakness of judgment are often combined in the person, and these qualities of mind seem to me to form the mental characteristic of the Hindoos in this part of India. By means of the first quality we see them constantly in some scheme which is quite extraneous to the prominent line of life in which they are engaged. They form ingenious plans, and to use a common expression, build castles in the air, with the most indefatigable perseverance, and watch with all patience and cunning of a hunter seizing his prey the moment of action. They are seldom disappointed in bringing on a crisis and seem to expend the whole of their powers of mind in producing it with effect. But the moment they appear on the stage and all the designs they had hatched behind the curtain are exposed to view, they are undecided and wavering, and in the end disconcerted unless their opponent be inferior to them in cunning and the art of expediency. By this quality is cherished their propensity to wrangling and dispute. Their whole finesse is elicited on subjects of discussion, and serves with inimitable effect the purpose for which it is intended, to confuse the judgment of judges, and to wrap up the truth in an impenetrable mass of irrelevant matter. Nothing strikes them more forcible than the ready perception by an European judge of the exact points of dispute, and nothing puzzles them so much as an injunction to answer a question in the negative or affirmative instead of giving an explanation of some sentences, in whose meaning if summed up, neither, yes or no, will be found; while the impression, whilst the explanation is going on generally is, that you are hearing something of importance and to the point, and at all events that the course of the speech must lead to some determinate answer before the speech be finished.

Their weakness of judgment exhibits itself chiefly in a great love of the marvellous; in a belief in astrology and witchcraft, in an exceeding credulity of everything unnatural and absurd (that is of everything contrary to commonsense) and in the servile imitation of the most foolish customs of their ancestors.

I look on the Marattas generally speaking to be patient under suffering, and when roused, or led on, bold and enterprising. They are, therefore, fairly entitled to be called both courageous and brave. They may be said to be faithful to their trust, for though there are not wanting numerous instances of treachery among them, yet he who is guilty of it is looked on with a great degree of contempt than we might expect among a people who so little prize true feelings of honor and rectitude. Their rulers never hesitated to punish most severely traitors to the government, and the universal feeling in regard to a *nimukharam* always bore them out in the (1) of the act.

The Mahrattas are not ungrateful, but they cannot be said to have their national character adorned by the possession of so refined a virtue as gratitude. They are very revengeful of insults to their dignity, and are clamorous in preferring complaints against those whom they hate. In their domestic relations they are kind and affectionate and their women have great influence at home. For this ascendancy they are probably indebted to their eloquence, in strains of which they are not inferior to bramins or quarrelsome tailors or oilmen. The true Mahratta, however, is rather fond of deeds of cruelty than the contrary. That is he relishes an occasion when he can pride himself on his own power in the creation by doing a barbarous action in sport (perhaps), and wantonness of disposition. They appear to have no remorse for having committed murder and hear of the murder of others with much indifference. I was shocked at the want of feeling of a man whose child had been found murdered in Poona for the sake of some trifling ornaments on its person, in perpetually soliciting me to endeavour to recover the ornaments by publishing a pardon to the wretch on condition of his restoring some part of what he had taken from the child. The Mahratta (or *deshbust*) bramini of the present day partakes much of the character of the concan bramini, and they are both as much assimilated with the common Mahratta as difference of caste admits. The bramini is more polished in his cunning, is more depraved in his morals altogether, and equally revengeful.

though his revenge depends on his address in insiduously administering poison, and not the undisguised application of steel or force. The Mahrattas of all description are faithless in keeping promises, but this is a failing which all nations despotically ruled naturally possess, and which like most of the courtiers of the most virtuous and polished nations in the world they acquire from the circumstances of their condition.

The Marattas should, notwithstanding, what I have said of their apathy in doing and in witnessing acts of cruelty, be characterized as a mild and cheerful people. They are exceedingly frugal and hardy, and have all the hospitality of a rude people accustomed to a roaming life. They appear to suit their ideas to particular circumstances with more readiness than other Hindoos, and possess other qualities which are essential to the formation of the soldier. They are obedient to their superiors and are capable of great bodily fatigue. They have been accustomed to oppression, to torture if the government officers could not induce a confession of guilt by other means, and to suffer death if they confessed, or on a judgment formed sometimes entirely on circumstance and without any direct evidence. This barbarity of the Government may perhaps have engendered the apathy to cruelty and obstinacy of denial they possess, and this apathy when once acquired would necessitate the Government more than ever to resort to harsh treatment. It is a serious consideration, however, to unbend this rigor all at once—at the same time that the practice of any part of it is so abhorrent to the feelings of the Britons that it will be no easy task to keep it up, even if it were found to be absolutely necessary to do so in order to prevent the society from falling into a state of irregularity from too much lenity. I shall state my sentiments a little more at large.

When criminal offenders and professional robbers and murderers find out here, that a certain degree of proof is requisite to inculpate them, I am of opinion that there will be the greatest difficulty in convicting one robber or murderer,

and that as a necessary consequence (unless every professional robber's security is taken) crimes will daily increase. These men will find themselves relieved from the fear of the storm that was always ready to burst over them under a despotic government. Their propensities though then encouraged by the corruption of the government officers were also curbed by the uncertainty of the rigor that might attend the indulgence of them. Our rigor is uniform and would possess all the advantages which certain punishment should possess, were its certainty not counteracted by the dependance on evidence requisite to render it certain. It does not much signify whether we invariably punish the same crime with a heavy punishment or not, if the chance of convicting be as uncertain with us, as the nature of the punishment under the old government was uncertain after condemnation of guilt. In fact, it seems more natural, that the outlaw should more readily trust to his address for emancipation from us than to bribes for his freedom under a government whose character was treachery and despotism, and which in a freak of power might immolate even him a victim who had sacrificed his all at the shrine of extortion. It is, therefore, no inconsistency to say that the uncertainty of what punishment might be inflicted by the Maratta government was more restrictive of crime than the uncertainty of convictions is under our government. Our upright administration of criminal justice is not fitted to men born robbers and murderers, or even to those who in this country become so professionally. It is not therefore fitted to the Bheels, Ramoosses and Maungs of the Deccan and Concan. It is of no consequence what law we establish—the Hindoo or Mahomedan—no Englishman will convict on circumstances and probabilities alone, though he may be fully impressed with the belief that he is allowing offenders to escape, and that were he less encumbered by feelings of strict justice, he would condemn without hesitation. So deeply am I impressed with the belief, that if a guilty ramoosse be tried before me, and I acquaint him that the consequences will be highly detrimental to society and thence to my own credit (perhaps) in regard to the giving birth to an efficient police in the districts, that I am very backward in

trying professed robbers until I obtain undoubted proof either of their guilt or innocence. Professional murderers ought not to be dealt with like other men. Many bad men are terrified into rectitude of conduct by the punishment of other bad men, but a sect whose members are born robbers and murderers should be judged by a law different from that which is applicable to those who are not. At the outset we find they are suspicious persons, and they will themselves assert their readiness to rob when they find it convenient and safe, but because we cannot identify them as perpetrators of a particular crime, they are let loose on society again with all the confidence of successful villainy.

These observations are intended to apply to the professional robbers and murderers of the Deccan and Southern Concan only - and I hope the applicability of them will be found difficult in the course of a few years, when by the reformation of the predatory castes, the practice of any particular mode in regard to them will not be necessary. In your instructions dated the 7th of January last, you touch upon the case of known leaders of banditti being apprehended and no means of convicting them to be found and provide for preventing them being discharged. It is my opinion that the power thus left in the hands of local authorities in regard to these men should not be taken from them, till they themselves report on the general improvement which must inevitably ensue if they are in their districts allowed to maintain as much of the Mahrattā system, as will, added to our own ensure the greatest possible chance for the punishment of such offenders.

I do not think the common Mahratta will ever give the magistrate much trouble. They have family quarrels, and sometimes one village dispute with another, but their enmities seldom go beyond altercation and are most usually handed down from generation to generation. I have much pleasure in reporting in answer to the query in your letter dated the 27th of January last, that there is little or no demand for spirituous liquors by the great mass of the people.

Though I have no doubt that if they could afford to purchase them their use would soon become prevalent. They are addicted to chewing and smoking tobacco and seldom bang or opium. Excess committed in a state of intoxication, therefore, are extremely rare. In fact, I have not heard of any excepting those which occurred in brothels in town. The ramoses and mangs are like the dregs of the people in other places very much given to drunkenness. The depravity of the citizens of Poona is universally known. From the highest to the lowest they are drowned in immorality. Brahmins are perhaps amongst the worst. They are rich and could cut out most other competitors by money alone if the sanctity of their origin did not make it honorable at any rate for a woman of a lower caste to accept their addresses. I have good grounds for believing that besides the particular species of immorality to which I allude the brahmins of Poona do, generally speaking, indulge themselves with liquor, and even with animal food. But they studiously avow a discovery of these illicit propensities, and though I have little doubt on the subject, it might be difficult to prove it.

The reading of the Poona brahmins is not deep. A few are entitled to be termed learned, but there are very few such. About two months ago a plain question puzzled a whole assembly, at the head of which was the famous author Trimbuc Shastree of Raidoorg. The question was, "On what did the tortoise which supported the serpent and the earth rest?" During the distribution of the *ducshsuna* I required the disputation of new shastrees to be held and as usual rewarded them according to their merit. On one of those occasions I attended. The subject was to give a different explanation of a passage of a shaster from that of a commentator—others for a new signification. They spoke by turns, and in sanscrit. The point was decided by the moderator in favor of a young Telinga bramin, whose fluency of speech shewed him to be a master of the language, even had he not proved satisfactorily to the auditors that the meaning of the commentator was absurd on grammatical grounds. The conduct of the assembly was decent and grave; they seemed to be pleased at the

interest I took in the dispute, and the elder and most learned shastries threw of all reserve before me in the discussion of a question which I asked them as if merely for information. It was one which few brahmins of opposite doctrines can talk on without high words. It related at first to the existence and non-existence of matter, and at last to the nature of the soul. The astrologers of Poona are not so much prized I think than they are in other parts of India. Their predictions are believed, but no one cares to find out his fate. Astronomy is little studied, though I have met with one or two instruments here on a better construction than those of the same kind I had seen in Guzerat. There is one particularly for taking the apparent time by the Pole star which has many ingenious circles on it by which a multiplicity of labor is saved in calculation, the problem being in a manner resolved on the instrument.

Whatever influence the bramins may have over the Marattas by reason of their learning and excellence of caste, I feel assured that the great body of the people detest them as rulers and men. A poor man believes that the inevitable consequence of his having any transaction with a bramin is his being tricked. The distinction of caste prevents any intimate friendship between a bramin and shooder, and though friendships do exist among the members of a caste, I do not believe a Mahratta would do much more for a bramin whom he knew in distressed circumstances than for an Englishman of his acquaintance in the same condition.

No. 3. An account of the manner in which justice was administered by the Mahratta Government.

From H.D. Robertson,

6th September, 1819.

To M. Elphinstone,

Sir,

I have much pleasure in submitting an account by Mr. Lamsden of the manner in which justice was administered by the Maratta Government of Poona in former times.

Some account of the manner in which civil justice was administered in the Poona State during the ascendancy of Nana Furnavees.

The Government of Mhadow Rao Narain Paishwa commenced in Shicceay 1696 and lasted for twenty two years down to 1717 of the same era.

During the above period Ballajee Junardin generally distinguished under his surname of Nana was Furnavees or prime minister of the Paishwa; in which high office his talents enabled him to possess himself of the entire powers of his sovereign; and to direct according to his will the affairs of the state.

The general sense of the most intelligent natives of the old school dwells with veneration on the recollection of Nana's rule, and it is probable that at no period of the rise and progress of their power, was the internal government of Poona Mahrattas more correct or vigorous than it became under this statesman.

Holding his authority not by any hereditary claims to pre-eminence, but depending highly upon the virtue of a mind endowed with those qualities which come naturally for a commanding influence among the fellowmen, it is presumable that he must have found it important to the preservation of his government, that it should conciliate the approbation of the majority in wealth and consequence among the subjects of the state.

As from the cause just adverted to, Nana was placed in a situation to call forth continued exertion of his talents, and removed from the stupifying influence of the security in his high station, which might have led him to give himself upto unmanly and degrading pleasures in which the lives of the Indian princes so circumstanced are but too apt to be consumed. On the other hand the degree in which he may have experienced the stability of his ascendancy may in a great

measure have freed his mind from the constant expectation of a termination of his power, and thus have allowed of his forming more patriotic and public spirited views than the ephemeral delegates, whose short lived elevation is entirely absorbed in extortion and cabals.

To Nana's strictly political or his private character I would not be understood to allude in any degree by the above reflections.

Although, the scale of estimation among the Mahratta people, and the natives of India generally, is very different from the sensation of Englishmen, still we cannot deny to them the feeling, recognizance and even long cherished remembrance of their more upright governors; whose estimation is also founded upon civil virtues, and on the same attributes and conduct which have commanded the approbation of mankind in all ages and countries.

Depraved as is the moral condition of the natives of India, no man has ever been extolled amongst them in consequence of his venality, imbecility or oppression.

Before entering upon the proper subject of this paper, I shall be required to trespass with a few observations which come in here more fitly than elsewhere.

Rules of Government do not act of themselves, and no doubt many of the usages which this paper attempts to describe were, as well as the Hindu law or custom of the country, frequently deviated from. It is here proposed, however, to record the existence of anything resembling an order of administration rather than to shew how often it may have been set aside or lost sight of.

The administration of justice during the period under review was discharged by the agency of the following chief authorities. Ram Shastry upon his demise was succeeded by Aya Shastry. These in their time were properly designated under the title of *Nyayish* which may be rendered chief justice.

The *Nyajish* did not unite to his judicial functions any share in the administration of any other department, but was solely an officer of justice.

The jurisdiction of the *Nyajish* was not however, only by reference from the Hnssoor, but extended to criminal as well as civil matters.

The following *Soobehdars* generally resident in and near Poona had an original jurisdiction in virtue of their *Mutaliny Seal*, and in addition of course, a jurisdiction in all cases referred by the government.

The Sir Soobah of the Conkan.

Jennardin Appajee, Soobehdar of Poona over the Soobah of Poona excluding the City.

The Soobehdar of Juneer.

The services of the following subordinate officers were also engaged on references.

Sudasheo Kesso Danti, Soobehdar of Cullian, not vernal officer for he had no *Mutaligy Shicca*, but on account of his reputation for abilities.

Sewram Punt Thutti, Furnavees of Candeish.

Ragoo Punt Gorbole, Risaldar.

Doolub Set Govindjee, Mint-Master and Stationer to Government etc, etc.

In explanation of the jurisdiction of the chief authorities I may observe that the *Mutaligy Shicca* conveyed to the soobedar a delegation of so much of the sovereign authority in all its branches as regarded the soobeh attached to the same, subject always, however, to the control of the supreme power. The chief object of his appointment was fiscal.

His jurisdiction as may readily be conceived from the genius of the government was rather, confided to him, the more easily to enable him to collect his revenues, and keep the people in allegiance, than under any view to the maintenance of the rights of individuals.

The following distinction (?) obtains betwixt Mutaligy Seals,

When the durbar of the Peshwa went on an expedition as against Tippoo or the Nizam, a Regent was appointed at Poona for the time, and received the *Mutaligy Shicca* which was that of the Raj, as the others were of the different Provinces.

The holder of the former was Regent. Those possessed of the others were viceroys.

Conduct of Civil Business.

Claimants of wuttans, valuable property or a large sum presented their petitions by the hands of his *Mootsuddies* to Nana, who heard the petition read, and referred the matter to one or other of the personages I have mentioned.

Occasionally persons watched an opportunity and delivered their papers into Nana's own hands.

Those officers who had no original jurisdiction, and are distinguished as referees, (?) never presumed to enquire into such causes without an order for so doing from the Huzoor of Nana.

Small causes were decided with consent of the parties by the *Mootsooddies* without any reference.

The petitions, answers and all the pleadings were delivered in writing or recorded. It was not usual to carry on by verbal proceedings.

In regard to petitions being rejected, Ram Shastree rejected the suit of a brahmin named Brumme as being barred

by lapse of time, it appearing from the Petitioner's own shewing that the defendant had held uninterrupted possession of the wuttun of Despandy of Chaukun for 150 years.

If the wuttun had been disputed by a claimant within 100 years his suit was not barred. For personal property a good claim was not barred by any specific number of years; but the interest was limited on money to double, and on grain to the quantity allowed by Hindoo law being triple.

The process for procuring the attendance of all persons resident in the city was by the verbal message of a peon, jassoo or carkoon, and for those in the districts by a note from the Durbar, or Justiciary, or a message through either of the above hands according to the rank of the person whose attendance was desired.

In submission to *Mootsudeed* there being no order of reference, the defendant could not be compelled to attend.

If the complaint stated damages sustained, the *takeed Putter*, or summons, required that the Defendant should attend and also that he should pay into the hands of the peon a sum of money. This deposit was termed *Mussalla*, and the amount fixed on reference to the alledged damage and the supposed ability of the person. When the Plaintiff lost his cause the *Mussalla* was returned to the Defendant who had lodged it.

There was another kind of *takeed putter* different from the one just mentioned granted to those who preferred application for such a writing. This was a letter of injunction reciting that the person to whom it was granted had set forth claims against him to whom it was addressed, and injoining satisfaction in case the matter should be as stated.

It seldom happened that Defendants refused compliance with the process of the Cutcherry for their attendance; but when any one through presumption neglected this, a summons was sent from the Hussoor, and then in default of compliance his house and wuttun were attached.

When a Defendant presuming on the countenance afforded by a Sirdar evaded attending, the investigation of the suit was occasionally suspended in consideration to the Sirdar.

When either party pending the investigation made default, the business was nevertheless proceeded in and a decision pronounced.

It was usual to record the default in the *saronash* or decree, in order that the party who had absented himself might on a future occasion require a revision, least it should happen, that he had been deterred from prosecuting to a conclusion by experiencing undue influence in favor of his opponent.

On the attendance of the Defendant, the Justiciary usually devolved the investigation on his Carwarry or Deputy, who received the answer from the Defendant and the documents or *Sason Putters* exhibited on each side.

After the Carwarry questioned the Defendant on the material points or counts on the petition, and in like manner the plaintiff was interrogated touching the matters alledged in the answer, the points of dispute were thus elucidated. This is called *Poorsees*.

When the books of account or writings were produced these were inspected and their weight ascertained, when no writing were forthcoming witnesses were examined, and in defect of both, if the plaintiff consented, the matter was put to the oath of the Defendant or vice versa.

If a bond was produced of an old date and probably granted by an ancestor, the authenticity of which might be doubtful, a part was adjudged and the bond given up.

It was not usual to call for the evidence of Sirdars, and when such was obtained it was in the way of conversation quite voluntary upon their part and not preceded by any oath or injunction. It was not the custom to require witnesses to take oaths in ordinary cases unless they were men of doubtful or bad character.

In cases regarding wuttuns the examination of evidence was conducted according to my information as follows.

The Plaintiff and Defendant were called upon to name their witnesses, a list of whom was taken, and underneath an agreement to rest satisfied with the evidence which might appear from the same, was executed and signed by the parties. Upon this, the justiciary appointed a carkoon for the special purpose of taking the evidence of witnesses who might reside at a distance from Poona, to whom a letter was addressed commanding them to give their evidence, and a similar letter to the mamlutdar to afford his official assistance in procuring compliance with the former.

The carkoon then repaired to the village, and having shewn his letters, the witnesses were conducted to the banks of the Bheema or lesser Gunga, or any holy stream, or to a temple where having bathed or being placed in the middle of the temple or mosque, according to their faith, their depositions were separately taken down one by one. Afterwards the mamlutdar granted a certificate of the proceedings held, and the carkoon returned to Poona with his papers.

When the witnesses were in the neighbourhood of the justiciary after the solemnity above described, they were examined in his cutcherry and not by any deputed officer.

The Carwarry and Duffurdars or Carkoons then made an abstract of the depositions.

At this stage of the investigation or after the pleadings, and cross examination thereon had been recorded, the documents examined and evidence taken and summed up, then and not till then did the justiciary in council, that is assisted by a punchaat, resume his proceedings, which he had terminated on handing over the petition to his Deputy.

I come now to speak of arbitrators in regard to whom I am informed that in those days they were men of property;

and that it was not customary for any one to sit on a Panchaat for gain.

The persons who were important in the suit in which the arbitrators had experienced much trouble, of their own will and pleasure, made a present of a shella or puggree, or a sum of money which was accepted, but this was quite unsolicited.

In cases of wuttuns the Deshmokh and Deshpandy of the district in which the wuttun lay, or an adjoining pergunnah were usually called in as arbitrators. In dispute between shroffs the arbitrators were shroffs, and in those of cloth merchants they were selected from that class of traders.

The arbitrators were mutually named by the parties; and where they could not point out who they wished chosen, the justiciary called in four respectable men to form a Panchaat.

The Justiciary in Council took into consideration the matter reduced to the form we have seen through the labours of the Carwarry and Dafturdars or carkoons, made up his mind on the subjects disputed and then proceeded to draw up the *sarouash*.

It was recorded that the cause had been decided by the advice of a Panchaat, but their names were seldom set forth in the *sarouash*, and generally speaking never signed.

The award or finding of the Justiciary in Council is termed the *Muckhlassee*, and this part of the *sarouash* was written by the Justiciary himself in his own hand.

I have in another place premised that I was about to treat of the decision of causes involving the disposal of wuttuns, valuable property, or large sums of money.

In such the confirmation of the Prince was required to give validity to the acts of Ram Shastree, or the Soobehdars before whom they were investigated. To obtain which Ram

Shastree usually sent his carkoon, and the Soobehdars repaired themselves to the Presence, with their *sarouashes*.

Nana himself noted on the sarouash the word "*Deave*" may it be granted. On which the Paishwa Madow Row superscribed the word "*Deve*" be it granted or to be granted.

Of the issuing out of Sunnuds and Neewar Putters.

Where a wuttun was to be made over a sunnud was required, which was executed in the office of the Furnavees by the carkoons. Nana authenticating the same by entering the date in his own writing.

The original *saroush* was kept among the records of the catcherry, and in cases where a sunnud was not required, a *neewar putter* being an abstract of the saroush, was drawn up in the department of the Chitnees and authenticated by that officer entering the date in his own hand writing; and this was followed by the Moormoodar endorsing on such a paper the words "*Adnia Purmanee*" which may be rendered "*By order*".

Finally the instrument was stamped with the Hussoor shicca or seal of state.

In small causes of very trifling importance a *yad* or memorandum recorded the cause and was followed by a *purwangy* or order.

In cases of greater consequence the confirmation of the Prince, sunnud, etc. were not required; unless they came within the degree of importance which demanded these proceedings.

The cases taken up by *Mootsuddies*, mentioned elsewhere as submissions, were quite voluntary, and in the nature of private amicable adjustments by consent of the parties throughout.

When the Decree adjudged money, the party against whom it was passed rendered satisfaction in one or other of the following ways.

Sold his house, wuttun or property to the amount, or granted an instalment bond conditioning to pay at periods fixed therein.

When the Defendant had no property his bond was taken to pay according as he could find the means; and some times he served the creditor if the latter agreed to this.

Where the debtor had no property and could not from bodily disability render any service, a *cowl* or protection was granted exempting him from the *Tuggazas* of his creditors for five or ten years during which perchance he might acquire property.

When a party was dissatisfied with the decision of the justiciary and punchaat he went to the Hussoor where it was usual to admit appeals, and an inquiry was instituted whether there had been undue influence, bribery or partiality. Or the appeal was referred to a different authority from that which had tried the suit.

In causes before Ram Shastree when occasion required a carkoon and peon were entertained for the taking of evidence in distant villages or other matters; the wages of whom were paid equally by the parties.

The other authorities carried on with the carkoons and peons of their respective departments.

The person who gained a cause paid a pecuniary consideration to the government under the name of *Herkee*, and the party cast was called upon for *Gunegary* or a fine.

These were not computed in the way of a percentage but according to the condition of the man and circumstances of the case.

They were occasionally altogether remitted on account of poverty, but were otherwise the established regular custom.

Disputes between mamludars and their successors about balances of revenue and expenses were settled by the Deshmooks, the carkoons of Nana, Ramchunder Punt Dundera, etc, and not by the Shastree or Sirsoobedar with exception, I believe, of the Sir Soobah of the Conkan where the parties were from the Province and chose to resort to him.

Raj Mundals, Sirdars, Selladars and the greater Enamdars, when any one preferred a petition to Nana against any of these, it was usual to receive the petition and to address a letter to the chief requesting that the matter might be settled.

Such an order as has been called a *taked Puttee* concluded by a request that no further representation on the subject might reach the Presence.

If the Sirdar was at a distance as with Mahadajee Scindeah's army in Hindostan, giving the letter in question, was all that was done for the petitioner.

When the sirdar was at no great distance his vakeel was sent for and received orders to make a settlement.

In many instances there injunctions are said to have been attended to, and when they were evaded, the sirdars experienced the displeasure of the Government or not according to their rank and influence or other circumstances.

Cases of this description did not I believe in general come before Ram Shastree or the Soobehdars, but petty sellehdars were amenable to these authorities.

In regard to expedition with which causes were decided, it is well understood that causes for small sums, although not of necessity, yet invariably are very speedily got through compared with cases of larger amounts. The following is what I have picked upon this point.

Litigations involving the disposals of wuttuns of Deshmookhs, Deshpandies and Patells, inheritances of Enams, landed property of Meerasdars and Boundary disputes were settled seldom and expeditiously in two years. In most instances in five years, in few instances it spun out to ten or twelve years, and a very few not decided in all the 22 years in Nana's time.

Causes for money above 5000 rupees sometimes settled in six months, usually in a year, and seldom protracted beyond a year and a half or two years. Causes for a few hundred rupees were settled in one or two months.

Ram Shastree filled the office of *Nyajish* for thirty five years during the time of Ballajee Badjee Rao, Mhadow Row Bulhar, Narain Row Bulhar and Mhadow Row Narain Paishwas.

Moro Hurry was the first Carbarry of the Shastree and acted as such for 20 years. Upon his removal from office, an investigation was made of the state of business during his ministry and it was found that 1398 causes had come into the Cutcherry. This I learn from an original memorandum of the Dufturdar. Some of these cases were criminal others civil. It was not customary to take any account of the number of causes decided monthly or annually.

The Dufturs were partly lost in the confusion following the capture of Poona by Holkar in 1802. I have no hope of being able to obtain any corresponding official account of the proportion of the above causes settled. But a dufturdar who served 20 years in the Cutcherry, as far as he can now speak from recollection, he believes not above half were ever decided.

Tugazas, *dhurna* or *laugwa* are restraints on the liberty of the debtors and distresses carried to different degrees of severity.

In Nana's time the interference of the officers of Government was confined to complaints made to them of any great severity or harshness on the part of the creditors.

The evidence upon which I have been induced to submit the proceeding is as follows: the testimony of persons advanced in life and long conversant with the conduct of judicial business during the latter and greater part of the period in question, the evidence of *saroushes*, *newwar putturs* etc., and lastly the existence of many usages to this day.

No. 4. Administration of justice under the British Government in towns, districts and villages.

From William Chaplin,

Poona, 27th June, 1820

To the Collectors,

Circular Instructions to the different Collectors in the Country conquered from the late Paishwa as prepared by the late Commissioner in the Deckan, and approved on the 23rd May, 1820, by the Hon'ble the Governor in Council.

Adverting to my General Report of which a copy has been sent to you, I beg leave to direct your special attention to some important points connected with the administration of the country under your charge which appears to me to require your particular observation.

I had formerly the honor to furnish you with my sentiments relative to the employment of the natives of the country in preference to foreigners. The appointment to each collectorate of Dufturdars from our old Districts, who have brought with them a number of their own followers, has in some degree presented a strict adherence to the line of conduct prescribed by my instructions. I beg, however, most particularly to recall your attention to those instructions, and

to request that in your future appointments, you will as far as may be practicable make your selection from amongst those persons of approved respectability who were employed under the old government, rather than from the class of *mootusudees* who have come from our old provinces.

In making your tour of the Districts for the purpose of concluding the Jummabundee of the year, it will be expedient to institute a strict enquiry into the amount of charges upon the revenue, under the denomination of *saderward* - as the Coolcurnees, taking advantage of the change of Government have availed themselves of our ignorance, greatly to augment the amount of these disbursements beyond what has ever been customary at the former periods in general, or a sweeping rule however limiting to a particular sum the amount of these expenses should be laid down - but the ancient practice of the village in good times should be enquired into, and the real interest and wishes of the ryots regarding all expenses of this sort, that are in their nature fixed, being ascertained, a standard may then be adopted for future observance. Care, however, must be taken in this operation, not to trench too much on the influence and consequence of the Potal, for it must always be remembered that he is the key-stone on which the support of the village system so essentially depends.

Many of the talooks or divisions under mamludars appear to be much too small, and the charges of the district management are in consequence raised out of all proportion to the revenue. I request you will take into your early consideration the expediency of enlarging such of the Districts, as are at present of too limited an extent, and that you will submit such new distribution of them as may lessen the number of mamludars. Local circumstances must be well weighed and considered before this arrangement is adopted, and I request that it may be submitted for approval before it is carried into execution. This saving effected by the proposed consolidation will probably be sufficient to cover the increase, which I think if desirable should be immediately made to the salaries of the

mamltdars, whose present allowances are in my opinion quite inadequate to the responsibility with which they are entrusted. A salary equal to 1 and $\frac{1}{2}$ or 2 percent of the revenue under their charge according to the nature and extent of the district would probably be sufficient to place them upon a respectable footing, and in submitting the proposed new distribution above adverted to, I request that this scale of pay may be adopted. As an encouragement to the faithful discharge of their duty they should have the prospect of being removed to larger districts, and after a very long and meritorious execution of the trust reposed in them, a pension or a grant of land shall be conferred upon them. As the best effects may be anticipated from such a liberal reward for zealous and upright conduct, I request that the intention of government may be formally announced to all the mamltdars now employed under you. The salaries of the Duffurdars may be from 500 to 700 rupees per month according to the importance or circumstances of the district, with the prospect of removal to a more lucrative situation in the event of their continuing to merit by their exertions this mark of the approbation of Government. By placing the office of Duffurdar on this liberal footing, the efficiency of our revenue system will probably be greatly improved, not only as it will secure the integrity of those officers, but as it will prove an incentive to the exertions of the inferior revenue servants, who will then look to the situation as an object worthy of their ambition. The next subject to be noticed is the practice of levying upon villages the value of stolen property, I am of opinion that the responsibility whenever it exists according to ancient usage may still be imposed to a certain extent upon the Potal and the village watchmen, as well as on the Koolkurnee, in cases where he has the management of the village. It must, however, be regulated with reference to the particular circumstances of the case, and to the degree of neglect, or connivance of which the village may be found guilty. When it is plain that a village could not have prevented the robbery, the complete exaction of the money must of course be remitted, but a small part may at all events

in most cases be levied, and as it is a popular and established custom, and as the keeping up the responsibility upon every village when a robbery takes place throws upon it the burden of proving its innocence, where as a fine requires proof of actual connivance, I request that the custom of exacting indemnification may be continued under rules which shall be modified, that they may never be complained of as a hardship. Your vigilance will, however, be required to prevent the abuse of this system; more will otherwise be collected than is either brought to account, or restored to the owner of the lost property. As it is an object of importance that our subjects should retain their military spirit, at the same time they should divest themselves of their habits of turbulence, and as this object is most likely to be attained by allowing them the free use of arms I request that the rules and restrictions relating to persons travelling without passports may be gradually relaxed, and in the course of a few months entirely dispensed with. Independent of the advantage of arming people for purposes of police, the measure will be useful even in cases of war or insurrection, as the bulk of the people however they may be effected towards Government would be led for the sake of their property to employ their arms against our predatory enemies rather than against us. On the same principle villages should be encouraged to keep up their walls, and I authorize you to make such trifling remissions of rent as may occasionally be necessary to enable the villages to repair them where they may have fallen into decay.

You will take an early opportunity to report what was the degree of restriction imposed during the late government upon the sale of intoxicating drugs and spirituous liquors, and with a view to check the vice of intoxication which is found generally to increase under our regulations. You will be extremely careful strictly to keep the old prohibitions wherever they formerly prevailed.*

*For further detailed information see "Period of Transition"-(1818-1826).
—R. D. Choksey.

The management of Hill tribes and other predatory classes requires your careful consideration as a wrong system might in a political point of view be attended with worse consequences. The plan which has been found most effectual in the old provinces, especially in the Bhagulpore Hills and in the Jungle Mahals of Midnapore, is to govern the people through their native Chiefs, whose assistance is rewarded by the support of government, and in some cases by pecuniary allowances. The plan kept up here, as it was by the Paishwa, after unavailing attempt to manage these tribes by force alone, by granting allowances to Chiefs, and a certain number of their followers, we secure them in the interests of Government. It is, however necessary to guard against the abuse of this system which may lead to harbouring of thieves, or the conniving at robberies by the chiefs, and to their acquiring such an influence as may tempt them to oppose the authority of Government. It will be necessary to guard against the first evil by exacting strict responsibility from the Chiefs and fining or otherwise punishing them if frequent offences take place within their jurisdiction. Whether the punishment shall be imprisonment or removal (in favor of another member of the same family) which must depend on the actions of the Bheels themselves, is a question for consideration. It will be proper that the point should be investigated, as well for the purpose of preserving discipline amongst them as with a view to prepare us for questions of disputed succession to chiefships, and to prevent us from destroying the power of this engine of government by running counter to the opinion of the people. In order to keep their influence within due limits no increase of land or of authority should be given to any chief unless the measure be clearly necessary for repressing disorder, a necessity which is not likely to be felt. The Bheels or Hill tribes may be gradually encouraged to settle in the plains either as cultivators or as watchmen to villages, a change which weakens the power of the Chiefs by reducing the number of their retainers. In the meantime I beg you will have the goodness to ascertain and report, with as much precision as the case admits of the powers which the Bheel

Chiefs, or Chiefs of the Hill tribes were in the habit of exercising under the late Government. This enquiry and report will be necessary to prevent hereafter any inexperienced magistrate from unintentionally interfering with the privileges of their Chiefs. These observations apply more particularly to Candeish than to any other quarter...

The system of Panchaet in Candeish as applied to criminal offences being neither consistent with former usage, nor attended with any manifest advantages, should be discontinued, and the mode of trial adopted in other Districts should be substituted.

In trivial cases the authority of the Mamlatdar may be augmented so as to allow of his punishing petty affrays, or other misdemeanours. For this purpose he may be permitted to fine to the extent of ten rupees, and to imprison for two days, but he must be strictly enjoined to proportion the punishment to the circumstances of the party, and the Potaill may be permitted to exercise a similar authority to such a limited extent as may be requisite to keep up his influence in the village.

In the administration of civil justice the Panchaet must still continue to be our principal instrument, but it must be exempt from all new forms interference and regulation on our part. Such form would throw over this institution that mystery which enables litigious people to employ courts of justice or engines of intimidation against their neighbours, and which renders necessary a class of lawyers, who amongst the natives are the great formers of disputes.

Another objection to forms, is, that they would deter the most respectable people from serving on Panchayets. The indolence of the natives, their aversion to form and restraint, their hatred of novelties, and their dread of getting into difficulties in an unknown course of proceeding and thus exposing themselves to our supposed strictness would be

sufficient to prevent any honest Potal from calling a punchayet or any disinterested inhabitant from serving as a member, but it is only the honest who would be thus deterred, those who look to profit through fraud would run a little risk in pursuit of their selfish design, and would study our new laws so as to qualify themselves to evade them.

The Potal should be encouraged, as at present, to settle disputes amicably if he can, and otherwise to refer them to Punchayets on the old model.

No papers should be required from those bodies but a *razeenameh* (or consent by the parties to the arbitration of the members) and a *sarounsh* (or decision) as concise as they choose to make it. When these two papers can be produced the decision should be final, unless in case of corruption or gross injustice. When those papers are wanting the cause must be considered as still liable to investigation, but no censure is to be passed on the punishment for failing to produce them. When a Potal refuses to grant a punchayet, the Mamlutdar may on complaint direct them to afford one, and if either party object to a punchayet in his own village, the Mamlutdar shall be at liberty to order one at his own residence, or at any other village, as I believe was practised by the Maratta Government. But unless both parties give their free consent to the arrangement proposed by the Mamlutdar that officer must report the case to the Collector and await his orders.

Appeals from village Punchayets should be made to the Collector, who, if he thinks the Punchayet has not been freely chosen, or that it has not fully decided, or if on a summary enquiry he discovers any gross error or injustice or sees good ground to suspect corruption, may order a new punchayet either at the original village or elsewhere. In this enquiry the Collector can of course direct the Mamlutdar to make any local investigation that may be necessary, and he can employ his assistants or an Ameen, either in conducting the summary

enquiry, or in superintending the second punchayet, but he ought on no account to go into an enquiry in any ordinary case, merely because the Punchayet appears to him to have decided erroneously; the object of this appeal being rather to watch over the purity of the Courts than to amend their decisions. The appeal ought to be to the Collector rather than to the Mamltdar to prevent that officer either quashing complaints or needlessly drawing up causes from the village tribunals to his own.

These rules will provide for the adjustment of disputes among villages, but there are many mercantile and other persons who reside in towns, and are not subject to the authority of any Potail. For these persons another plan must be adopted. When they belong to trades, the *Shaites* or head of the trade may perform the functions performed by the Potail in summoning a punchayet with the consent of the parties, and when these means are insufficient a complaint may be made to the mamltdar, who if he cannot accommodate the matter, either by his own interposition or a punchayet agreed to by both parties, must report it to the Collector who will authorize a punchayet of persons of the same order. When the parties have made the nomination of these punchayets to the Mamltdar or other officer of Government he cannot be too careful to select the members so as to make attendance as little onerous as possible. Persons unemployed ought to be preferred to men in business, and the whole to be managed as much on the principle of rotation as the disposition of the parties may admit. The objections of the parties to any member ought, however, to be always attended to, and if they show a disinclination to the persons proposed by the Government agent, they ought to be allowed to name four respectable people themselves, who ought to choose a fifth as an umpire. If the members cannot agree the umpire must be named by the Government officer.

In very large towns the superintendence of these punchayets may be too much for the mamltdar to undertake, and it will therefore be found necessary to nominate officers

(to be called *Ameens* or whatever name has hitherto been in use among the Marrattas) expressly for the administration of justice. There might be one to every Mamlutdar's District or one to every two, but it ought first to be tried whether the Mamlutdars are sufficient to keep down the business, as the institution of so many dispensers of justice, besides the Revenue Officers, will certainly be new, and its effects on the Panchayets, and on the people cannot be clearly preseen — some means must, however, be found out to make up, in Poona especially, for the numerous chiefs and ministers who formerly used to assemble Panchayets. For the purpose, if it is considered necessary, three Native Judges may be immediately appointed at Poona with salaries amounting to 200 rupees each, and three of inferior rank with inferior salaries who should receive complaints referred to them by the Collector, and submit them to panchayets or decide them themselves, when both parties consented to that mode of adjustment.

In such cases as the Collector may expressly prescribe, causes to be tried by panchayets may be shaped by the Ameens in such a manner that the pleadings, documents and evidence may be brought at once before the Panchayet, and the cause decided at one sitting unless the Panchayet should call for more information.

In causes decided by the Ameen alone an appeal should be to the Collector who will always or on all reasonable grounds, order a Panchayet to try the case anew. The higher class of Ameens may try causes to any amount, but the second class should be limited to 200 rupees. The Collector might in all cases call up such causes as he thought of great importance to be tried before him or his assistant.

The shastree to each Collector might be an Ameen, and might, if his present salary is inadequate, receive an addition to it on that account.

In each of the large towns, perhaps two in each district besides Poona, there might be an Ameen with powers only to

grant punchayets when agreed to by both parties, and to settle such causes as the parties might agree in writing to refer to his decision, but whenever there was a dispute about the mode of trial he ought to take the orders of the Collector.

The Ameens in the towns might have 150 rupees a month, and all the Ameens might have a certain addition to their salary for every 20 causes decided by them or by Punchayets under their direction. The expense might be defrayed from fines hereafter to be mentioned, but the connection between their allowances and the fund from which they are drawn ought not to be apparent to the Ameen...

To complete the administration of justice references might be made on all doubtful questions of Hindoo law to the principal shastrees who receive pensions or *uirtashuns*. The selection in each reference might be left to the Commissioner as was the practice with the natives, or a small addition might be made to the salary of a certain number who might be constituted regular authorities to decide on points of law.

Appeals ought to be received from the Ameens on the principle above mentioned, and in the same manner the Commissioner will receive special appeals from the Collectors, not with a view to revise their decisions on each case, but to give him an opportunity of ascertaining that his instructions are acted upto and that the custom of the country is not departed from.

It is chiefly by the superintendence that we can hope to purify and invigorate the native system so as to convert it from a mere engine of oppression into an instrument for a more extensive dispensation of justice than exists even in our old provinces.

It is indispensable on the principle that the Collector should give audience for at least two hours every day to all ranks, receive complaints viva voce and grant decisions and orders on Mamludars as the cases require. If he confines

himself to receiving petitions in writing it is impossible that he should have time to become acquainted with the state of things in his Districts. This practice combined with the Collector's tour round his Districts ought to be a great check on the Mamludars, and those officers likewise to be obliged to answer speedily and fully; every complaint made against them or reference sent to them, the great indulgence and forbearance recommended towards punchayets and patails, should have no place towards Mamludars on whose purity and efficiency so much depends and with whom these qualities can only be preserved by strict discipline.

The amount to be decided on by a Punchayet under a Patail might be limited to 150 rupees, and by a Mamlutdar or Ameen without reference to 1000 rupees, when the amount exceeds this, the mamludars ought not to call a punchayet, even with the consent of the parties, until he has taken the Collector's orders. Any sum might be referred by the Collector, but great causes where delay and distance are of least consequence, would be best done under his own superintendence.

Causes in which great Sirdars are parties should be reported to the Commissioner who will take measures himself or send special instructions in each case. No claim for a debt incurred during the Maratta government ought to be enforced against this class with more strictness than that government would have evinced, and all intercourse relating to causes of those persons should be conducted according to the practice of the former Government as above described.

Rules will be made limiting the period at which a suit can be entertained; 12 years from the commencement of the dispute would be sufficient in causes of personal property, but a very long period must be allowed in disputes about land, provided always that no prior decision by a competent authority has taken place. You are requested to report immediately what has heretofore been the native practice in this particular.

These rules when established must be observed by the mamlutdars and Ameens, but they must not extend to Patails who must be guided by custom alone.

A period will be fixed after which appeals or complaints of gross error, bribery, etc., will not be received; these ought to be short when the cause was tried by a punchayet, and long when by a single judge.

Mamlutdars and Ameens should send registers of the causes they try to the Collectors and the Collectors to the Commissioner, but nothing of the sort should be required from the potail.

So far indeed am I from wishing to clog the proceedings of the lower orders with forms that I think a decision ought to be received and enforced by the public authorities by whomsoever it has been passed, in every case where there is a written consent to the arbitration on the behalf of the parties, and a written award on that of the arbitrators.

Too much pains cannot be taken to encourage private arbitration and this is the more necessary from an opinion which appears to be industriously propagated, that our government resents and punishes any interference of individuals in affairs which are within its jurisdiction.

The employment of professional Vakeels ought to be strictly forbidden, both in the Mamlutdar, Ameen and Collector's catcheries; with the Potail they are not likely to exist.

Similar pains must be taken to guard against professional arbitrators, a description of persons who were not unknown under the Maratta government..... This class to all the bad qualities of hired Vakeels add that of corruption. In the decision of the cause some rule should be fixed to compel the Mamlutdars and Ameens to attend to this caution, but this is the only regulation I would venture to propose regarding punchayets.

The difficulty of assembling the members and of getting them to come to a decision suggests at first view some rules to promote these ends, but none can I think be ventured on without the risk of making attendance first entirely compulsory, and then very odious. The Magistrate may exercise his influence and even an indefinite authority as hitherto to procure attendance and decision, but he ought to use no absolute force, and above all to impose no fines or other punishments; the utmost would be to call the punchayet to his Court and seat them with an Ameen from morning to night, until they should decide. The collectors are empowered to bestow on members of Punchayets on whom attendance should appear to fall particularly hard a sum of money at his direction and to defray their expenses, reporting the same immediately for the sanction of the Government through the Commissioner, and he ought to withhold all assistance of the kind where the attendance of the members has been particularly remiss.

Punchayets ought to be furnished with a peon to summon witnesses and parties, and in the event of the non-attendance of one of the parties after due notice the cause might be decided against him, though liable to revision on good ground being shown for his absence.

Some check is required to prevent frivolous and litigious complaints, especially in appeals from the decision of Punchayets. Fees have been suggested for this purpose, but it is very doubtful whether they are a check on litigation any further than they are a check upon justice.

It appears a better remedy to allow the Punchayets or the Person who tries the cause to fine a party whose complaints or whose defence is palpably frivolous. The fine might be limited to the extent of the fourth formerly taken by the Maratta Government, or even to the amount, which would on our own system be levied (even where there was no fault) in the shape of costs and fees, stamped paper, and (†) a portion of the money so levied might be given to the injured party when poor, and the rest would go to pay the commission allotted to

Ameens and the expenses of the members of the Panchayets. If the funds proved inadequate to this purpose, a further sum might be raised by the sale of stamped paper for all deeds and contracts which could be a security against forgery as well as the means of raising a revenue.

In cases of appeals the appellant should be obliged to enter into a bond to pay a particular fine if the complaint proves vexatious, and this as well as the fine imposed on the loser will only be a mitigation of the Marratta practice in both cases. Decrees should be enforced in the mildest form in use with the Marattas, a Hircarra or in case of a respectable man a carkoon should be sent to insist on the payment of the sum decreed, and to prevent the debtor eating from sunrise to sunset unless it were paid. The property of the debtor ought also to be sold, but not his house nor the implement of his profession. If all this should be insufficient, he should be imprisoned for a period to be fixed on the report of the Panchayet according to the amount of his debt and the fraudulent or litigious spirit he had displayed.

A question arises regarding the native practice of *Tukkazza*. If left as it was among the Natives, it leads to every sort of oppression and the more as the sufferer is often prevented coming to complain. If done away entirely the great principle which drives men to punchayets, private arbitration and voluntary compositions, is put an end to, and every creditor is compelled to come into Court. It is absolutely necessary to prohibit the use of force, but all restraint and inconveniences that depend on the point of honor ought to be allowed to remain.

You are already aware of the general principles to be observed in our conduct towards the Jageerdars. The condition of the Putwurduns is sufficiently defined by their own sunnuds, and that of the other Jageerdars south of the Kishna will be defined with equal precision...

The greater Jageerdars, to whom their personal lands are now restored, ought during life to be left in charge of the

police of their villages, but they should be apprized that they are not to inflict punishment for serious offences but must send the offender to the Collector. All communication with them should be made by the Collector himself even when complaints are brought against them, but no judgment should be pronounced on their offences except by the Commissioner. The lower order ought perhaps to be put in charge of the Police of their villages for the sake of efficiency, though it is not otherwise necessary. In all cases except the Southern Jageerdars, the regular police is to have a concurrent jurisdiction in the lands of all Jageerdars. The offences of the lower order of Jageerdars may be tried by the Collector but not without previous reference to the Commissioner. The same rule must apply to all serious complaints against people of rank; more trifling complaints and civil suits may be settled by punchayets, or by proper European officers; but in all these cases the forms of civility usual amongst men of rank must be substituted for the summonses and orders of the Court usual in settled countries. At present any violent change would be felt as an oppression by the upper classes and disapproved as unusual even by the lower.

(Sd.) J. FARISH,
Secretary to Government.

No. 5. A detailed account of the successful administration of civil and criminal justice in the Poona district. Instruction to villagers regarding the settlement of disputes in their village. A takeednama to the inhabitants of Poona. Functions and remuneration of Amins. How Punchayets were to be appointed, and what procedure they were to follow in delivering their judgment. Scale of pay and functions of Court Carcoons.

From H. D. Robertson,

Poona, 25th August 1820.

To William Chaplin,

Sir,

I do myself the honor to report to you ... the state of my

judicial department during the past year, and more especially my proceedings therein.

The criminal business requires little or no comment. The trials... will better exemplify its progress perhaps than my description. Within the last few months in particular it may be observed that the punishment of some crimes has been defined and promulgated, which the lax administration of criminal justice under the Paishwa's rule had rendered obscure and uncertain. The severity of the Hindoo law has been in these first instances justly diminished into more lenient punishments, and while benefits attending the re-establishment of a defined punishment for great crimes has been fully attained and universally made known within my jurisdiction, mercy has been extended to those whose guilt first called forth the promulgation of the law.) There are three great offences to which I especially allude, that of procuring abortion, that of rape, and that of murdering a fellow creature to escape a fancied similar fate through force or magic at his hands. The first crime is of very common occurrence, and the heinous light in which it is looked on by the law was hardly known. The immorality of the people is fostered by the readiness by which they can conceal, but was more so especially by the impunity which formerly attended the extinction of the effects of the illicit intercourse of the sexes. The total apathy, however, with which this crime is looked on, and its frequent occurrence would render the infliction of the heaviest penalties of the law unpopular. It is, therefore, one of those crimes the rigor of whose punishment will admit of being relaxed oftener than once, until the people become accustomed to consider and to feel the act as a crime. The secrecy with which it can be committed however will always be a bar to many examples. The crime of rape is not very frequent, perhaps more owing to the want of female chastity than to the morality of the men. The law in this case as promulgated on a late trial is also considered by the natives to be severe, but we should have more reason to think that it was too lenient were a brahmin to be the offender against justice. Burglary and larcenies and swindling are the most

common offences. . . . None of them have been attended with circumstances of cruelty. . . . Trifling assaults and batteries have not been infrequent.

Within the last two months the city police has been reduced one third, but through the vigilance of the rest, and the certainty of punishment to delinquents, I have much pleasure in expressing my belief, that at no time, even in the far famed strictness it was said to have possessed in Bajee Row's time, can it have surpassed its present efficiency...*

The District police is also greatly improved. The patails of villages have been made fully sensible of their important duties in the department, and as I have not failed to act up to the orders, it gives me great pleasure to assure you that a stimulus has commenced, which if it suffers no relaxation from carelessness, promises fair to yield all the advantages of this system of responsibility so well suited to the condition of the people. You will have observed from recent trials that the plan of retaining ramossees and ramossee naiks in pay has not kept these professional robbers from following the natural bent of their inclinations. As the village system now thoroughly revived becomes more vigorous, I shall not fail to reduce the pay and number of the ramossees in the districts. Those of the town police are, however, very valuable servants and it would be highly imprudent to meddle with them. Besides the district ramossees, there are no other men exclusively employed in the district in police duties. The kumavisdaur's revenue peons act as occasion requires in magisterial services; but there are no district magisterial servants. The disputes in the district regarding boundaries and *maunpau* have been less frequent than they have been known for many years. .

I had made it a rule that no money paid by a village in indemnification of a robbery should be restored to the owner but through myself or my assistants. But I had not till then

*Speaks highly of one Ranj Mahomed as police officer.

given any hopes of remitting fines of this nature. It seemed requisite, to raise the attention of all to the system, and there seemed no better way of doing so than presenting great difficulties to those who should endeavour to be relieved from the demand. I shall henceforward be more guided by the particular circumstances of the case as directed by Mr. Elphinstone, the only object for being very strict having now been attained.

I now proceed to state the conditions of the administration of civil justice. On turning my attention to this branch after the settlement of the jummabundy, I found it in the state of backwardness and confusion.....In consequence of the want of a due supervision from the commencement of the year.....the proceedings of the Hall of Justice were guided by the will of about 20 natives—nine of whom were punchayetees, and the rest were vakeels. These men made a perfect game of the employment into which they had forced themselves. One Vakeel's business was to assist any one in getting up a false claim, and when the man appeared to answer it he was required to give security for the payment of the debt, or to be put under restraint. In his difficulty another vakeel would offer him his aid, and by expatiating on his knowledge of the rules of the court, promised and never failed to effect the emancipation of the man on his paying down a round sum. In cases where the claims were just the same process was gone through, and the profits honestly divided between the destroying and the avenging powers, but in cases of the last description, the parties were further exposed to the depredation of the professional punchayetees who were cunning enough to give good justice in most cases after they had got all they could out of their clients. I only found out these evils step by step, but the first view was sufficient to satisfy me. I had been to blame in not dividing my time more equally between my duties... I threw several of the vakeels into confinement, and the rest fled the town. The reform was rendered complete by the dismissal of Succaram Bapoo Deshpandy...who had abused the confidence...reported in his conduct of the judicial duties..... I satisfied myself with

enquiry into a few cases of corruption both of punchayets and vakeels, and into the mode in which it was carried on. The general ability of these punchaytees was very respectable, and since, as I have already observed, their decisions are really for the most part just and fair, I have not set aside more than two of their decisions out of about fifty complained of to me as unjust and obtained through bribery.

With the expulsion of the punchaittees and the vakeels... respectable men began to frequent the Hall of justice, to hear and to see what was in progress; and they have since supported my measures by giving their services as members of punchayets.

The duties of Ameens had never been adequately defined. The first thing I did therefore was to commit to writing the instructions. You will observe that the ground work of these orders is contained in the 16th and 17th paragraphs of Mr. Elphinstone's instructions transmitted in your letter dated the 27th June last. I have gone beyond these orders in ordering Ameens in *every instance* to collect all the papers on both sides of the case, and from the trial already made, I see no reason to think that this order should be relaxed. I have particularly called the attention of the Ameens to endeavour to induce the parties to settle their dispute themselves after all the papers to be had are produced. It is perhaps not unknown to you that a person who has a material document in any dispute, and which would of itself decide it, but of which the opposite party is not aware, is often kept back even from the punchayets for a year or two years, and then is only brought out as a (f) resort when the cause would go against the holder of it. It is, therefore, a matter of no small consequence, not only for the sake of parties compromising their dispute, but for the sake of shortening the proceedings of a punchayet, should one be appointed to sit, to take a bond that all the papers adducible by either party have been produced.

I submit a translation of the injunction which I give to every punchayet. It is a well known principle that even a man

of no principle is flattered by being termed a worthy man. I have further enhanced the respectability of arbitrators by declaring some men of a middling class who have been convicted before me of gross falsehood, and knavery, to be thenceforward ineligible to sit on any punchayet. The reluctance of many men to sit on punchayets has been overcome by personal persuasion, and I have made it a rule to leave it to the members to vote where they shall hold their proceedings, for I found that there was an utter aversion among those who thought themselves respectables to sit in the House which has acquired the name of the Adawlut, and to be liable to summonses of the Adawlut carcoons by peons, who might drag them away at times very inconvenient to the due management of their own affairs.

By granting so much latitude of action however, and instituting no supervision of the proceedings, I ran the risk of the punchayet never assembling... I therefore devised a plan of placing a peon at the disposal of the plaintiff to cause the punchayet to assemble, but I changed this plan to that I have actually adopted, as will be better understood from a perusal of the enclosed directions to a carcoon whose duty is to record the proceedings and assemble the punchayet. These carcoons are very needy men who can write Marattas, who being now perfectly aware of the duty as soon as I assemble a punchayet, a dozen start up for the temporary appointment. There is thus a new means of livelihood struck out for a class of men who have suffered much from the late change of Government, without any expense to Government, and which affords a good means of punishing the litigious disputant; for the reward of the carcoon is taken according to circumstances from the plaintiff, or the defendant, or if the cause be the adjustment of accounts voluntarily entered on, from both parties equally.

I respectfully hope you will approve of these arrangements, although full benefits of them must be judged of after a fair trial of them. They have succeeded hitherto beyond my most sanguine hopes... In reviewing them they seem to

possess these advantages. First, there is a provision made for the speedy production of all important papers. Second, the punchayet begins to sit with almost all information to be had on the subject of dispute, submitted to it. Third, the punchayet is composed of respectable members and the *sirpanj* is invariably a person selected by mutual consent of the parties. Fourth, the Punchayet's sittings are held with the least possible degree of irksomeness to the feelings or habits of the members. Fifth, they are stimulated to sit in a gentle and courteous way by a brahin whose interest it is to get through the business as quickly as possible, in order to claim the collector's promise to get himself appointed to another punchayet, and who goes to the members and represents the personal favor to himself which their attendance would confer. Sixth, they are furnished with a person to do the drudgery of writing, and they sit giving their orders and opinions in a way perfectly congenial to their own habits. Seventh, they are permitted to ask for a reward for their services.

But with all these advantages these arrangements will not effectuate my wishes of the spirit which has now been infused, if it is not kept up and augmented by efficient European agency. You will observe that the Collector and his assistants are the pivots on which the wheels turn. Although cases are prepared by Ameens for punchayets, yet the punchayet itself would be unwilling to assemble (just yet at least) to receive their orders from an Ameen. The Collector or his assistants therefore must have the injunction read to the punchayet before them, and having signed it make it over to them in a gracious way and with a request that they will speedily pass a decree in the case they are assembled to consider.

Translation of written orders given to the Patail of every village after being read to him in presence of the Collector or of the Mamletdaur and of the whole of the ryots on the settlement of the Jumabundy of 1229. The first village which received it was that of Mahaloonga turuf Keeryat Mawul on the 11th November 1819.'

1st. The Jumwabundy of this year having been settled with each ryot the patail will realize the amount of it from the ryot according to the instalments fixed upon, and transmit his realizations monthly to the Mamlutdar taking a receipt for his payment. The patail will in like manner on obtaining the revenues from the ryots grant receipts to them for their payments.

2nd. Whoever has any quarrel to settle about debts, boundary disputes, proprietorship to land, etc., must repair to the patail, who must assemble a punchayet to settle it according to justice. This holds good where the disputants are of the same village, but should they be of different villages, recourse must be had to the mamletdar who will order the patail of that village in which the person complained against resides, to consult with the other patail and obtain a punchayet for the settlement of the dispute.

3rd. Whereas, to prevent ramoosses and other thieving classes, who may be residents in the village from committing thefts and robberies, the patail has been required, and having given security that they shall not commit robberies, it is expedient that when ramoosses travel about the country they shall be furnished with a copy of the *Zamin Khutba* executed for their good behaviour, in order that if any ramoossee leaving his own village and going to another may be questioned regarding the reason of his journey, and that he may put under restraint and sent to the mamletdar unless he shews the copy of his *Zamin Khutba*, and otherwise gives a good account of himself. No known thieves or suspicious persons are to be permitted to reside in villages without their furnishing satisfactory security. It is incumbent on the ramoossee of the village to trace out all thefts and robberies committed within the village bounds; and if he does not, he with the patail and his *zamin* will be held responsible for the amount robbed. Should robbers be traced to have entered a village bounds, that village is held responsible for the reimbursement of the property robbed, unless it can satisfactorily prove the traces to have gone out into the bounds of

the next village, and any doubt on this head must be determined by an assembly of the ryots of both villages who shall decide whether the trace is fairly brought home.

4th. No kind of provisions or other ways of bribery or extortion are permitted on the part of the patails and villagers, to mamletdaurs, serishtadaurs, shekdaurs or any Government agents. Should any patail or coolcurnee take any such present his wuttun will be assuredly attached. At the same time, however, provisions, etc, are to be given them for the usual price.

5th. It being the duty of the patail in nature of his office to settle himself or by punchayet all quarrels about lands, etc,...no remuneration is to be taken by the punchayet or by the patail or coolcurvees from the disputants for their trouble. Should there be any such transaction both the giver and receiver will be punished.

Sd./ H. D. Robertson.

Translation of a takeednama to the inhabitants of Poona.

Whereas Baba Josee and Venaik Punt Josee and Khundo-punt Peitunkur and Ballojee Punt Khetkar and Deenkur Paunsey and Krishnajee Punt Gokley and Naroopunt Devusthulley and Succaram Naik Jowley and Deenkur Punt Gokley - in all nine persons having their names as arbitrators in 200 or 300 punchayets, it appears to the Magistrate of Poona that those who have employed them cannot possibly expect a ready decision in their causes. It has therefore become expedient to advise litigants to chuse some other persons of respectable character for the adjustment of their differences, and for the better effecting of this purpose it is hereby notified that the Magistrate will attend daily in the Boodwar Palace, and assist litigants in inducing men of character to arbitrate for them.

And whereas it appears inexpedient that professional vakeels should be employed, in as much as these vakeels

have each in hand from 100 to 200 suits, and cannot possibly do justice to their clients, or get through business, it is therefore hereby requested, that disputants will either attend in person to carry on their dispute, or send a carecon of their own house, or any confidential relation to conduct the proceedings. By these means disputes will speedily come to issue.

Sd/- H.D. Robertson.

To Ameens of Poona

You will receive every petition which is brought to you, and send it with a peon to the Register for registry, and keep the complainant with you till it is returned. You must not send the complainant with the peon. On receiving it back from the duftur you will immediately summon the defendant in the suit, or his carecon as the case may be, and cause him to write an answer to the complaint without delay. You will then advise the parties to attempt a settlement by themselves, but if either party is unwilling to do this, or states his having already failed in such an endeavor, you will require from both parties all the written evidence whether bonds, release notes, letters or books connected with the subject, and having received copies which you will attest as compared by yourself with the originals, you will proceed to call the evidences on both sides and to take their depositions. You will then again ask the parties whether they will not settle the matter themselves, and if they agree to do so you will take from them a paper to that effect and send the same to the Register for a registry of the fact to be taken. You will then deposit the whole of the processing with the Recorder sealed up and endorsed, to be deposited as a record in case of future reference.

Should the parties not settle their disputes themselves you will inform them that they will obtain a punchayet by attending on the Collector or his assistants, one of whom, will be

accessible in the Boodwar Palace between the hours of one and three every Tuesday, Thursday and Saturday (Hindoo holidays excepted) for the sole purpose of inducing any respectable men who may be selected by the disputants, to sit as punchayetees. You will make out the injunctions to punchayets, leaving room for the names of the members made out for the particular case submitted according to the separate form.

Should the disputants in any case express voluntarily their wish that you should settle their quarrel you will receive a written request from them to this effect, and send this request to the Collector or his assistants on the days above mentioned. In all cases above 200 rupees, when an order will be given to you written on the request to decide the dispute if there appears to us to be no objection to this mode. On receiving an order to decide a dispute yourself you will take from the parties a bond to abide by your decision, with a reservation of right of appeal to the Collector by either party should he conceive your award unjust, but that should the Collector confirm your decision it is to be final, and acted on accordingly. Should your decision appear to the Collector to be erroneous he will either order a revision of the whole by some other Ameen, or request the parties to appoint a punchayet.

Should the parties state that they wish for arbitration of one person only, you will comply with their desire by writing a letter to that person enclosing to him the written agreement of the parties to abide by his decision and soliciting him to have the goodness to gratify the wishes of the parties. Should the person, the disputants fix on, be a man of consequence you will send the parties to the Collector who will himself write a letter to the personage to arbitrate between them.

You will be particular in requiring the disputants to lose no time in producing all the papers they have regarding their dispute for copies of them to be taken, and you should take a *moochulka* from them that they have no more to produce.

You will on no account place either a plaintiff or defendant in prison without the order of the Collector or his assistants.

Any persons presenting *arjees* who do not belong to the city of Poona you will send with a peon to the Collector...

Sd./-H. D. Robertson*

Translation of a paper appointing a Punchayet. °

Date _____

_____ Complainant _____ Defendant

Complaint - To recover a debt with interest.

Papers adduced and forthcoming

On the part of complainant.

- 1st. Plaint
- 2nd. Bond
- 3rd. A Letter
- 4th. A Yandee

On the part of the Defendant

- 1st. Answer
- 2nd. A Letter
- 3rd. A Farkhutti etc.

*Robertson gave the following scales of pay to Ameens; the total pay to 3 Ameens came to Rs. 340; the total pay of Carcoons Rs. 255; pay of peons to Ameens Rs. 150; total Rs. 745. With the Registry Dept. the cost came to Rs. 1000.

Oral evidence in writing

For complainant

The deposition of _____

For the Defendant

The deposition of _____

Sirpunj (_____)

Members of the complainant for a punchayet

(_____)

Ditto of the Defendant

(_____)

Carcoon to record the proceedings of the punchayet
(_____).

Whereas, the above mentioned complainant and defendant having submitted to Government the plaint, answer and proofs above enumerated, and having selected you the above mentioned respectable persons to judge concerning their dispute, and having bound themselves to abide by your decision, you are now requested to examine the papers furnished to you herewith, and to call for any others that may be forthcoming or necessary, and to summon all evidences together with those whose depositions are now laid before you, or any other you require to question them, or to take down what they state in writing in whatever form or manner you think the best, or merely to hear their evidence without writing it down, and in all respects you are requested to use your utmost ability to find out the true state of this case, exactly in the manner practised from of old by punchayets. It is hoped you will bear in mind that the duties of a Punchayet involve the most sacred obligations, and that you will enhance by the utmost purity of conduct on this occasion,

that character for respectability which has induced your constituents to depend for a just adjustment of their differences on your rectitude and good faith. It is, needless, to remind you that the high character of a punchayet is preserved by rejecting all claims to favor, and particularly by adhering to what is just.

A carcoon is appointed to obey your orders (he is not to be permitted to give any opinion) by writing out whatever you choose to record in your *sarungsh*, by summoning witnesses and yourselves to _____ the house where you have agreed to sit.

Should you unanimously request a remuneration for your trouble in this case, the winner of the cause shall be obliged to pay you such a sum as Government may consider fair for your loss of time. This remuneration will be equally divided among you all, but it will not be granted unless you unanimously solicit it, and you will therefore not look to make any profit in any other manner.

Sd./- H. D. Robertson.

Translation of a paper given to a carcoon appointed to aid a punchayet.

To _____ Carcoon.

You are hereby appointed to serve the undermentioned punchayet on the following conditions

1st _____ Plaintiff and _____ Defendant having for the settlement of their dispute obtained the following persons to sit as a punchayet viz. Sirpunch, etc, etc. You are to obey all the orders of the punchayet in the settlement of the dispute before them, and you are on no account to offer an opinion or suggestion thereupon. Should you do so this order is annulled thereby.

You shall exert yourself to induce the punchayet to sit as often and as long as possible, and you shall spare no pains in

despatching speedily the writing part of the duty, and in all other respects in which you are personally concerned you will do your best to bring on a quick settlement of the dispute.

When the punchayet has come to a determination, you will make out the *sarongsh* as directed by the Punchayet giving one copy to the Government Register, and one to the party who gains the suit, causing both copies to be first attested by the signature of the members and of the Collector or one of his assistants.

For your services in this affair you will receive rupees_____

Date_____

Sd/- H. D. Robertson.

**Proposed scale of pay to Carcoons employed
to aid and to write the proceedings of the Punchayet.**

In dispuite of from 50 to 100 Rs. - 6 rupees; 100 to 150 - 8 Rs; 150 to 200 - 10 Rs; 200 to 300 - 13 Rs; 300 to 400 - 16 Rs; 400 to 500 - 18 Rs; 500 to 600 - Rs. 20; 600 to 800 - Rs. 25; 800 to 1000 - Rs. 30; 1000 to 1500 - Rs. 35; 1500-2000 - Rs. 40; 2000 to 3000 - Rs. 45; 3000-4000 - Rs. 50; 4000-5000 - Rs. 55; 5000-6000 Rs. 60; 6000-10,000 - 1% 10,000-20,000-3% 20,000-30,000 - ½%.

No. 6. Judicial powers of the Patel and the Kumavisdar under the new Government. How matters were settled between Sirdars and their creditors. Suggestion to introduce stamped paper for those who complain to the Collector's assistants.

From H. Pottinger,

Ahvana, 13th January, 1822.

To William Chaplin,

Sir,

I have the honor to acknowledge the receipt of your dispatch... desiring information on certain points connected with the Police and Judicial Departments,

I am of opinion the influence of the patails in matters of police has rather increased than otherwise since we became masters of the country, and they, as well as others, have as far as I can judge the fullest confidence in the protection of Government which renders them ready at all times to assist in securing delinquents, and to give information.

I have not discovered that the patail of the country had during the Mahratta rule any tolerably well-defined authority to punish offenders, and consequently it is difficult to say whether their power is greater or less under us. I should however be inclined to suppose the latter, because they were often guilty of unauthorized acts of tyranny and oppression for which the sufferers could get no redress without bribing the officers of Government, and sometimes not even then, when the patails were rich, or had influence in the Durbar; whereas the knowledge which they have acquired of our strictness in these matters, now deters the Patail from such courses.

It is very probable this latter feeling may likewise operate to prevent many patails from interfering, where they could do so with great propriety in criminal disputes, but I think this is in some degree an unavoidable consequence of our judicial system, and is hardly to be remedied, though it may be in solitary instances regretted. The Heads of the villages still have, and do exercise, the power of confining persons who are guilty of crimes, till they can report about them, of chastising petty delinquents to the extent of a few stripes, and of forcing the ryots to pay their rents by the usual means of *tukkazza*, such as sitting the defaulters in the sun, putting a stone on his head etc, etc., but I seldom hear that these steps are requisite, for as soon as the ryots found I gave no attention to their complaints on this head they learned to pay their just dues without trouble.

An unquestionable advantage of the imperceptible limitation of the authorities of the patails is, that they have in a great measure lost the means of levying extra puttees and

making unjust demands on the villagers, unless with the connivance of the sbaikdars or mamludars, and in these latter instances the business is sooner or later sure to come to light from the number of people who must share in the collection, and who are seldom all satisfied with the portion allotted to them.

The patails also retain the authority of fining to the extent of a rupee, but I do not learn they often resort to this mode of punishment because they know full well it will be instantly appealed against ... and they would have to explain the grounds of their decision.

No rules can be laid down for the guidance of the patails which shall be found applicable to their various situations and circumstances, and therefore it seems to me to be proper they should all know and feel that their acts are open to scrutiny.

I trust, ere long, a scale of punishment for all degrees of crime will be laid down... for it often strikes me that criminals brought before the Adawint hope they will get off with less punishment than they really deserve, and this hope impels others to run the risk of detection.

I have consulted many respectable and well informed natives on this point and the part of our system, which they think defective, is that we do not fine criminals. When I explained to them that such a plan is at variance with our laws, they generally smiled and observed that if we release a man after a given period of confinement and allow him to return to the enjoyment of his property he quickly forgets the privations he suffered in prison; whereas, had we confiscated the whole, or a portion of it, he would remember through life the loss he had sustained owing to his delinquency.

When complaints are referred to the Knmavisdars they are directed to summon the Defendant and to demand his reply. In suits for debts if the claim is just, the Defendant either pays or compromises in the best manner he can, and

the Kumavisdar receive from each a "*Razeenamah*" or "*Sumjhoot Puttur*" which is placed in the records of the Adawlut, and the plaint is marked off as settled.

Where the subject of complaint is recovery of wuttuns, or other hereditary rights, the defendant is in like manner called on to answer it, and should the statement of the plaintiff be found correct (or even nearly so) the orders addressed to the Kumavisdar are acted up to by that officer. These orders generally direct a punchayet to be assembled, but of course there are instances of very recent usurpation of, or interference with *wuttuns* and rights in which the aggrieved person is put in immediate possession, and the defendant desired to bring his pretensions forward in a regular manner.

Should the actual circumstances be found by the Kumavisdar to vary very much from those set forth in the plaintiff's petition... that officer suspends his proceedings and reports the matter for further instructions...

The Kumavisdars are limited to the settlement of suits under one thousand rupees, but their authority to this extent is merely nominal, for no one complains to them who has above a few rupees to recover, and their decisions are, with very few exceptions, appealed against unless where the parties give in "*Sumjhoot Putturs*" which of course terminate the cause for ever. The fact is however, a very small proportion of the complainants comparatively speaking go in the first instance to the Kumavisdars, because the notorious venality and want of veracity in the bramins who fill those situations deter the ryots from trusting to them.

The Kumavisdars have unquestionably a difficult task to perform, for our system obliges us to investigate every complaint however trifling against them, and where a combination is formed in a village to establish any charge, it seems hardly possible for the Kumavisdar to refute it. On the other hand, he has so much in his power that...he can find plenty of witnesses to swear to any allegation he may choose

to bring against a ryot...It appears to me the constant visits of the Collector and his assistants to the Districts is the sole remedy for this state of things.

I should imagine that punchayets are full as commonly under our rule as that of the Mahrattas, and I think of late they are more just and speedy in their awards...

I do not think that the Jageerdars and Enamdars of the country wish to interfere with the administration of civil justice. I sometimes refer petitions and complaints to those of the highest rank but the lower and middling classes of them are totally unfit for any such trust...Where the higher Jageerdars or Enamdars pay any attention to my letters...they generally delegate their authority to a common carkoon, and the loser in the cause of course exclaims against the proceedings...but as the disputants...give "*Razeenamah*" to abide by the decision, I have in such cases rejected all appeals.

The Jageerdars and Enamdars do not seem to me to be at all popular, but this perhaps proceeds more from the exactions and misconduct of their agents than from any personal defect of character in themselves...

I cannot say that I have observed the most remote sentiment of disapprobation on the part of our new subjects towards our conduct in the judicial, police or political management of the country. On the contrary all classes. .are. .greatly pleased with the energy and promptitude of our government which is so widely different from anything they have experienced for a great length of time.

The protection afforded by us to private property, the conciliation of the bheels and other wild tribes from which has resulted the safety of travellers by day and night, the decreased and decreasing number of gang robberies, the pains that have been taken to check private theft...the total abolition of all indefinite claims on the people at large by police officers...the perseverance with which we follow up our investigation into every case of crime...are all calculated to impress the people...

with surprize, and to excite a feeling of strong admiration and thankfulness.

I have not yet laid down any rules about filing suits or receiving appeals, with the exception that I admit no plaints for debts which have been due above 24 years, but I am satisfied this period should now be curtailed at least one half... With respect to appeals, there does not seem to be any occasion for fixing a time after which they are to be rejected, those who consider themselves aggrieved...being always sure to come forward instantly.

I have had some difficulty in accomodating matters between the sirdars of rank and their creditors... This branch of duty I have hitherto retained in my own hands and the mode I have pursued is to write to the sirdar... I have reason to believe these letters are considered very polite and friendly, and moreover that they are attended with the desired effect.

Where inferior ones are sued I write to them in a less studied manner begging them to arrange with their creditors and...hinting if they neglect to do so it will oblige Government to interfere...

I have fined persons who have instituted frivolous suits in very few cases, and defendants in none; nor have I resorted to the expedient of obliging appelants to enter into bonds for payment of penalty in the event of their being cast a second time...*

My study has been, as far as was consistent with justice, to avoid the attachment of house and other property, but cases have of course happened where this was indispensably requisite to enforce the execution of a decree. In general I find the imprisonment of a debtor very shortly leads to his settling... with his creditors.

*Those who accused public servants and failed to prove their charge were at times even confined for a period in proportion to the seriousness of the accusation,

I must however explain, that the moment the creditor ceases to come down with the established allowance of 40 reas per diem for his debtor's subsistence, the latter is released, and I decline to allow a second plaint to be filed on the same grounds.

I look upon it that *Ghur Sumjhut* or private arbitration is now much more common than it was under the Mahratta rule, and I also conceive the practice is extending daily...Frequent cases now occur in which the parties appear voluntarily at the *Adawlut* and file "*Sumjhoot Pullies*" even before an investigation has been commenced into the merits of the business..

It may be safely estimated, that in more than one half the suits filed . . the plaintiff are nonsuited, and as these men lose nothing by a failure, they take every opportunity of reviewing their plaint...therefore I am anxious to see stamped paper introduced, which I feel assured would at once quash all the unfounded appeals and applications that burthen the files of our Courts.

I would suggest that stamped paper should alone be required from those who complain to my 1st assistant or myself, or whose plaints may be referred to us by the Junior assistants. Appellants might also, I think, with great advantage, be obliged to enter into bonds to pay a certain percentage on their claims if they are thrown out, and the loser of all suits should always be forced to reimburse the gainers for the expence of stamped paper.
